



ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

Cap. lxxix.

An Act for making a Railway from the *Scottish North-eastern Railway* near *Limpet Mill* to the *Great North of Scotland Railway* at *Kintore*, with Branches to the *Deeside Railway* at *Peterculter*; and for other Purposes. [30th June 1862.]

WHEREAS the making of a Railway commencing from and out of the Line of the *Scottish North-eastern Railway* near *Limpet Mill* in the Parish of *Fetteresso* and County of *Kincardine*, and terminating by a Junction with the *Great North of Scotland Railway* near the *Kintore Station* on that Railway, in the Parish and Royal Burgh of *Kintore*, with Two Branches or Junction Lines communicating with the *Deeside Railway* at or near *Peterculter*, would, subject to the Provisions in this Act, be of public and local Advantage: And whereas the Persons herein-after named, together with others, are willing at their own Expense to carry such Undertaking into execution, and to be incorporated into a Company for that Purpose: And whereas the Construction of the proposed Railways will be beneficial to the *Scottish North-eastern Railway Company*, and that Company is a joint Promoter of the said Undertaking, and is desirous of providing a Portion of the Capital required for the Purposes thereof, if authorized by Parliament so to do: And whereas Plans and Sections and also amended

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Plans

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Plans and Sections of the Railways hereby authorized, showing the Lines and Levels thereof, and also a Book of Reference and amended Book of Reference to such Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, Houses, and Heritages through which the same are intended to pass, have been deposited with the Principal Sheriff Clerks of the Counties of *Kincardine* and *Aberdeen* at their Offices in *Stonehaven* and *Aberdeen* respectively: And whereas it is expedient that the Powers herein-after contained should, subject to the Provisions of this Act, be conferred upon the intended Company and the *Scottish North-eastern Railway Company* respectively: And whereas the Objects 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title. 1. This Act may be cited for any Purpose whatever as "*The Scottish Northern Junction Railway Act, 1862.*"

8 & 9 Vict. cc. 17. 19. & 33. and 23 & 24 Vict. c. 106. incorporated. 2. "*The Companies Clauses Consolidation (Scotland) Act, 1845,*" "*The Lands Clauses Consolidation (Scotland) Act, 1845,*" "*The Lands Clauses Consolidation Acts Amendment Act, 1860,*" and "*The Railways Clauses Consolidation (Scotland) Act, 1845,*" shall be incorporated with and form Part of this Act.

Interpretation of Terms.

3. In this Act the several Words and Expressions herein-after mentioned shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "*the Company*" means the Company incorporated by this Act:

The Expressions "*the Aberdeen Company*" and "*the Scottish Midland Company*" respectively mean "*the Aberdeen Railway Company*" and "*the Scottish Midland Junction Railway Company,*" which Companies are now united and constitute "*the Scottish North-eastern Railway Company:*"

The Expression "*Aberdeen Capital Stock*" means that Portion of the Capital of the *Scottish North-eastern Railway Company* which now belongs to the Class of Shareholders representing the *Aberdeen Company:*

The Expression "*Scottish Midland Capital Stock*" means that Portion of the Capital of the *Scottish North-eastern Capital Stock* which now belongs to the Class of Shareholders representing the *Scottish Midland Company:*

The Word "*Shareholder*" includes "*Stockholder:*"

The

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The Expression "the Railways" means the Railways by this Act authorized.

4. The several Words and Expressions in the Acts incorporated with this Act to which special Meanings are assigned in such Acts shall in this Act have the Meanings so assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction.

Same Meanings in incorporated Acts as in this Act.

5. *John Stirling, Napier Turner Christie, George Birnie, William McCombie, John Webster, Alexander Nicol, Alexander Crombie Matthew, Alexander Innes, George Reith, Robert Smith, Alexander Miller, Andrew Robertson,* and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, and Assigns, shall be and are hereby united into a Company for the Purpose of making and maintaining the Railways herein-after described, with all proper Works and Conveniences connected therewith, to be called "The *Scottish Northern Junction Railway*;" and for the Purposes herein and in the Acts herewith incorporated contained such Company shall be incorporated by the Name of "The *Scottish Northern Junction Railway Company*," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase, acquire, and hold Lands and Heritages for the Purposes of the Undertaking, subject to the Provisions of this Act and the Acts incorporated herewith.

Subscribers incorporated.

6. The Capital of the Company shall be One hundred and fifty thousand Pounds.

Capital.

7. The Number of Shares into which the Capital shall be divided shall be Fifteen thousand, and the Amount of each Share shall be Ten Pounds.

Number and Amount of Shares.

8. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Four Fifths of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Two Months Notice shall be given of the First Call, and Two Months at the least shall be the Interval between successive Calls.

Calls.

9. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares or by the Exercise of any Power of borrowing, to pay to any Shareholder or Dividends on the Amount of the Calls made in respect of the Shares held by him in the Capital of the Company; but nothing herein contained shall prevent the Company from paying to any Shareholder

Interest not to be paid on Calls paid up.

