



ANNO DECIMO TERTIO & DECIMO QUARTO

# VICTORIÆ REGINÆ.

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## Cap. lxxviii.

An Act for enabling the *Aberdeen* Railway Company to raise a further Sum of Money, and to alter their Station and the Levels of their Railway at and near *Aberdeen*; for repealing “The *Great North of Scotland* Railway Act, 1847;” for altering, amending, and extending the Acts relating to the *Aberdeen* Railway; and for other Purposes. [29th July 1850.]

WHEREAS an Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty Queen *Victoria*, intituled “The *Aberdeen* Railway Act, 1845,” whereby a Company was incorporated by the Name of “The *Aberdeen* Railway Company,” with Powers to make a Railway from *Aberdeen* to *Friockheim* and *Guthrie*, with Branch Lines to *Montrose* and *Brechin*: And whereas another Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled “The *Aberdeen* [Local.] 12 Y Railway 8 & 9 Vict. c. 153. 10 & 11 Vict. c. 142.

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Railway (*Brechin* Branch Deviation) Act, 1847," whereby the said Company was authorized in part to alter their Branch Railway to *Brechin*: And whereas another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled "The *Great North of Scotland* Railway Act, 1846," whereby a Company was incorporated by the Name of "The *Great North of Scotland* Railway Company," with Powers to make a Railway from *Aberdeen* to *Inverness*, with Branches to *Banff*, *Portsoy*, *Garmouth*, and *Burghead*: And whereas another Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled "The *Great North of Scotland* Railway Act, 1847," whereby it was enacted, that from and after the Commencement of the said Act the herein-before first and third recited Acts should be repealed, and the Companies by the same Acts or any of them incorporated should be dissolved, and that the several Persons and Corporations who immediately before the Commencement of the said Act should be Proprietors of Shares in the respective Capitals of "The *Aberdeen* Railway Company" and "The *Great North of Scotland* Railway Company," and their Executors, Successors, Administrators, and Assigns respectively, should be united into a Company for the Purposes of working, completing, and maintaining all and singular the Railways and Works of the said Two Companies, and for such Purposes, and with the other Powers therein granted, should be incorporated by the Name of "The *Great North of Scotland* Railway Company, 1847:" And whereas it was provided by the said last-recited Act that the same should commence and be in force from the Day of the Date of a Certificate under the Seal of the Commissioners of Railways certifying that it had been proved to their Satisfaction that One Half of the whole Amount of the Capital (exclusive of Loans) by the Act or Acts relating to each of the said *Aberdeen* and *Great North of Scotland* Railway Companies authorized to be raised had been actually paid up and expended for the Purposes authorized by such Acts respectively: And whereas another Act was passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled "The *Aberdeen* Railway Act, 1848," whereby the *Aberdeen* Railway Company were authorized to raise by the Creation of new Shares additional Capital for the Purpose of completing their said Railway, which Capital so to be raised it was by the said Act declared should during the Subsistence of the *Aberdeen* Railway Company be considered as Part of the general Capital of such Company; and with respect to the Certificate to be granted by the Commissioners of Railways, as provided for in "The *Great North of Scotland* Railway Act, 1847," it should be proved to the Satisfaction of the said Commissioners that so far as regarded the *Aberdeen* Railway Company One Half of the whole Amount of the Capital (exclusive

9 & 10 Vict.  
c. 103.10 & 11 Vict.  
c. 195.11 & 12 Vict.  
c. 67.



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(exclusive of Loans) by the Acts relating to the said *Aberdeen Railway Company* theretofore passed and also by that Act authorized to be raised had been actually paid up and expended for the Purposes authorized by such Acts: And whereas a Certificate under the Seal of the Commissioners of Railways, to the Effect required by "The *Great North of Scotland Railway Act, 1847*," has not yet been granted to the *Great North of Scotland Railway Company*, by reason whereof the proposed Consolidation of the said Company with the *Aberdeen Railway Company* has not yet taken place: And whereas the *Aberdeen Railway* from *Friockheim* and *Guthrie*, being the Southern Termini, to a Place called *Ferryhill* in the Parish of *Old Machar* in the County of *Aberdeen*, has been constructed, and opened for Traffic, and the other Portion of the said Railway between *Ferryhill* aforesaid and *Aberdeen* is partly constructed: And whereas the Capital which the *Aberdeen Railway Company* have raised and are authorized to raise under the said first, second, and fifth recited Acts will not be sufficient to complete the said Railway, and also to enable the said Company to provide the Rolling Stock and other Matters and Things necessary to enable them advantageously to work the same: And whereas it is expedient that the *Aberdeen Railway Company* should be enabled to complete their said Railway, and to provide Rolling Stock and all other Matters and Things necessary to enable them advantageously to work the same, and for such Purposes it is expedient that the Company should be enabled to raise a further Sum of Money by the Creation of new Shares, and that the borrowing Powers of the Company should be extended: And whereas Part of the Money which has been expended by the *Aberdeen Railway Company* in constructing their said Railway has been raised by the Bonds of the Company, and by Mortgages of their said Undertaking: And whereas it is expedient that the *Aberdeen Railway Company* should be authorized to guarantee Interest on the new Shares to be created under the Powers of this Act, and on any Shares or Stock which may be created by the Company for the Purpose of paying off any Mortgages or Bonds granted or entered into by them, or which may be granted or entered into by them, for the Purpose of raising any Sum authorized or to be authorized to be borrowed by the Company, and that the Company should also be authorized to guarantee Interest on any Stock into which any Preference Shares may be consolidated: And whereas the *Great North of Scotland Railway* has not yet been commenced to be made, and it is expedient, and will be for the Benefit and Advantage of the Undertaking of the *Aberdeen Railway Company*, that the Amalgamation or Consolidation thereof with the *Great North of Scotland Railway Company*, under the Provisions of the *Great North of Scotland Railway Act, 1847*, authorizing the Consolidation of the *Aberdeen* and *Great North of Scotland Railway Companies*, should not take place; and that the  
*Aberdeen*



