

[61 & 62 Vict.]

*Great North of Scotland
Railway Act, 1898.*

[Ch. ccxvii.]



CHAPTER ccxvii.

An Act to authorise the Great North of Scotland Railway Company to widen alter and improve parts of their Railway to buy additional land and for other purposes. A.D. 1898.
[12th August 1898.]

WHEREAS the Great North of Scotland Railway Company (in this Act called "the Company") were incorporated by the Great North of Scotland Railway Act 1846 and the powers of that Act have been from time to time extended by other Acts which were consolidated and amended by the Great North of Scotland Railway Consolidation Act 1859 and have been extended by other Acts passed since that date : 9 & 10 Vict.
c. ciii.
22 & 23 Vict.
c. viii.

And whereas the construction of the widenings and improvements of the Company's railway herein-after described will be attended with public advantage and the Company are willing to undertake those works on the powers herein-after contained being conferred for that purpose :

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of this Act :

And whereas it is expedient that the other provisions contained in this Act should be made :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and the lands to be taken for the purposes thereof and plans of the lands which may be taken compulsorily under the other provisions of this Act and also a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were deposited with the sheriff clerks for the counties of Aberdeen Elgin or Moray Banff and Kincardine respectively and are herein-after respectively referred to as "the deposited plans sections and book of reference" :

[Price 1s.]

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A.D. 1898. — And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title. 1. This Act may be cited as the Great North of Scotland Railway Act 1898.

Incorporation of Acts. 2. The Lands Clauses Acts the Railways Clauses Consolidation (Scotland) Act 1845 and Part I. (relating to construction of a railway) of the Railways Clauses Act 1863 are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

Extending certain provisions of Companies Clauses Acts. 3. The clauses and provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of the creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of borrowed money into capital ;

The consolidation of shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

and also Parts I. II. and III. of the Companies Clauses Act 1863 relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock are (except where expressly varied by this Act) incorporated with and form part of this Act and shall so far as applicable apply to the Company and to the capital by this Act authorised to be raised.

Interpretation. 4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and

the expression "the railway" means the widenings improvements and works authorised by this Act. A.D. 1898.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the widenings improvements and works herein-after described together with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of this Act The widenings improvements and works authorised by this Act comprise the following viz. :— Power to
make works.

WIDENINGS AND IMPROVEMENTS OF RAILWAY.

A widening and improvement of the Company's railway between Keith and Dufftown in the county of Banff commencing in the parish of Keith opposite the goods warehouse at Keith Station and terminating in the parish of Mortlach at a point on the Company's railway 21 chains or thereabouts south-westward from the bridge carrying the public road number twenty-seven on the deposited plans for the said parish over the railway near Little Tulloch ;

A widening and improvement of the Company's railway between Longmorn and Elgin in the county of Elgin or Moray commencing in the parish of Elgin 7 chains or thereabouts north of the Longmorn Station House and terminating in the said parish of Elgin near the East Signal Cabin at the Company's Elgin Station ;

A widening and improvement of the Elgin and Lossiemouth Railway in the county of Elgin or Moray commencing in the parish of Elgin near the East Signal Cabin at Elgin Station and terminating in the parish of Saint Andrew's Lhanbryde to the northward of the Lossie Junction Signal Cabin ;

A widening and improvement of the Buckie Extension Railway in the county of Elgin or Moray commencing at the junction of that railway with the Elgin and Lossiemouth Railway and extending for a distance of 12 chains or thereabouts along the said Buckie Extension Railway ;

A widening and improvement of the Company's Deeside Railway between Park and Banchory commencing in the parish of Drumoak and county of Aberdeen near the West Signal Cabin at Park Station and terminating in the parish of Banchory Ternan and county of Kincardine at or near the bridge carrying

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the railway over the public road leading from Banchory to the Bridge of Dee ;

A widening and alteration of the Fraserburgh Branch Railway in the parish of Fraserburgh and county of Aberdeen from the Kessock Burn to the termination of the said branch railway at Fraserburgh ;

A diversion of the Company's main line of railway in the county of Aberdeen commencing in the parish of Huntly near the farm steading of Nether Auchmill and terminating in the parish of Cairney near the goods shed at Rothiemay Station :

Provided that nothing in this Act shall authorise the Company to take any land or construct any works outside the boundary of their property on the north-western side of their railway between the point marked nine miles on the deposited plan of the widening and improvement firstly herein-before described and the termination of the said widening as above described.