Interest

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Interest on Money advanced by him on account of his Share Capital beyond the Amount of the Calls made in conformity with the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in that Behalf contained.

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

10. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised, 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 Company to construct any other Railway or execute any other Works or Undertaking.

Power to borrow on Mortgage.

11. It shall be lawful for the Company to borrow on Mortgage any Sums not exceeding in the whole the Sum of Fifty thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital of One hundred and fifty thousand Pounds shall have been subscribed for, and One Half thereof shall have been paid up, and the Company shall have proved to the Sheriff who is to certify under the Provisions of the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," that the whole of the said Capital to be raised by the Company has been subscribed for *bonâ fide* and is held by Subscribers or their Assigns legally liable therefor.

Arrears may be enforced by Appointment of Judicial Factor.

12. It shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on their respective Mortgages by the Appointment of a Judicial Factor; and in order to authorize the Appointment of such Judicial Factor in the event of the Principal or Interest Moneys due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Judicial Factor shall be made shall not be less than Ten thousand Pounds in the whole.

Power to the Scottish North-eastern Railway Company to subscribe.

13. The *Scottish North-eastern Railway Company* may subscribe towards and become Shareholders in the Undertaking to any Extent not exceeding Ninety thousand Pounds, and they may pay the said Sum or any Part thereof which they may so subscribe out of any Monies which they may be authorized to raise by an Act or Bill applied for by them in the present Session of Parliament, entitled *A Bill to enable the Scottish North-eastern Railway Company to raise additional Capital, to make a Deviation in their Railway, and execute other Works, and purchase additional Lands; to amend the Acts relating to the Company, and for other Purposes*, by which Bill (herein-after referred to as the *Scottish North-eastern additional Capital Bill*) the *Scottish North-eastern Railway Company* seek Power to raise an additional Share Capital, and to apply the same to the Purposes therein mentioned, including among such Purposes the

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the Execution of any Works and the raising and paying any Subscriptions or Expenditure to be authorized by any other Act relating or giving Powers to the *Scottish North-eastern Railway Company* which may be passed in the present Session of Parliament, thereby meaning and referring to this Act and to the Power to subscribe hereby conferred, and any Shares in the Capital of the Company which may be so subscribed for shall be held by the *Scottish North-eastern Railway Company*, and shall not be sold or disposed of by them.

14. The Dividends or Proportion of Revenue payable by the Company to the *Scottish North-eastern Railway Company* in respect of their Shares in the Capital thereof shall be paid to the *Scottish North-eastern Railway Company*, and shall be carried to the Account of the general Revenue of the said Company before any Division thereof.

Application of Dividends payable to *Scottish North-eastern Railway Company*.

15. The First Ordinary Meeting of the Company shall be held within Two Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *September* or *October* and of *March* or *April* in every Year, and all Ordinary Meetings of the Company shall be held at such Place as the Directors may from Time to Time appoint.

Meetings of Company.

16. The prescribed Scale according to which the Shareholders may vote in respect of their Shares shall be for every Share One Vote.

Scale of voting.

17. The Number of Directors shall be Twelve, and the Qualification of a Director shall be the Possession in his own Right, or in right of the *Scottish North-eastern Railway Company*, of Fifty Shares in the Capital of the Company.

Number and Qualification of Directors.

18. When the Railway has been opened the Number of Directors shall be reduced to Nine, and at any Time thereafter it shall be lawful for the Company to further reduce the Number of Directors, provided that the reduced Number be not less than Six.

Power to vary the Number of Directors.

19. *John Stirling, Alexander Miller, Napier Turner Chistie, Alexander Nicol, George Birnie, Alexander Crombie Matthew, George Reith, George Thompson junior, Horatio Ross, Alexander Innes, William McCombie, and Robert Smith* shall be the first Directors of the Company.

First Directors.

20. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present personally or by Proxy may either continue in Office the Directors appointed by this Act or any Number of them, or may elect a new Body of Directors, or Directors to

First Election of Directors by Shareholders.

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supply

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supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

Subsequent Election of Directors by Shareholders.

21. At the First Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected, and in every Year thereafter, the Shareholders present personally or by Proxy shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation (Scotland) Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the said last-mentioned Act.

Quorum of Meetings of Directors.

22. The Quorum of a Meeting of Directors shall be Five, and when the Directors are reduced to Six the Quorum shall be Four.

Quorum of Meetings of Committees.

23. The Quorum of Meetings of Committees of Directors shall be a Majority of the Members of which such Committees shall respectively consist.

Nominee of Scottish North-eastern Railway Company to vote for them.

24. The *Scottish North-eastern* Railway Company shall hold their Shares in the Capital of the Company in their own Name, and may appoint any Person (whether a Shareholder or not in the Undertaking hereby authorized) to vote on behalf of the *Scottish North-eastern* Railway Company at any Meeting of the Company, and may from Time to Time revoke any such Appointment and appoint another Person in that Behalf; and any Person so appointed shall, during his Appointment, have the same Right of voting at such Meeting as he or they would have if the Shares held by the *Scottish North-eastern* Railway Company were held by such Person in his own Right.