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*Aberdeen* Railway Company should be enabled to carry on their Undertaking independently of the *Great North of Scotland* Railway Company, and that the said Act should be repealed or altered: And whereas the Terminus or Station of the *Aberdeen* Railway at *Aberdeen* as at present authorized commences at or near *Market Street* in *Aberdeen*, and if made according to the deposited Plans and Sections of the said Railway referred to in the *Aberdeen* Railway Act, 1845, must be constructed at a considerable Elevation: And whereas it would be attended with a very great Saving in the Expense of constructing the said Railway and Station at or near *Aberdeen* if the said Railway were made to terminate in *Aberdeen* on the South Side of the intended Road to the Quays herein-after mentioned, and if the Station or Terminus were constructed South of the said Road, within the Limits shown on the deposited Plans herein-after referred to, and if the Levels of the said Railway from or near the Point where the same crosses the Road numbered 23 on the same Plans in the Parish of *Old Machar*, quoad sacra Division of *Holborn*, in the County of *Aberdeen*, (being the same Road as is numbered 41 in the said Parish of *Old Machar* on the deposited Plans of the said Railway referred to in the said first-recited Act,) up to the proposed Termination thereof, were lowered, so as to enable the Traffic to be brought down to the Level of such Station, and if the Portion of the said Railway and authorized Station between the South Side of *Guild Street* and *Market Street* were abandoned: And whereas it is expedient that some of the Powers and Provisions of the said first, second, and fifth recited Acts, or some of them, should be repealed, altered, amended, and enlarged, and that further Powers should be conferred upon the *Aberdeen* Railway Company: And whereas the several beneficial Purposes aforesaid 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, That "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act.

8 & 9 Vict.  
cc. 19. & 33.  
incorporated  
with this  
Act.

Certain Pro-  
visions of  
8 & 9 Vict.  
c. 17. ex-  
tended to  
this Act.

II. And be it enacted, That all the Clauses and Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the following Matters, that is to say,

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer or Transmission of Shares;

With respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls;

With

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With respect to the Forfeiture of Shares for Nonpayment of Calls ;  
 With respect to the borrowing of Money by the Company on Mortgage or Bond ;  
 With respect to the Conversion of the borrowed Money into Capital ;  
 With respect to the Consolidation of the Shares into Stock ;  
 With respect to the Powers of the Directors, and the Powers of the Company to be exercised only in General Meetings ;  
 With respect to the giving of Notices ; and  
 With respect to the Recovery of Damages not specially provided for,

Shall, so far as the same are not varied by the Provisions of this Act, be incorporated with and form Part of this Act, and be applicable to the Company, and to the several Matters and Things relating thereto respectively provided for by such Clauses and Provisions respectively.

III. And for the Purpose of enabling the *Aberdeen* Railway Company to complete their said Railway, and to provide Rolling Stock, and all other Matters and Things necessary to enable them advantageously to work the same, be it enacted, That it shall be lawful for the Company to raise, in addition to the Sums of Money which they are authorized to raise by virtue of the said first, second, and fifth recited Acts, any further Sums of Money not exceeding in the whole the Sum of One hundred and fifty thousand Pounds, by the Creation of new Shares, in such Manner, and with the like Powers, and subject to the same Provisions as by "The Companies Clauses Consolidation (*Scotland*) Act, 1845," incorporated with the said first-recited Act, (and which Powers and Provisions are also incorporated with and made applicable to the Purposes of this Act,) they are authorized to raise additional Capital by the Creation of new Shares, in lieu of borrowing the Sum by the said recited Act authorized to be borrowed, or to convert such Sum or any Part thereof, if borrowed, into Capital : Provided always, that the nominal Amount of each such new Share so to be created shall be such a Sum not exceeding the Sum of Eight Pounds Six Shillings and Eight-pence, and shall be entitled to such guaranteed Interest, not exceeding Ten Pounds *per Centum per Annum*, as the Company may determine ; provided also, that all and every Part of such Sum of Money so to be raised by the Creation of new Shares shall be applicable only to the Objects and Purposes by the said first, second, and fifth recited Acts and this Act authorized.

Power to raise additional Capital by Creation of new Shares.

IV. And be it enacted, That it shall be lawful for the *Aberdeen* Railway Company to apply for or towards the Purposes of this Act any Sum or Sums of Money which they have raised or may raise

[*Local.*]

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under

Company may employ Funds raised under recited Acts for the



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Purposes of this Act.

under the Powers of the said first, second, and fifth recited Acts, or any of them.