ALTERATION OF STREETS OR ROADS.

The Company may alter and extend the bridge carrying the road or street known as Castle Terrace over the Company's railway at the Waterloo Station Aberdeen and may divert and alter Castle Terrace Miller Street and Cotton Street all in Aberdeen the diversion to commence in Castle Terrace at a point in a line with the east side of Saint Clement's Free Church and to terminate in Miller Street at or near the junction of that street with Yeats Lane ;

The Company may alter and raise Cotton Street aforesaid for a distance of 80 yards or thereabouts northward from its junction with Miller Street :

When and so soon as the Company shall have acquired the property on both sides of the streets and roads following (that is to say) Garvock Street Prince Regent Street Yeats Lane Canal Terrace Bannermill Street and part of Castle Terrace all in Aberdeen they may stop up and discontinue the same for public traffic and may appropriate and use the sites and soil of so much of the same as may be so stopped up.

Company
may acquire
additional
lands.

6. Subject to the provisions of this Act the Company may purchase and take by compulsion or agreement for purposes of or connected with the railway of the Company the lands herein-after described or some of them (that is to say):—

Lands in the royal burgh and city parish of Aberdeen at the Company's Waterloo Station bounded as follows viz. On the

west by the said station on the south and east by Church Street Saint Clement's Street Miller Street and Cotton Street and on the north by the property numbered 13 Cotton Street ;

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Lands in the parish of Fraserburgh and county of Aberdeen situated between the terminus of the Company's railway at Fraserburgh and the Kessock Burn and partly on the east side of the railway and station along which the said lands extend 23 chains or thereabouts and partly on the west side of the railway along which they extend 22 chains or thereabouts.

7. For the protection of the lord provost magistrates and town council of the city and royal burgh of Aberdeen (herein-after called "the corporation") the following provisions shall unless otherwise agreed between the corporation and the Company have effect (that is to say) :—

For pro-
tection of
corporation
of Aberdeen.

(1) The corporation shall convey to the Company the piece of land part of their gasworks site containing three hundred square yards or thereabouts coloured pink on the plan signed by the Honourable Alan de Tatton Egerton the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (herein-after called "the signed plan") and this Act shall not empower the Company to take any greater portion of the said site than the said piece of land coloured pink without the consent of the corporation :

(2) The Company shall acquire and convey to the corporation in exchange for the piece of land to be conveyed to the Company the piece of land shown on the signed plan and thereon coloured green containing six hundred square yards or thereabouts :

(3) The said lands shall be conveyed by the corporation and the Company respectively on condition that each shall pay and relieve the other of any feu duty or ground annual or any incumbrance affecting the same :

(4) The Company shall at the term of Whitsunday one thousand eight hundred and ninety-nine pay to the corporation the sum of one thousand pounds to be applied by the corporation to the widening of Miller Street and they shall also repay to the corporation all the costs and expenses incurred by the corporation of altering the rails or sidings shown on the signed plan in the manner indicated thereon by the colour blue The Company shall also at their own cost build all necessary retaining and enclosing walls around the outer boundary of the piece of ground to be conveyed by the Company to the corporation and along the outer boundary of the ground to be

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conveyed by the corporation to the Company as aforesaid according to plans and specifications to be agreed between the corporation and the Company or in default of agreement to be determined by an arbiter to be appointed by the sheriff of the county of Aberdeen :