How Appointment of such Person to be signified.

25. Provided always, That every such Appointment or Revocation by the *Scottish North-eastern* Railway Company shall be in Writing, and under the Seal of the said Company, or under the Hand of the Chairman for the Time being of the Directors of that Company, or under the Hand of the Secretary of that Company.

Newspaper for Advertisements.

26. All Advertisements relating to the Affairs of the Company shall be inserted in at least One Newspaper published in the County of *Aberdeen*.

Power to make Railways according to deposited Plans.

27. It shall be lawful for the Company, subject to the Provisions of this Act and of the Acts incorporated herewith, to make and maintain in the Lines and upon the Lands and within the Limits of Deviation delineated

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delineated on the said amended Plans and described in the said amended Book of Reference, and according to the Levels defined on the said amended Sections, the Railways herein-after described, and all proper Stations, Conveniences, and Works in connexion therewith, and to enter upon, take, and use such of the said Lands and Heritages as shall be necessary for the said Purposes: Provided always, that it shall not be lawful for the Company to purchase or take, except with the Consent of the Owners, Lessees, and Occupiers thereof, any of the following Properties; that is to say, the Mill Lead, numbered 125 a on the said amended Plans, in the Parish of *Fetteresso*, the Dwelling House situate on the Pasture, numbered 18 on the said Plans, in the Parish of *Mary Culter*, or the Barn situate in the Corn Yard, numbered 83 on the said Plans, in the said Parish of *Mary Culter*.

28. The Railways and Works to be made and maintained under the Authority of this Act are the following, with all necessary Works, Approaches, Stations, and Conveniences connected therewith; (that is to say,) Lines of Railways.

1st, a Railway (herein-after called the Main Line of Railway) commencing by a Junction with the Rails of the *Scottish North-eastern Railway*, at a Point on that Railway near *Limpet Mill*, and near to the $13\frac{1}{4}$ Mile Post from *Aberdeen*, in the Parish of *Fetteresso* and County of *Kincardine*, and terminating by a Junction with the Rails of the *Great North of Scotland Railway* at a Point on that Railway about 450 Yards South from the South End of the *Kintore Station* of that Railway, in the Parish and Royal Burgh of *Kintore* and County of *Aberdeen*:

2nd, a Branch Railway (herein-after called Branch No. 1) commencing from and out of the said Main Line of Railway at a Point in a Field near the Farmhouse of *Kennerty*, which Field is numbered 100 on the said deposited Plans of said Railway, and terminating by a Junction with the Rails of the *Deeside Railway* at a Point about 300 Yards West from the West End of the *Culter Viaduct* of that Railway, the whole of which said proposed Branch Railway will be situate in the Parishes of *Peterculter* and *Drumoak*, or One or other of them, in the County of *Aberdeen*:

3rd, a Branch Railway (herein-after called Branch No. 2) commencing by a Junction with the Rails of the said Main Line of Railway at a Point thereon about 450 Yards South-west from the South Side of the Bridge under the *Deeside Railway*, and over the Road from the Farmhouse of *Kennerty* through the Lands of *Drum*, and terminating by a Junction with the Rails of the said *Deeside Railway* at a Point thereon about 600 Yards West from the West Side of the last-mentioned Bridge, all in the Parish of *Peterculter* and County of *Aberdeen*.

29. It

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As to the
Inclination
of certain
Roads.

29. It shall be lawful for the Company to construct the Approaches to the Bridges or Arches for carrying the Roads numbered as after-mentioned on the said deposited Plans over or under the Main Line of the Railway, as also the proposed Diversion of the Roads numbered as after-mentioned on the said Plans, with such Inclinations as they think fit, not steeper than the following; (that is to say,)

No. on Plan.	Parish.	Description of Road.	Rate of Inclination.
109	Maryculter -	Public - -	1 in 15 on the South Side, and level on the other Side to the present Road.
117	Ditto - -	Ditto - -	1 in 12 on the South Side of the Bridge, and level on the other Side to the present Road.
73	Skene - -	Ditto - -	1 in 12.

As to Height
and Span of
certain
Bridges.

30. The Company may, in the Construction of the Bridges for carrying the Main Line and first-described Branch Railways over the Roads herein-after mentioned, construct such Bridges respectively of the Height and Span as follows :

No. on Plan.	Name of Parish.	Height.		Span.	
Main Line.					
		Feet.	In.	Feet.	In.
109	Maryculter - -	15		20	
117	Ditto - -	15		20	
23	Peterculter - -	20		20	
67	Ditto - -	20		20	
56	Skene - -	13		20	
97	Ditto - -	13		25	
47	Ditto - -	13		30	
Branch No. 1.					
23	Peterculter - -	15		20	
143	Ditto - -	15		20	

As to Width
of Bridges
when Roads
are widened.