Company may guarantee Interest on new Shares or Stock created to pay off Mortgages or Bonds.

V. And be it enacted, That if the *Aberdeen* Railway Company shall create any new Shares or Stock, for the Purpose of paying off any Mortgages or Bonds already granted or entered into by the Company, or which may hereafter be granted or entered into by the Company, for the Purpose of raising any Sum by the said first, second, and fifth recited Acts, or this Act, or any of them, authorized to be borrowed by the Company, it shall be lawful for the Company to guarantee such Interest, not exceeding Ten Pounds *per Centum per Annum*, on any such new Shares or Stock, as the Company may think proper.

Guaranteed Shares may be converted into guaranteed Stock.

VI. And be it enacted, That if the *Aberdeen* Railway Company shall consolidate into Stock any Shares bearing a guaranteed Interest or Dividend, such Stock shall be entitled to Interest or Dividend at the same Rate *per Centum per Annum* as such Shares were entitled to at the Time of their Conversion into Stock.

New Shares to be considered the same as original Shares.

VII. And be it enacted, That the Capital to be raised by the *Aberdeen* Railway Company by the Creation of new Shares under the Powers of this Act shall be considered as Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital of the Company, except where otherwise provided for in this Act: Provided always, that Three Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on such new Shares, and that there shall be an Interval of Two Months at least between the Time fixed for the Payment of one Call and the Time fixed for the Payment of the next succeeding Call, and that the whole Amount of such new Shares may be called for in One Year.

As to Amount and Payment of Calls.

As to Votes of Proprietors of new Shares.

VIII. And be it enacted, That the Proprietors of any new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if they had been possessed of original Shares in the Undertaking of the *Aberdeen* Railway Company: Provided always, that no Proprietor shall be entitled to vote unless he shall be possessed of One or more Shares in the Capital of the Company which together or separately shall be of the nominal Amount of Fifty Pounds at the least.

Power to borrow Money on

IX. And be it enacted, That it shall be lawful for the *Aberdeen* Railway Company to borrow on Mortgage or Bond such Sums of Money



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Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, not exceeding in the whole, in addition to the Sums authorized to be borrowed by the said first, second, and fifth recited Acts, One Third of the additional Capital which at the Time of exercising such borrowing Powers shall have been created under the Authority of this Act, and to secure the Payment of the Sum so to be borrowed, with Interest, by the Bonds of the Company, or by Mortgages of the Undertaking, subject to the same Provisions as by the said Companies Clauses Consolidation (*Scotland*) Act, 1845, are made applicable to the Monies authorized to be raised on Mortgage or Bond, and to the Securities thereby authorized to be granted in respect of the same; but no Part of such Sums shall be borrowed until the whole of the said additional Capital in respect of which such Powers are to be exercised shall have been subscribed, and One Half thereof actually paid up: Provided always, that all and every Part of such Sum of Money so to be borrowed shall, when raised, be applicable only to the Objects and Purposes by the said first, second, and fifth recited Acts and this Act authorized.

Mortgage  
or Bond.

X. And be it enacted, That if after having borrowed any Part of the Money by this Act authorized to be borrowed the *Aberdeen* Railway Company shall pay off the same, it shall be lawful for them again to borrow the Sum so paid off, or any Part thereof; and so from Time to Time.

Reborrow-  
ing.

XI. Provided always, and be it enacted, That all Mortgages or Bonds granted by the *Aberdeen* Railway Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance of such Mortgages or Bonds have Priority over any Mortgages or Bonds to be created by virtue of this Act.

Former  
Mortgages  
to have  
Priority.

XII. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Mortgage, Bond, or other Security for Money, to be granted or made by virtue of this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated, anything herein contained to the contrary notwithstanding.

Mortgages  
and Trans-  
fers, &c. to  
be stamped.

XIII. Provided always, and be it enacted, That it shall not be lawful for the *Aberdeen* Railway Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-  
before

Interest not  
to be paid on  
Calls paid  
up.



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before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the Companies Clauses Consolidation (*Scotland*) Act, 1845, in that Behalf contained.

Company authorized to purchase up and merge Shares created under fifth-recited Act.

XIV. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Company from Time to Time, by the Direction of a Special General Meeting of the Proprietors convened for the Purpose, and out of any Capital which the Company are authorized to raise by the said recited Acts or this Act, and which may not be wanted for the Works authorized by such Acts, or out of additional Capital which may by such Meeting be authorized to be raised for the Purpose, to purchase any Number of the Shares in the Capital of the Company created under the Authority of the said fifth-recited Act which such Meeting may direct or authorize to be purchased, and such Shares, when so purchased, shall merge in and form Part of the Capital of the Company.

Power to issue new Shares in lieu of merged Shares.