- (5) The bridge to be constructed under the powers of this Act for carrying Castle Terrace over the Company's railway shall be not less than forty feet wide between the parapets thereof and provision shall be made in the construction of the said bridge by and at the expense of the Company for carrying along one of the outer sides thereof such mains as may be necessary for the purposes of gas water and electric current and such provision shall unless otherwise agreed between the corporation and the Company be made by extending the abutments and pier on the northern side of the bridge to an extent not exceeding five feet beyond what would be necessary for constructing the said bridge of the width of forty feet or by providing brackets or cantilevers not extending more than five feet from the face of the bridge :
- (6) If the corporation require to place or lay any such main as aforesaid along one of the outer sides of the said bridge they may and shall lay the same in such manner and at such time as the engineer of the Company may direct and shall not in laying the same or any work connected therewith interrupt or interfere with the working of any traffic of the Company and the Company shall afford the corporation all reasonable and proper facilities for enabling them to place lay and maintain the said mains :
- (7) The corporation shall have the right to remove any gas and water mains or pipes and paving materials in any of the streets or parts of streets stopped up and appropriated by the Company under the powers of this Act :
- (8) The Company shall repay the corporation all costs and expenses of altering any gas or water mains or pipes drains sewers or electric lines which may be necessary by reason of the exercise by the Company of the powers of this Act and if any difference arise between the Company and the corporation as to the necessity for any such alteration or the costs and expenses thereof the same shall be determined by an arbiter to be appointed by agreement between the corporation and the Company or in default of agreement to be appointed by the sheriff of the county of Aberdeen :

(9) No purchase money or compensation shall be paid by the Company to the corporation in respect of the site or soil of any street which may be stopped up under the powers of this Act including the parts of Miller Street and Castle Terrace which will be rendered unnecessary by reason of the diversion shown on the deposited plans.

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8. Notwithstanding anything shown on the deposited plans or contained in this Act the Company shall carry the public road numbered 26 on the deposited plans for the parish of Elgin under the railway by means of a bridge and such bridge shall have a clear span of not less than thirty feet measured on the square and a clear headway throughout of not less than fourteen feet and the Company shall construct the approaches to the said bridge so that the said road shall not in consequence of such construction be made of a steeper gradient at any point than one in thirty.

As to road
at Elgin.

9. The Company may divert any public road shown upon the deposited plans and sections as intended to be diverted in the manner shown thereon and when and as in each case the new portion of any road is made to the satisfaction of the authority in whom the existing road is vested and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road and when and so soon as each of the said roads is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the road stopped up as far as the same is bounded on both sides by lands of the Company :

Power to
divert roads
as shown on
deposited
plans.

And subject to the provisions of section 39 of the Railways Clauses Consolidation (Scotland) Act 1845 all such new portions of road shall as respects management and maintenance and in all other respects be deemed to be parts of and be subject to the same provisions as the existing portions of road for which the same are respectively substituted Provided always that where any such new portion of road is formed through or along lands belonging wholly or partly to any person through or along whose land the superseded portion of existing road passes then and in such case the value of the site of so much of the said superseded portion of road as passes through or along the lands of such owner and is given up to him shall be taken into account in estimating the compensation payable to him for the land taken from him for such new portion of road.

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For pro-
tection of
county
council of
Elgin.

10. Notwithstanding anything in this Act contained or shown on the deposited plans and sections the Company shall so construct the widening of the Elgin and Lossiemouth Railway that it shall terminate to the southward of the bridge known as Linksfield Bridge numbered 46 on the deposited plans in the parish of Saint Andrew's Lhanbryde and so as not to interfere in any way with the said bridge.

Restrictions
on displac-
ing persons
of labouring
class.

11.-- (1) The Company shall not under the powers of this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of December next before the passing of this Act were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(a) They shall have obtained the approval of the Secretary for Scotland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Secretary for Scotland shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(b) They shall have given security to the satisfaction of the Secretary for Scotland for the carrying out of the scheme.