31. Provided always, That if at any Time after the Construction of the Railway the average available Width of any of the said Roads respectively shall be increased beyond the Width of the Bridge provided for the same respectively on either Side thereof, the Company shall be bound, at their own Expense, to increase the Span or Width of that Bridge to such Extent as may be required by the Trustees or Surveyors of such Road, not exceeding the Width of such Road as so widened or the maximum Width required for a Bridge in the like Case by "The Railway Clauses Consolidation (*Scotland*) Act, 1845."

32. All

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32. All Communications between any of the Railways hereby authorized and the *Scottish North-eastern* Railway, the *Deeside* Railway, and the *Great North of Scotland* Railway respectively, shall be effected in a substantial and workmanlike Manner, by means of Connexion Rails and Points, and other necessary Works, of the Construction and laid in the Manner most approved from Time to Time, and to the reasonable Satisfaction of the Engineer for the Time being of the *Scottish North-eastern* Railway Company, so far as regards the Railway of that Company, of the Engineer for the Time being of the *Deeside* Railway Company, so far as regards the Railway of that Company, and of the Engineer for the Time being of the *Great North of Scotland* Railway Company, so far as regards the Railway of that Company.

Regulating
Communica-
tions with
the Scottish
North-east-
ern Railway,
Deeside
Railway, and
Great North
of Scotland
Railway
respectively.

33. The Company shall bear all the Expenses of effecting such Junctions as aforesaid, and of maintaining, watching, and working the same, and the necessary Signals and Works for preventing Danger, Inconvenience, or Interruption to the Traffic on the *Scottish North-eastern* Railway, or to the Traffic on the *Deeside* Railway, or to the Traffic on the *Great North of Scotland* Railway, and shall also, at their own sole Costs and Charges, construct and for ever after maintain and repair, to the reasonable Satisfaction of the Engineer for the Time being of the *Scottish North-eastern* Railway Company, so far as regards the Works at the Junction with the Railway of that Company, to the reasonable Satisfaction of the Engineer for the Time being of the *Deeside* Railway Company, so far as regards the Works at the Junctions with the Railway of that Company, and to the reasonable Satisfaction of the Engineer for the Time being of the *Great North of Scotland* Railway Company, so far as regards the Works at the Junction with the Railway of that Company, such and so many Switches, Turntables, Sidings, Signals, and other Works and Conveniences as may be necessary or convenient in connexion with the said Junctions respectively for preventing Danger, Interruption, or Inconvenience to the Traffic of the *Scottish North-eastern* Railway, the *Deeside* Railway, and the *Great North of Scotland* Railway respectively: Provided always, that if any Difference shall arise between the Company and either of the before-mentioned Companies, as to the Nature or Necessity of any such Works, Matters, or Things as aforesaid, the same shall be referred to Arbitration, or to the Decision of an Engineer to be appointed by the Board of Trade, on the Application of either of the Companies Parties to such Difference.

Company
to pay the
Expenses of
Signals, &c.
at Junction.

34. It shall not be lawful for the Company or for any Person in the Execution of this Act, in any Manner, either permanently or temporarily, to enter upon, take, or use any of the Lands or Property of the *Scottish North-eastern* Railway Company, or of the *Deeside* Railway Company, or of the *Great North of Scotland* Railway Company, or which the said Companies respectively may under any Act of Parliament have the Right

Land of
Scottish
North-east-
ern Railway,
Deeside
Railway, and
Great North
of Scotland

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Railway Companies not to be taken without Consent.

to purchase, or in any Manner to alter, vary, or interfere with the *Scottish North-eastern Railway*, or the *Deeside Railway*, or the *Great North of Scotland Railway*, or any of the Works appertaining thereto respectively, save only for the Purpose of effecting the Junctions hereby authorized with those Railways respectively.

Saving Rights of these Companies.

35. Nothing in this Act contained shall prejudice, diminish, or take away any of the Rights, Powers, or Authorities of or vested in or belonging to the *Scottish North-eastern Railway Company*, or the *Deeside Railway Company*, or the *Great North of Scotland Railway Company* respectively, under or by virtue of any Act of Parliament relating to any of such Companies respectively.

Lands for extraordinary Purposes.

36. The Quantity of Land to be purchased by the Company for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall not exceed Four Acres.

Powers for compulsory Purchases limited.

37. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Four Years from the passing of this Act.

Period for Completion of Works.

38. The Railways shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act and the Acts incorporated herewith granted to the Company for executing the Railways, or otherwise in relation thereto, shall cease to be exercised except as to so much of the Railways as shall then be completed.

Sum deposited pursuant to Standing Orders not to be repaid except in certain Events.

39. And whereas pursuant to Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Twelve thousand Pounds, being *Eight per Centum* on the Amount of the Estimate of the Expense of the Railways authorized by this Act, has been deposited in the *British Linen Company Bank*, in the Name and with the Privity of the Queen's Remembrancer of the Court of Exchequer in *Scotland*, in respect to the Application to Parliament for this Act: Notwithstanding anything contained in the said Act of the Ninth Year of Her present Majesty, the said Sum of Twelve thousand Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, or upon the Determination of the Powers conferred by this Act under the Provision for that Purpose herein-after contained, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railways hereby authorized to be made, either
open

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open the said Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the said Railways for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*; provided that if at any Time after the passing of this Act a Bond in twice the Amount of the said Sum of Twelve thousand Pounds shall have been executed by the Company with One or more Sureties (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury), conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Twelve thousand Pounds if the Company shall not, within the Time limited for the Completion of the said Railways, either open the said Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said Act of the Ninth Year of Her present Majesty to the contrary notwithstanding; and the Moneys to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money and the Interest or Dividends thereof would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

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Construction of Railways to be suspended under Circumstances herein named.