XV. And be it enacted, That for the Purpose of purchasing any such Preference Shares so intended to be merged as aforesaid, and of replacing the Capital represented by the Shares so to be purchased and merged, it shall be lawful for the Company from Time to Time, with the Approbation of Four Fifths at least of the Proprietors in Person or by Proxy present at any General Meeting of the Company specially convened for that Purpose, to create and issue such Number of new Shares, of such Amount, and with such Preference or Priority of Dividend, not exceeding after the Rate of Ten Pounds *per Centum per Annum*, and generally on such Terms as by the Order of any such Meeting shall be determined; provided that the aggregate Amount to be raised by the Issue of any such new Shares in lieu of the Preference Shares so to be purchased and merged shall not exceed the aggregate Amount of the nominal Value of the Preference Shares to be purchased and merged, and in lieu of which such new Shares shall be issued.

As to Preference in Payment of Interest upon Shares granted by this or any previous Act.

XVI. Provided always, and be it enacted, That any Preference or Priority in the Payment of Interest or Dividend which may be granted in respect of any new Shares or Stock in pursuance hereof shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock which may have been granted by the Company by or in pursuance of or which may have been confirmed by any Act of Parliament passed prior to the passing of this Act, or which may otherwise be lawfully subsisting: Provided also, that, as respects any Guarantee of Interest or Dividend on any Capital to be created under the Authority of this



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this Act, the Company may determine and fix the Order of Preference thereof, and the Period within and Terms upon which such Shares may be redeemed or repurchased by the Company; and Interest or Dividend shall, subject to existing Guarantees, be paid in the Order of Preference and for the Period so determined or fixed upon by the Company.

XVII. And be it enacted, That the Company may cause Meetings of the respective Classes of Shareholders liable to be affected by the Exercise of any of the Powers of this Act, and whose Consent is necessary to the Exercise of such Powers, to be specially convened for the Purpose of considering and assenting to the Exercise thereof; and that the Provisions for calling and regulating Special General Meetings of the Company, and for voting at General Meetings of the Company, shall, so far as applicable, be deemed to apply to such Meetings as aforesaid of particular Classes of Shareholders; and that a Circular Notice of any such intended Meeting, signed by the Secretary, shall be sent by Post to each registered Shareholder of the Class to be affected, according to the Address in the Register of Shareholders; and that the Decision of Four Fifths of the Votes of the Shareholders of the particular Class present in Person or by Proxy at any such Meeting shall be binding on all the Shareholders of that Class; and any Arrangements made or Authorities granted or confirmed at any such Meeting shall be valid and binding on all the Shareholders of the Company.

For calling  
Special  
Meetings of  
particular  
Classes of  
Share-  
holders.

XVIII. And be it enacted, That it shall not be lawful for the *Aberdeen* Railway Company, out of any Money by this Act or any other Act relating to the said Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Deposits for  
future Bills  
not to be  
paid out of  
Company's  
Capital.

XIX. And be it enacted, That from and after the passing of this Act "The *Great North of Scotland* Railway Act, 1847," shall be and the same is hereby repealed, and the Amalgamation or Consolidation of the *Aberdeen* and *Great North of Scotland* Railway Companies by that Act authorized or directed shall not take place; and it shall be lawful for the *Aberdeen* Railway Company, at all Times after such Repeal, to carry on their Undertaking independently of the *Great North of Scotland* Railway Company; and the said first, second, and fifth recited Acts relating to the *Aberdeen* Railway Company, except so far as the same or any Part thereof are varied or

Repeal of  
Great North  
of Scotland  
Railway  
Act, 1847.



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altered by this Act, shall be and remain in as full Force and Effect in relation to the *Aberdeen Railway Company* as if “*The Great North of Scotland Railway Act, 1847,*” had not been passed.

Power to alter and make Station, and to alter Levels, according to deposited Plans and Sections.

XX. And whereas Plans showing the Limits within which the said proposed Station of the *Aberdeen Railway* South of *Guild Street* is intended to be constructed, and showing the Line of the said Railway within such Limits, and also Sections showing the intended Levels or Alteration of the Levels of the said Railway between the said Road numbered 23 on the said Plans in the said Parish of *Old Machar, quoad sacra* Division of *Holborn*, and the proposed Termination of the said Railway on the South Side of the said intended Road to the Quays, all within the Red Line on the said Plan described as the Limits of the proposed Station, and also a Book of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of all the Lands within the said Limits, have been deposited with the Sheriff Clerk of the County of *Aberdeen*: Be it enacted, That, subject to the Provisions of this Act, and to “*The Lands Clauses Consolidation (Scotland) Act, 1845,*” and “*The Railways Clauses Consolidation (Scotland) Act, 1845,*” incorporated with this Act, it shall be lawful for the *Aberdeen Railway Company* to make and maintain the Station for their said Railway at *Aberdeen*, with the Approaches thereto, on the South Side of the said intended Road to the Quays, and any other proper Works and Conveniences appertaining to the Railway and Station, upon any Part of the Lands delineated on the said Plans, and comprised within the Limits thereon described as the Limits of the proposed Station, and Westward of the Line E, F, G, herein-after referred to, and also described in the said Book of Reference, and also to alter the Levels of so much of the Line of the said Railway as is situate between the Point where the said Railway crosses the Road numbered 23 on the same Plans in the said Parish of *Old Machar, quoad sacra* Division of *Holborn*, (being the same Road as is numbered 41 in the said Parish of *Old Machar* on the deposited Plans of the said Railway referred to in the said first-recited Act,) and the proposed Termination of the said Railway on the South Side of the said intended Road to the Quays in the Parish of *Saint Nicholas*, South Parish, in the County of *Aberdeen*, and to construct the same Portion of the said Railway in the Line and according to the altered Levels and in such Manner as is defined on the said first-mentioned Plans and Sections deposited for the Purposes of this Act, and to enter upon, take, and use such of the said Lands within the said Limits, and all such Rights and Interests in such Lands, and in any Portion of the said Railway or the Works connected therewith, as the Company shall from Time to Time deem it necessary to enter upon, take, and use for the Purposes of the said Station, Railway, and Works,



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Works, or any of them, or for other the Purposes authorized by this Act.