(2) The approval of the Secretary for Scotland to any scheme under this section may be given either absolutely or conditionally and after the Secretary for Scotland has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Secretary for Scotland may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Secretary for Scotland may have

approved of any scheme or of any modifications of any scheme or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by an order of the Court of Session to be obtained by the Secretary for Scotland.

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(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom :

Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase section 145 of the Public Health (Scotland) Act 1897 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health (Scotland) Act 1897 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Secretary for Scotland may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as he may see fit.

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(8) The Secretary for Scotland may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and he and any person appointed by him to hold such inquiry shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them respectively under the Public Health (Scotland) Act 1897 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act.

(9) The Company shall pay to the Secretary for Scotland any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a reasonable sum to be fixed by the Secretary for Scotland not exceeding three guineas a day for the services of such inspector.

(10) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Secretary for Scotland under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Secretary for Scotland is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the said secretary they might have been sufficient to accommodate.

(11) For the purposes of this section the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

12. The quantity of land to be taken by the Company under this Act by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation (Scotland) Act 1845 shall not exceed

five acres but nothing in that Act or in this Act shall exempt the Company from any indictment or other proceedings for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

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13. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any servitude right or privilege (not being a servitude right or privilege of water in which other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Power to
take servi-
tudes &c. by
agreement.

14. The Company may for the purposes of this Act notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 take so much of the properties described in the schedule to this Act as is within the limits of deviation and as is required for the purposes of this Act without being compelled to take the whole or any greater portion of the said properties or either of them if such portion can in the opinion of the arbiter arbiters oversman or jury or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") be severed from the remainder of such properties without material detriment thereto the Company paying for the portion so required and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise. If for twenty-one days after the service of notice to sell and convey the said portion of the said properties any owner or other person interested in such property shall fail to notify to the Company that he alleges such portion cannot be severed from the remainder of such property without causing material detriment thereto then the Company may proceed to take such portion only but if within such twenty-one days such owner shall by notice to the Company allege that such portion cannot be severed from the remainder of such property without causing material detriment thereto then the tribunal shall determine the matter of the said allegation in addition to the other questions required to be determined by them. Provided always that if in the opinion of the tribunal such portion cannot be severed from the remainder of such property without material detriment thereto the Company may withdraw their notice to treat for the portion of the property.

Power to
take portions
only of
certain pro-
perties.

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required by them and thereupon they shall pay to the owners of and other persons interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice. Provided also that if in the opinion of the tribunal such portion can notwithstanding the allegation of such owner or other person be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person. The effect of this section shall be stated in every notice given thereunder by the Company to sell and convey any premises.

Period for compulsory purchase of lands.

15. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Company may apply funds and raise additional capital.

16. The Company may apply towards the construction of the works and other purposes authorised by this Act properly chargeable to capital any money which they are already authorised to raise and which may not be required by them for the purposes for which the same was authorised to be raised and they may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise for the purposes of this Act and other purposes of and connected with their undertaking any additional capital not exceeding in the whole three hundred thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those methods respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth part of the amount of such share shall have been paid in respect thereof and the capital so raised by the Company shall form part of the capital of the Company.

As to mode of raising additional capital.

17. The Company may by resolution after the creation of any ordinary shares or stock under the powers of this Act and before the issue thereof convert the same into equal nominal amounts of Great North of Scotland Railway Preferred Converted Ordinary Stock and Great North of Scotland Railway Deferred Converted Ordinary Stock to form part of and rank with the existing Preferred Converted and Deferred Converted Ordinary Stocks of the Company and the provisions of the Great North of Scotland Railway Act

1897 with respect to Preferred Ordinary Stock and Deferred Ordinary Stock shall mutatis mutandis apply to any ordinary shares or stock created and converted under the powers of this Act:

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And the Company may if they think fit create and issue under this Act such an amount of Preferred Converted Ordinary Stock or Deferred Converted Ordinary Stock as the case may require as may be necessary in order to make equal the aggregate amounts of such Preferred and Deferred Converted Ordinary Stocks respectively.