40. The Construction of the Railways shall be suspended until the First Day of *January* next, and if the *Great North of Scotland* Railway Company shall then have given the proper Notices, and deposited Plans and a Bill for constructing and completing within Three Years, at their own Expense, a Junction Railway between their Railway at a Point not more than Two hundred Yards from the *Kittybrewster* Station, and a Point not more than Seven hundred Yards South of the South End of the Passenger Station at *Guild Street*, on the *Scottish North-eastern* Railway, through or in the Vicinity of the City of *Aberdeen*, the Construction of the Railways shall be further suspended until such Bill is either passed, rejected, or withdrawn, and neither the *Scottish North-eastern* Railway Company nor the Company shall directly or indirectly oppose such Bill, so far as the same relates to the Construction of such Railway, but shall be at liberty to oppose any of the Clauses thereof, and to propose any Clauses for the Protection of their Railways and the Accommodation of their Traffic, or the forwarding of Traffic between the *Great North of Scotland* Railway and the *Scottish North-eastern* Railway; and in case such Bill shall be passed before the First Day of *September* One thousand eight hundred and sixty-three, then the Railways hereby authorized shall not be constructed, nor the Powers hereby conferred be exercised; and in that Case all the Costs, Charges, and Expenses of and incidental to the applying for and obtaining of this Act and preparatory thereto, and all other the Expenses of the Company subsequent to the passing of this Act, in relation thereto, shall be paid by the *Scottish North-eastern* Railway Company, and in the meantime all such Costs, Charges, and Expenses shall be advanced to the Company by the *Scottish North-eastern* Railway Company.

Tolls.

41. It shall be lawful for the Company to demand any Tolls for the Use of their Railway not exceeding the following; (that is to say,)

Tonnage of Articles of Merchandise.

First, in respect of the Tonnage of the several Classes of Goods or Articles conveyed upon the Railway, or any Part thereof, as follows:

Class (1.) For all Dung, Compost, and all Sorts of unpacked Manure, Lime, and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* One Penny; and if conveyed by Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* of One Penny:

Class (2.) For all Coal, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* One Penny Halfpenny; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* of One Penny:

Class

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Class (3.) For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, rough or unmanufactured Timber, Staves, Deals, Railway Sleepers, and Pit Props, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* Twopence; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* of One Penny Halfpenny:

Class (4.) For all Cotton, Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, except in the Case of small Packages and the other special Cases herein-after specified, *per Ton per Mile* Threepence; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* of One Penny Halfpenny:

Class (5.) And for every Carriage, of whatever Description, not being a Carriage adapted to and used for travelling on a Railway, and conveyed on a Truck or Platform, and not weighing more than One Ton, *per Mile* Sixpence; and a further Sum of One Penny Halfpenny *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which such Carriage may weigh:

Second, in respect of Passengers and Animals conveyed in Carriages upon the Railways (as follows):

Tolls for
Passengers
and Cattle.

For every Person conveyed in or upon any such Carriage, *per Mile* Twopence; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum *per Mile* of Twopence:

For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any such Carriage, *per Mile* Fourpence; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum of Threepence *per Mile*:

For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per Mile* Twopence; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum of Twopence *per Mile*:

For every Calf, Pig, Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, *per Mile* One Penny; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum of One Penny Halfpenny *per Mile*.

42. The Toll which the Company may demand for the Use of Engines for propelling Carriages shall not exceed One Penny *per Mile* for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Tolls for
propelling
Power.

43. The following Provisions and Regulations shall be applicable to the fixing of the Tolls and maximum Charges herein-before specified; (that is to say,)

Regulations
as to the
Tolls.

For Articles, Persons, or Animals conveyed on the Railway for a less Distance than Six Miles, the Company may demand Tolls and Charges as for Six Miles:

[Local.]

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For

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For a fractional Part, of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Tolls and Charges, in respect of Animals, Goods, Articles, Matters, and Things, for each Fraction in proportion to the Number of Quarters of a Mile contained therein, and the Fraction of a Quarter of a Mile shall be deemed a Quarter of a Mile; and in respect of Passengers the Company may demand Tolls and Charges as for One Mile:

For a Fraction of a Ton the Company may demand Tolls according to the Number of Quarters of a Ton in such Fraction; and if there be a Fraction of a Quarter of a Ton, such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, Matters, and Things, the Weight shall be determined according to the usual Avoirdupois Weight.

Limiting
Charges for
the Con-
veyance of
Passengers.