XXI. And be it enacted, That it shall be lawful for the Company, if they shall deem it expedient so to do, for the Purposes of the said Station or Railway or Works, to divert and stop up Part of the Road from *Lower Dee Street* to the *Craiglug*, joining the *Wellington Bridge Road* at or near to *Victoria Street*, all in the said Parish of *Old Machar* in the County of *Aberdeen*, such Diversion commencing at a Point at or near *Affleck Street* in the said Parish, and terminating at or near the Eastern End of *Victoria Street* in the said Parish, and to make a new Line of Road in lieu of the Portion of Road so stopped up, such new Line of Road to be made in the Line and according to the Levels and in such Manner as is defined on the said Plans and Sections of the said Station and Works deposited with the Sheriff Clerk of *Aberdeen* as herein-before mentioned.

Power to divert Road from Lower Dee Street to the Craiglug.

XXII. Provided always, and be it enacted, That nothing in this Act contained shall enable the *Aberdeen* Railway Company to enter upon, take, or use any Lands not comprised within the said Red Line drawn on the said Plan, and called the Limits of the proposed Station: Provided always, that, except so far as relates to the Abandonment of the Portion of the authorized Line of the *Aberdeen* Railway and Station North of *Guild Street*, and except so far as relates to any Lands belonging to the *Aberdeen* Harbour Commissioners situate to the Eastward of the Line E, F, G, herein-after referred to, and except so far as relates to the Alteration of the Levels of the said Railway within the Limits prescribed by this Act, nothing in this Act contained shall take away, prejudice, or lessen any of the Powers or Authorities now vested in the Company under or by virtue of the said first-recited Act, or which they might have exercised for any of the Purposes of that Act if this Act had not been passed.

Aberdeen Company not to take Lands not within the Limits of the proposed Station. Existing Powers not to be prejudiced.

XXIII. And whereas by an Act passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, called "The *Aberdeen* Harbour Act Amendment, 1847," the *Aberdeen* Railway Company were authorized to purchase, and the *Aberdeen* Harbour Commissioners, with the Consent therein mentioned, were authorized to sell to the *Aberdeen* Railway Company, all or such Part or so much as the Company should desire of the Piece of Ground situated at the upper Part of the Inches and upper Part of the Harbour of *Aberdeen* vested in the said Commissioners, and lying to the Westward of the Line drawn and marked E, F, G on the Plans in the said Act mentioned to be deposited at the Office of the Principal Sheriff Clerk of the County of *Aberdeen*: And whereas it was by the said Act enacted, that the said Company should, within

Company to be released from Obligation to make the intended Road to the Quays, upon giving up Part of the Land required for the Site of the Road.

Twelve



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Twelve Calendar Months after they should have become possessed of the said Ground or any Part thereof, make and complete, and at all Times thereafter maintain, a proper substantial public Road of at least Thirty Feet in Width, commencing at the South End of *Lower Dee Street*, running Eastward, and terminating where the said Line E, F, G was marked on the said Plans, and which Road was at all Times thereafter to be used as an Access to and from the other Grounds on the Inches belonging to the said Commissioners: And whereas the said intended Road has not been made: And whereas the said intended Road was designed for the Accommodation of the Traffic to and from the Quays, and the South Side of the said Road is intended to be a Line commencing at the South End of *Lower Dee Street* (near where the same crosses the *Denburn*), and proceeding thence Eastward in a slightly curved Direction parallel to and at a Distance of Sixty Feet from the South Face Wall of the Gasworks, to the South End of the Eastern Side of *Gas Street*, and thence in a straight Direction to a Point One hundred and sixty Feet West of the South-western Corner of the *Victoria Dock* in *Aberdeen*, and Eighty Feet South of a Line ranging with the Line of the Face of the South Quay Wall of the said *Victoria Dock*: And whereas the *Aberdeen Harbour Commissioners* are willing to provide the Land for making the said intended Road to the Quays of the Width of Eighty Feet from the Quays across the said Line E, F, G towards the South End of *Gas Street*, so far as the Ground required therefor is at present the Property of the said Commissioners, and to make the Remainder of the Road from the Western Boundary of the Property of the said Commissioners to the South End of *Lower Dee Street*, and to maintain the whole of the said Road, and to relieve the Company from all Liability in respect of the said Road to be made and maintained by them under "The *Aberdeen Harbour Act Amendment, 1847*," upon the Terms of the Company giving up to the said Commissioners, free of Expense, a Piece of Ground of the Width of Thirty Feet between the Western Boundary of the present Property of the said Commissioners on the Line of the said intended Road and *Lower Dee Street*, such Ground to be used for Part of the said Road: Be it enacted, That when the *Aberdeen Harbour Commissioners* shall have made the Portion of the said intended Road from the Quays of the Width of Eighty Feet between the said Line E, F, G, and the said Western Boundary of their own Property, the Company shall and they are hereby required, immediately when called upon by the said Commissioners so to do, to give and convey to the said Commissioners, free of Charge or Expense, a Piece of Ground of the Width of Thirty Feet on the remaining Portion of the said intended Road between the said Western Boundary of the Property of the said Commissioners and *Lower Dee Street*, to the Intent that the same may be used by the said Commissioners for the Site of the same Portion of the said Road;