18. The new shares or stock issued under the powers of this Act shall in proportion to the aggregate amount thereof from time to time held by the same person at the same time entitle the respective holders thereof to the same dividends and profits and confer on them the like qualifications and the like right of voting (if any) as the like amount of existing shares or stock of the Company of the same class or description.

Qualification
of new
shares or
stock.

19. The shares or stock to be created under the powers of this Act shall be entitled to the preferential dividend (if any) which may be attached thereto by the Company and such preferential dividend shall be payable half-yearly whenever there are profits enough declared at any half-yearly ordinary general meeting to be applicable to pay such preferential dividend after satisfying the dividend and arrears of dividend (if any) then due upon any preference shares or stock of the Company previously created or issued but if the profits divided in respect of the first half of any financial year be insufficient to pay such half-year's dividend in full the deficiency shall be made up out of the profits of the second half year (if any) available for such dividend but no deficiency of dividend on the preference shares or stock to be created under the powers of this Act for any financial year shall be made up out of the profits of any subsequent year or out of any other funds of the Company. Provided also that if in the first half of any financial year there be profits applicable to the purposes of dividend upon the ordinary shares or stock of the Company after satisfying the dividend and arrears of dividend (if any) due upon any other preference shares or stock of the Company previously created and issued and also the dividend for such half year upon the preference shares or stock to be created under the powers of this Act it shall be lawful for the Company to declare a dividend for such half year on such ordinary shares or stock.

Extent of
preferential
dividends.

20. The Company may borrow on mortgage of the undertaking in respect of the capital by this Act authorised any sum not exceeding in the whole one hundred thousand pounds and of that sum they may borrow any sums not exceeding in the whole thirty-

Power to
borrow.

A.D. 1898. three thousand three hundred and thirty-three pounds in respect of each sum of one hundred thousand pounds of their capital but no part of either such sum of thirty-three thousand three hundred and thirty-three pounds shall be borrowed until shares for the whole of the one hundred thousand pounds of capital in respect of which it is to be borrowed are issued and accepted and one half thereof is paid up and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 before he so certifies that shares for the whole of such portion of capital have been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and the Company have proved to such sheriff as aforesaid before he so certifies that such shares were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and that such persons their executors administrators successors or assigns are legally liable for the same and upon production to such sheriff of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a judicial factor.

21. The mortgagees of the Company under this Act may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than ten thousand pounds in the whole.

Saving priority of existing mortgages.

22. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and as regards the undertaking comprised in and assigned by such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over all mortgages to be granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture stock.

23. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all

debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest on all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

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24. All moneys raised by the Company under this Act whether by shares or stock debenture stock or borrowing shall be applied to the purposes of this Act and to the general purposes of the Company to which capital is properly applicable.

Application
of moneys.

25. If any money is payable to a holder of shares or stock in the Company being a minor idiot or lunatic the receipt of his tutor or curator or curator bonis shall be a sufficient discharge to the Company.

Receipt in
case of per-
sons not sui
juris.

26. All the widenings improvements and works by this Act authorised shall for the purposes of tolls rates and charges and for all other purposes be and be deemed to be part of the Company's undertaking.

Tolls &c.

27. The Company shall not out of any money by this Act authorised to be raised pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies' Clauses Consolidation Act 1845.

Interest not
to be paid
on calls
paid up.

28. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Deposits for
future Bills
not to be
paid out of
capital.

29. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels.

Provision as
to general
Railway
Acts.

30. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Costs of Act.

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The SCHEDULE referred to in the foregoing Act.

DESCRIBING HOUSES BUILDINGS AND MANUFACTORIES OF WHICH
PORTIONS ONLY ARE REQUIRED BY THE COMPANY.

Parish.	Numbers on deposited Plan.
Keith - - - -	3 4 8 9 11 16 54 58 59 62 64 87 88 89 93.
Saint Andrew's Lhanbryde -	17.
Cairnie - - - -	15.

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