44. It shall not be lawful for the Company to demand or receive any greater Sum in respect of the Carriage of Passengers conveyed on the Railway or any Part thereof than Threepence *per* Passenger *per* Mile in respect of any Passenger travelling in a First-class Carriage; Twopence *per* Passenger *per* Mile in respect of any Passenger travelling in a Second-class Carriage; and One Penny Halfpenny *per* Passenger *per* Mile in respect of any Passenger travelling in a Third-class Carriage, including the Charges for the Use of Carriages and Locomotive Power and all other Charges incidental to such Conveyance.

Limiting
Charges for
the Con-
veyance of
Goods.

45. It shall not be lawful for the Company to charge in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals herein-after mentioned, conveyed on the Railway or any Part thereof, any greater Sum, including the Charges for the Use of Carriages, Waggon, or Trucks, and for Locomotive Power, and all other Charges incidental to such Conveyance, except a reasonable Sum for loading, covering, and unloading of Goods or Minerals at any Terminal Station of such Goods or Minerals, and for Delivery and Collection and any other Services incidental to the Business or Duty of a Carrier, where such Services or any of them are or is performed by the Company, than the several Sums herein-after mentioned; (that is to say,)

For Goods or Articles in Class (1), One Penny Halfpenny *per* Ton *per* Mile:

For Goods or Articles in Class (2), Twopence *per* Ton *per* Mile:

For Goods or Articles in Class (3), Threepence *per* Ton *per* Mile:

For Goods or Articles in Class (4), Fourpence *per* Ton *per* Mile:

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile Sixpence, and One Penny Halfpenny for every additional Quarter of a Ton which such Carriage may weigh:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, Fourpence *per* Mile:

For

The Scottish Northern Junction Railway Act, 1862.

For every Ox, Cow, Bull, or Neat Cattle, Twopence *per* Head *per* Mile :

For every Calf, Pig, Sheep, Lamb, or other small Animal, One Penny Halfpenny each *per* Mile :

For any single Article or Number of Articles of great Length or Bulk, requiring One whole Truck or Waggon, or more than One Truck or Waggon, the Company may demand for such Truck or Waggon any Sum not exceeding Sixpence *per* Waggon or Truck *per* Mile.

46. And with respect to small Packages and single Articles of great Weight, be it enacted, That, notwithstanding the Rates of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following ; (that is to say,) Tolls for small Parcels and Articles of great Weight.

For the Carriage of small Parcels on the Railway (as follows) :

For any Parcel not exceeding Seven Pounds in Weight, Fourpence :

For any Parcel exceeding Seven Pounds and not exceeding Fourteen Pounds in Weight, Sixpence :

For any Parcel exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds in Weight, Eightpence :

For any Parcel exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds in Weight, Tenpence :

And for Parcels exceeding Fifty-six Pounds in Weight but not exceeding Five hundred Pounds in Weight, the Company may demand any Sum which they think fit :

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages :

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Sixpence *per* Ton *per* Mile :

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

47. The Provisions of this Act shall apply to all Ordinary and Express Trains from Time to Time appointed to run, but it shall be lawful for the Company to demand, receive, and take, in addition to the Tolls and Charges hereby authorized, any further reasonable Sum for the Use of Engines and Carriages for Special Trains by or on the Railway or any Part or Parts thereof. Power to charge extra for Special Trains.

48. Two

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Second or
Third Class
Carriages.

48. Two Thirds in Number of the Company's regular Trains running each Day shall have Carriages attached for the Conveyance of Second or Third Class Passengers.

Passengers
Luggage.

49. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Terminal
Station.

50. No Station is to be considered a Terminal Station in regard to any Goods in any of the Classes before mentioned conveyed on the Railways, which have not been received thereat direct from the Consignor of such Traffic or are not directed to be delivered thereat to the Consignee.

Company
may take
increased
Charges by
Agreement.

51. Provided always, That nothing herein contained shall be held to prevent the Company from taking any increased Charge over and above the Charges herein-before limited for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof, except small Parcels by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto.

Power to
Company to
enter into
Traffic Ar-
rangements
with Scottish
North-east-
ern Com-
pany.

52. The *Scottish North-eastern* Railway Company and the Company may from Time to Time enter into Agreements with respect to the following Purposes, or any of them; (that is to say,)

The Use and Working by the *Scottish North-eastern* Railway Company of all or any Part of the Railways, and the Use of the Works and Conveniences belonging thereto :

The Conveyance by the *Scottish North-eastern* Railway Company of the whole or any Part of the Traffic upon the Railways :

The Division and Apportionment of such Traffic between the said Companies :

The Supply of any Rolling or Working Stock required for such Purposes :

The Use or Purchase by the *Scottish North-eastern* Railway Company of the Rolling or Working Stock belonging to the Company, or any Part thereof :

The Management, Maintenance, and Repair of the Railways :

The Costs and Expenses of such Working, Management, Maintenance, and Repair :

The forwarding, Interchange, and Transmission upon or over the respective Railways of the said Companies of any Passenger or other Traffic which may be conveyed upon and from the *Scottish North-eastern* Railway to and along the Railways or any Part thereof,