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and from and after the Execution by the Company to the said Commissioners of such Conveyance, all Obligation and Liability on the Part of the Company to make and maintain the said intended Road from the South End of *Lower Dee Street* to the said Line E, F, G, under the Provisions of "The *Aberdeen Harbour Act Amendment, 1847*," shall cease and determine; and all the Provisions of the said Act requiring the Company to make, complete, and maintain the said Road, or subjecting them to any Penalty or other Burden in respect of the said Road, or for not making or completing the same, shall be and the same are hereby repealed.

XXIV. Provided always, and be it enacted, That nothing in this Act contained shall authorize the Company to make or construct any Portion of their said Line of Railway, or Station and Approaches thereto, on the North of the said intended Road to the Quays; but it shall be lawful for the Company to make and construct any other proper Works and Conveniences appertaining to the said Railway and Station between the North Side of the said intended Road and *Guild Street*, and upon any Lands within the Limits shown on the said deposited Plans, and now belonging to the Company, or which they are authorized to purchase under the Provisions of this Act.

Railway not to be made North of the intended Road to the Quays.

XXV. Provided also, and be it enacted, That it shall not be lawful for the Company under the Powers of this Act to purchase or take for the Purposes thereof any Lands belonging to the *Aberdeen Harbour Commissioners* situate to the Eastward of the said Line E, F, G, marked on the said Plans referred to in "The *Aberdeen Harbour Act Amendment, 1847*."

Company not to take certain Lands belonging to the *Aberdeen Harbour Commissioners*.

XXVI. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands under the Provisions of this Act, or of "The *Aberdeen Harbour Act Amendment, 1847*," shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for compulsory Purchase of Lands limited.

XXVII. And be it enacted, That the Railway and Station and Works by this Act authorized shall be completed within Five Years from the passing of this Act; and on the Expiration of such Period the Powers by this Act granted to the Company for executing and completing the said Railway and Station and Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Railway and Station and Works as shall then be completed.

Railway and Station to be completed in Five Years.

XXVIII. And be it enacted, That previously to the Commencement of the Construction of the said Railway, or any Work connected therewith, affecting *Aberdeen Harbour*, or any tidal or navigable

Plans of Works in tidal Waters to be submitted to the Admiralty.

[Local.]

13 B

Water,



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Water, Plans and Working Drawings of all such Works shall be deposited at the Admiralty Office, *Whitehall*, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, and the same shall be constructed only in such Manner as the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, shall, by Writing under the Hand of the Secretary of the Admiralty, approve of.

Admiralty may order local Survey, at Expense of Company.

XXIX. And be it enacted, That if, after Working Drawings of the Works hereby authorized affecting *Aberdeen* Harbour or any tidal or navigable Water shall have been submitted to the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works, or of the intended Site thereof, the Company shall defray the Costs of such local Survey and Examination; and the Amount thereof shall be a Debt due to Her Majesty from the Company, and, if not paid upon Demand, may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

If Works in tidal Waters are abandoned, Admiralty may cause them to be removed at Expense of Company.

XXX. And be it enacted, That if any Work to be constructed by the Company affecting *Aberdeen* Harbour, or in or across any tidal Water or navigable River, or if any Portion of the Railway or Work which affects any such Harbour, Water, or River, or Access thereto, shall be abandoned, or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

Stationary Lights near the Sea Coast to be shaded.

XXXI. And be it enacted, That all the stationary Lights on the said Railway near the Sea Coast, or which could otherwise be seen at Sea, shall at all Times be sufficiently and properly shaded by the Company with good and sufficient Shades so that such Lights shall not be visible from the Sea; and for every Default herein the Company shall forfeit and pay a Penalty not exceeding Ten Pounds.

Aberdeen Railway Company to abandon

XXXII. And be it enacted, That the *Aberdeen* Railway Company shall abandon and relinquish the Construction of so much of their said Railway, and of the Station or Terminus thereof at *Aberdeen*, as by the



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the said first-recited Act is authorized to be made by the said Company between the South Side of the said Street called *Guild Street* and the authorized Commencement of the said Railway at or near the said Street called *Market Street*; and from and immediately after the passing of this Act all the Powers and Authorities granted by the said first-recited Act for making and maintaining the Portions of the said Railway and Station between *Guild Street* and *Market Street*, and hereby authorized to be abandoned, shall cease and determine.

Portions of authorized Railway and Station on the North Side of Guild Street.