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thereof, or which may be conveyed upon and from the Railways to and along the *Scottish North-eastern Railway* or any Part thereof:
 The Collection, Delivery, and general Conduct of such Traffic:
 The fixing of the Tolls, Rates, and Charges to be levied or taken by the said Companies in respect of the Traffic conveyed over their several Railways or any Part thereof respectively, not exceeding the maximum Tolls, Rates, and Charges authorized by the Acts of Parliament relating to such Railways respectively:
 The Collection, taking, and levying of the said Tolls, Rates, and Charges:
 The Division between the said Companies of the Receipts arising from the Traffic upon their respective Railways or any Part thereof respectively, subject to any Deductions to be made therefrom, or any Rent or other Consideration to be paid by either of the said Companies to the other of them, by virtue of the said Agreement.

53. Any such Agreement shall be and continue for such a Term or Period as shall be mutually agreed upon between the said Companies, but no such Agreement shall have any Operation until the same shall have been approved of by the Board of Trade, and no such Agreement as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the said Companies shall for the Time being be respectively authorized and entitled to demand and receive from any Person or any other Company; but all other Persons and Companies shall, notwithstanding any such Agreement, be entitled to the Use and Benefit of the Railways to which the said Agreement may relate, upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges as they would have been in case no such Agreement had been entered into: Provided always, that the said Board shall not approve such Agreement without being satisfied that the same has been duly assented to by the Shareholders of the said Companies in Special Meeting assembled for that Purpose in manner herein-after mentioned: Provided also, that it shall be lawful for the Board of Trade, if they think fit, on the Expiration of every Ten Years from the Commencement of any such Agreement, or on the Expiration of every Ten Years from the Period when any Revision thereof shall be made by them, to cause the same to be revised, and the Board of Trade shall have Power to modify the Terms and Conditions of any such Agreement in such Manner as the Board may think necessary, and to declare such Modification to be Part of such Agreement, and the same shall be read and take effect accordingly.

Duration of Agreement.

To be approved by Board of Trade.

Agreement not to affect Persons not Parties thereto.

54. The said Companies may, by any such Agreement as aforesaid, appoint a Joint Committee, composed of such Number of Directors of the said Companies as such Companies may think proper, and from Time to Time may alter, vary, and renew any such Committee as occasion may require, and may regulate the Proceedings of such Committee, and

Appointment of Joint Committee for carrying the Agreement into effect.

[Local.]

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delegate

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delegate to such Committee all such Powers of the said Companies respectively as may be necessary for carrying into effect the Purposes of such Agreement; and every such Joint Committee so appointed shall have and may exercise the Powers so for the Time being delegated to them, in like Manner as the same might have been had and exercised by the said Companies respectively, or their respective Directors.

Agreement may be renewed with the Approval of the Board of Trade.

Public Notice to be given of the Intention to enter into Agreement.

Agreement inoperative until approved of by the Board of Trade.

Working Arrangements not to take effect unless approved by Three Fourths of the Shareholders.

Meeting how to be convened.

55. At the Expiration of the said Agreement the said Companies, with the Consent of the Majority herein-after specified, at a Special Meeting of the Shareholders of such Companies respectively, and subject to the Approval of the Board of Trade, may enter into a further Agreement for all or any of the Purposes aforesaid: Provided, that before such Companies shall enter into any such further Agreement as aforesaid, and also before any proposed Revision of the said Agreement by the Board of Trade, the Companies Parties thereto shall give Notice of their Intention to enter into such Agreement, or, as the Case may be, of such proposed Revision thereof by the Board of Trade, by Advertisement, in a Form to be approved of by the Board of Trade, inserted once in each of Three successive Weeks in some Newspaper published in the County of *Aberdeen*; and every such Notice shall set forth within what Time, and in what Manner, any Company or Person aggrieved by such proposed Agreement, and desiring to object thereto, may bring such Objections before the Board of Trade; and no Agreement shall be valid at Law or in Equity until the same shall have been approved of by the Board of Trade; and provided further, that any such Agreement, during the Subsistence thereof, shall be subject to the Revision of the Board of Trade on the Expiration of every Ten Years, as herein-before provided in regard to the First Agreement between the said Companies, and may be modified by the Board of Trade, and such Modification shall be Part of the Agreement.

56. None of the Powers and Provisions of this Act with respect to the Use, working, or managing of the Railways by the *Scottish North-eastern* Railway Company shall have any Operation or Effect unless and until the Contracts or Arrangements intended to be made for such Purposes respectively shall have been submitted to and approved by a Majority of not less than Three Fourths of the Votes of the Shareholders present, personally or by Proxy, at Meetings of the Companies specially convened for that Purpose.

57. Such Meetings shall be called by Advertisement inserted once at least in Two successive Weeks in a Morning Newspaper published in *Edinburgh*, and in some Newspaper of the County of *Aberdeen*, the last of which Advertisements shall be published not less than Seven Days before such Meetings, and also by a Circular addressed to each Shareholder entitled to vote at Meetings, to be served in the Manner prescribed by "The Companies Clauses Consolidation Act, 1845," with respect to Notices requiring to be served upon the Shareholders.