XXXIII. And be it enacted, That in any Case where, before the passing of this Act, any Contract hath been entered into or Notice given by the Company for purchasing any Lands which the Company were by the first-recited Act empowered to purchase for the Purpose of constructing the Portion of the said Railway and Station at *Aberdeen* so authorized to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties, by reason of such Purchase not being completed pursuant to such Contract or Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided also, that the Authority hereby given for abandoning the Formation of the aforesaid Portions of the said Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the said Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been sustained by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing and boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in the said Lands Clauses Consolidation (*Scotland*) Act contained.

Compensation to be made where Contracts have been entered into or Notices given for Lands on the Part of the Railway proposed to be abandoned.

XXXIV. And whereas by the said first-recited Act it is declared that the Ordinary Meetings of the Company shall be held once in each Year in the Month of *October* or *November*, as the Directors may appoint, and that all Meetings of the Company, whether ordinary or extraordinary, shall be held in *Aberdeen*: And whereas it is expedient that the Ordinary Meetings of the Company should be held Twice in each Year, and that the Meetings of the Company, whether ordinary or extraordinary, should be held either in *Aberdeen* or *London*, or such other Place as the Directors may from Time to Time think proper: Be it therefore enacted, That after the passing of this Act the Ordinary Meetings of the Company shall be held twice in each Year

Altering Time and Place of holding General Meetings.



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Year in the Months of *March* or *April* and *September* or *October*, as the Directors may appoint, and that all or any of the Meetings of the Company, whether ordinary or extraordinary, may be held in *Aberdeen* or *London*, or such other Place as the Directors of the Company may from Time to Time direct.

Periods for Balance of Books and for Inspection.

XXXV. And be it enacted, That after the passing of this Act the Periods to which the Books of Account of the Company shall be brought to a Balance shall be the Thirty-first Day of *January* and the Thirty-first Day of *July* in each Year, and the Periods at which the Shareholders and Loan Creditors of the Company shall be entitled to Inspection of such Books shall be Eight Days before and Eight Days after each of the Ordinary Meetings of the Company.

Aberdeen Company to give Facilities to the Great North of Scotland Railway Company to effect a Junction between the Railways of the Two Companies.

XXXVI. And whereas the *Great North of Scotland* Railway as authorized by the said recited Act called "The *Great North of Scotland* Railway Act, 1846," is proposed to form a Junction with the authorized Line of the *Aberdeen* Railway at the Point marked C on the said Plans of the *Aberdeen* Railway deposited for the Purposes of this Act, nearly opposite to the End of *Affleck Street* in *Aberdeen*, and within the Limits of the proposed Station shown on the said Plans: And whereas the Alteration of the Levels of the *Aberdeen* Railway may render it necessary that the Point of Junction between the said Railways should be carried Southwards to or near the Point marked Three Furlongs on the Line of the *Aberdeen* Railway: Be it enacted, That when the *Great North of Scotland* Railway shall have been made up to the Point marked D on the said deposited Plans of the *Aberdeen* Railway opposite the said Point marked C on the said Plans, the *Aberdeen* Railway Company shall and they are hereby required, if and when called upon so to do by the *Great North of Scotland* Railway Company, at their own Expense, to make and construct the Siding shown on the said deposited Plans between the said Point D and the Point marked Three Furlongs on the Line of the *Aberdeen* Railway, for the Purpose of effecting a Junction between the said Railways at or near the said Three Furlong Point; and the *Aberdeen* Railway Company shall give to the *Great North of Scotland* Railway Company all reasonable Facilities for forming such Junction.

Aberdeen and Great North of Scotland Railway Companies to enter into Contracts for constructing Station, &c. at Aberdeen.

XXXVII. And be it enacted, That it shall be lawful for the *Aberdeen* Railway Company and the *Great North of Scotland* Railway Company to make and enter into Contracts or Agreements with reference to the Purchase of Ground for and the Mode of constructing any Station and Approaches and Accommodation Works of the *Aberdeen* Railway at *Aberdeen* which may be made or altered by the *Aberdeen* Railway Company under the Authority of this Act, North  
of



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of the Point of Junction of the said Railways, and as to the Regulation, Management, and joint Ownership, or joint Use and Occupation of the same, or any Part or Parts thereof respectively, by the said Companies or either of them, and for the Formation, Maintenance, and Repair thereof, or any Part or Parts thereof respectively, as they the said Companies may respectively deem advisable; and every such Contract or Agreement may contain such Covenants, Clauses, Powers, Provisions, and Conditions as may be mutually agreed on between the said Companies.