58. It

The Scottish Northern Junction Railway Act, 1862.

58. It shall be lawful for the Company and the *Scottish North-eastern Railway Company* and *Deeside Railway Company* (herein-after called "the *Deeside Company*") and *Great North of Scotland Railway Company* (herein-after called "the *Great North Company*"), or any or either of them, to enter into Arrangements and Agreements with regard to the Construction, Maintenance, Management, and Use of joint or separate Stations, Sidings, and necessary Works connected therewith at or near where the said intended Lines or either of them join the Rails of either of the said Companies, and as to the Cost of constructing and maintaining such Stations, Sidings, and necessary Works respectively, and as to the Maintenance, Management, and Use of the respective Junctions of the said intended Railways with the Railways of any or either of the said Companies, upon Payment of such Tolls, Rates, and Charges, or upon such other Terms and Conditions as may be agreed upon.

Power to enter into Arrangements for Joint Stations at Junctions.

59. The *Scottish North-eastern Railway Company*, the *Deeside Company*, and the *Great North Company* shall and they are hereby required to book through, receive, and forward over their respective Railways or any Part thereof all Passengers, Goods, Animals, and other Traffic to and from the said intended Railways, and to afford all necessary Facilities for the Passage and Transmission of such Traffic upon, over, along, and from their respective Railways or any of them or any Part thereof, and in like Manner to compel and authorize the Company to book through, receive, and forward over the said intended Railways or any Part thereof all Passengers, Goods, Animals, and other Traffic to and from the *Scottish North-eastern Railway*, the *Deeside Railway*, and the *Great North Railway*, or any of them, and to afford all necessary Facilities for the Passage and Transmission of such Traffic upon, over, along, and from the said intended Railways or any Part thereof, and it shall be lawful for either of the said Companies to charge Tolls, Rates, and Charges in respect of the Traffic so received and forwarded.

The *Scottish North-eastern, Deeside, and Great North Companies* to book through, &c.

60. It shall be lawful for the Company to run and pass over with their own Engines and Carriages, or with Engines and Carriages provided for the Purpose, that Portion of the Line of the *Scottish North-eastern Railway* which lies between the proposed Point of Junction therewith near *Limpet Mill* and at or near to the Thirteen and a Quarter Mile Post from *Aberdeen* and the *Stonehaven Station* on that Railway, and to use the said *Stonehaven Station*, and the Booking Offices, Waiting Rooms, Water, and Watering Places, Sidings, and other Conveniences at or connected with the said Station on the Line of and adjoining the said *Scottish North-eastern Railway*, so to be used and run over, and upon Payment of such Tolls, Rates, and Charges for the Use of the Railway and Station and Works so run over and used as shall be agreed upon between the said Companies, or as, in default of Agreement or Refusal to treat, shall be determined by compulsory Arbitration on the Application of either Company.

Power to run over and use Portion of *Scottish North-eastern Railway*.

61. It

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Power to
run over and
use Portion
of Great
North Rail-
way.

61. It shall be lawful for the Company to run and pass over with their own Engines and Carriages, or with Engines and Carriages provided for the Purpose, that Portion of the Line of the *Great North Railway* which lies between the proposed Point of Junction therewith at or near *Kintore* and the said *Kintore* Station on that Railway, and to use the said *Kintore* Station, and the Booking Offices, Waiting Rooms, Water, and Watering Places, Sidings, and other Conveniences at or connected with the said Station, or on the Line of and adjoining the said Railway so to be used or run over, and upon Payment of such Tolls, Rates, and Charges for the Use of the Railway and Station and Works so run over and used, and subject to such Regulations as shall be agreed upon between the Companies, or as, in default of Agreement or Refusal to treat, shall be determined by Arbitration on the Application of either Company: Provided always, that the Company, in the Exercise of the before-mentioned Powers over the *Great North Railway*, shall at all Times observe the Regulations and Byelaws for the Time being in force on the *Great North Railway*, so far as such Byelaws shall be applicable to the Company.

Power to
carry on
other Rail-
ways and to
charge Tolls.

62. It shall be lawful for the Company to carry Passengers, Goods, Minerals, Animals, and other Traffic on and over the before-mentioned Portions of the *Scottish North-eastern Railway* and of the *Great North of Scotland Railway* respectively, and to charge Tolls, Rates, and Charges in respect thereof not exceeding the maximum Tolls, Rates, and Charges for the Time being authorized to be taken for or in respect of the Use of such Railways and for the Conveyance and propelling of Traffic thereon, and to recover and enforce Payment of such Tolls, Rates, and Charges.

Railways not
exempt from
Provisions of
present and
future Gene-
ral Acts.

63. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made, or the Company, from the Provisions of any General Act 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 Rates for small Parcels or of the maximum Rates of Fares and Charges authorized by this Act.

Expenses of
Act.

64. All the Costs, Charges, and Expenses of and incidental to the applying for and obtaining of this Act, and preparatory thereto, shall be paid by the Company.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1862.