XXXVIII. And be it enacted, That if no Agreement for the Purchase of Ground for, or for the joint Ownership, or the joint Use by the said Companies of the said Station and Approaches, and Accommodation Works, North of the said Point of Junction, shall have been entered into by the said Companies before the *Great North of Scotland* Railway shall be actually constructed up to the said Point marked D on the said deposited Plans of the *Aberdeen* Railway, and if for the Period of Twenty-one Days after the *Great North of Scotland* Railway shall have been constructed up to the said Point D the said Companies shall be unable to agree as to the Mode of constructing the said Station and Approaches and Accommodation Works, if the same shall be then unformed, or as to the Nature and Extent of any Additions thereto if the same shall be then formed, or in either Case as to whether the said Station, Approaches, and Accommodation Works shall belong to the said Companies jointly, or any Part thereof to each Company separately, or wholly to the *Aberdeen* Railway Company, the *Great North of Scotland* Railway Company having the joint Use thereof, or of any Part thereof, or as to the Regulation, Management, and joint Use and Occupation of the said Station and Approaches and Accommodation Works, or of any Part thereof respectively, or as to the Sum or Sums of Money to be paid by the *Great North of Scotland* Railway Company towards the Expense of constructing, altering, maintaining, and working the same respectively, or as to the Time and Mode of Payment thereof, or as to any other Matter or Thing relating to the several Matters aforesaid, or as to the Terms and Conditions of or to be inserted in any such Contract or Agreement as aforesaid, or the Mode of carrying the same into effect, or as to the true Intent and Meaning of the Provisions herein contained, every such Difference or Dispute shall and may, upon the Application of both or either of the said Companies, be settled by Arbitration in the Manner provided by the Railways Clauses Consolidation (*Scotland*) Act, 1845, with respect to the Settlement of Disputes by Arbitration: Provided always, that the Arbitrators, in determining the Sum or Sums to be paid by the *Great North of Scotland* Railway Company for the Use of the Approaches and Accommodation Works to the said Station, shall not, in respect of such Approaches or Railway North of or of One hundred Feet of such Railway or Approaches

In case *Aberdeen* and North of *Scotland* Railway Companies cannot agree as to Construction of Station, &c. at *Aberdeen*, the Difference to be settled by Arbitration.



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South of the Point of Junction of the said Railways, consider or hold the *Great North of Scotland* Railway Company to be subject to the Payment of Tolls as for Six Miles, in addition to the Sums to be paid by them for the Ownership or joint Ownership or Use of the said Station and Approaches, or Railway and Accommodation Works, or any Part thereof, to be used by the *Great North of Scotland* Railway Company: Provided also, that nothing in this Act contained shall be held to empower the Arbitrators to change the Site or Situation of the *Aberdeen* Railway Company's Station at *Aberdeen*, as the same may exist at the Time of the Nomination of such Arbitrators.

Pending Arrangements, North of Scotland Railway Company not to interfere with Station, &c. of *Aberdeen* Railway.

XXXIX. Provided always, and be it enacted, That in the meantime, and until the *Great North of Scotland* Railway shall be actually constructed up to the said Point marked D, or until the *Aberdeen* Railway Company and *Great North of Scotland* Railway Company shall have entered into a Contract or Agreement, or until a Decree Arbitral shall have been pronounced in virtue of the Provisions of this Act giving to the last-mentioned Company a Right to a Portion of or to the Use of the Station and Approaches and Accommodation Works which may be made or altered under the Powers of this Act, or some Part thereof, nothing in this Act contained shall give or be deemed or construed to give to the *Great North of Scotland* Railway Company any Right or Title in any way to interfere with the said Station and Approaches and Accommodation Works or any of them, or the Purchase of Ground for the same, or the Formation of such Station, Approaches, and Accommodation Works, or the Plans for the same, or with any of the Arrangements of the *Aberdeen* Railway Company for the Construction or Use thereof, or otherwise in relation thereto.

Expenses of Act.

XL. And be it enacted, That all the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the *Aberdeen* Railway Company out of the first Monies that shall come to their Hands, and in preference to any other Payment whatsoever.

Saving Rights of the *Arbroath* and *Forfar* Railway.

XLI. Provided always, and be it enacted, That nothing in this Act contained shall prejudice or affect the Rights and Interests of the *Arbroath and Forfar* Railway Company, or the Rent and Share of Profits payable to the said Company by the *Aberdeen* Railway Company under and by virtue of "The *Arbroath and Forfar* Railway Act, 1846," or "The *Arbroath and Forfar* Railway Act, 1848."

Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55.,

XLII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation*



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lation of Railways, and for the Conveyance of Troops; and another Act was passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and another Act was passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the same Year of Her present Majesty's Reign, intituled *An Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Railway Works hereby authorized, or the *Aberdeen Railway Company* in respect thereof, from the Provisions of the same several Acts respectively, but that such Provisions shall be in force with reference to the same Works, and Company in respect thereof, so far as the same are applicable.

7 & 8 Vict.  
c. 85., and  
9 & 10 Vict.  
cc. 57. 105.

XLIII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway Works by this or the said first, second, and third recited Acts authorized to be made, or the *Aberdeen Railway Company*, from the Provisions of any general Act relating to such Acts, or of any general Acts relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Railways  
not exempt  
from Pro-  
visions of  
any future  
general Act.

XLIV. And be it enacted, That in the Construction of this Act the Expression "the Company" shall mean "the *Aberdeen Railway Company*," unless there be something in the Subject or the Context repugnant to such Construction.

Meaning of  
the Term  
"the Com-  
pany."

XLV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, Parliamentary Notices, or other Documents or Proceedings, it shall be sufficient to use the Expression "*The Aberdeen Railway Act, 1850.*"

Short Title.

XLVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

Public Act.

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