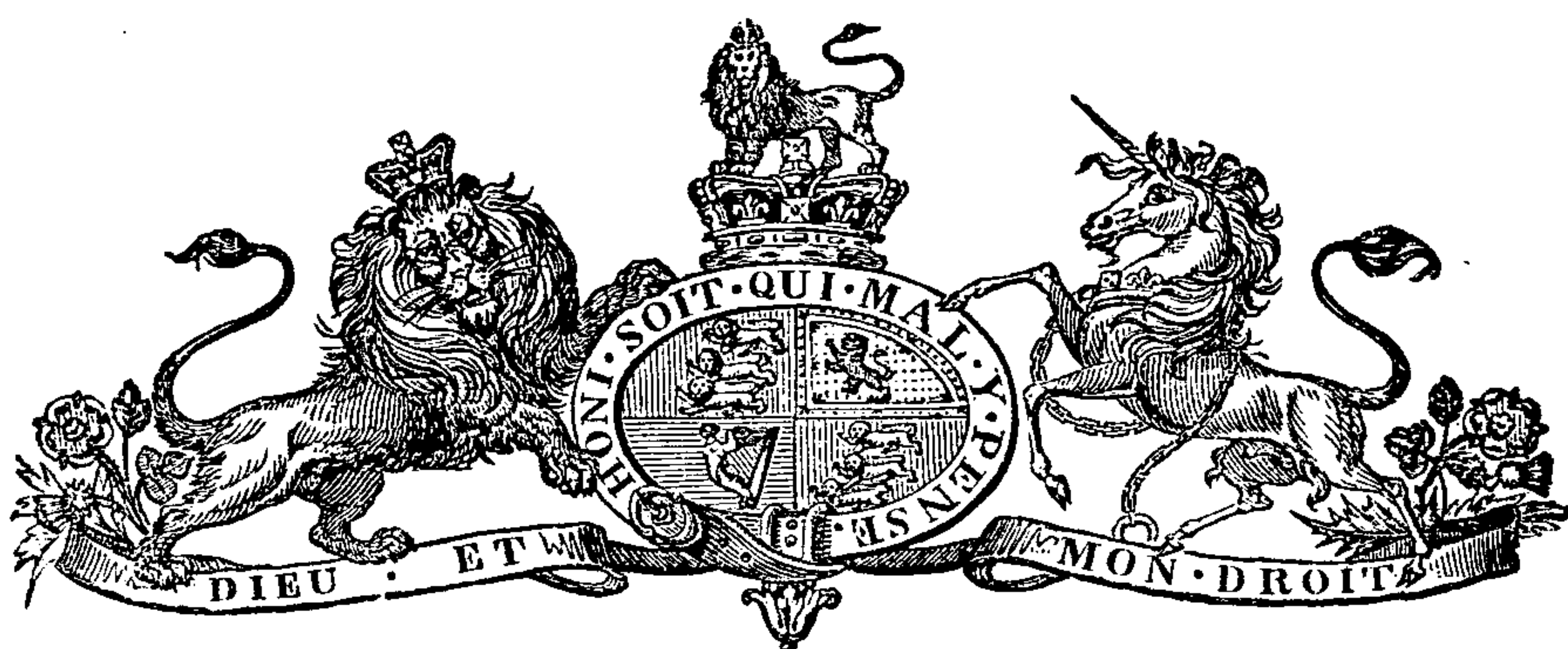




ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

# VICTORIÆ REGINÆ.

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*Cap. clxxiii.*

An Act to enable the *Scottish North-eastern* Railway Company to construct a new Line between *Dundee* and *Forfar* ; to levy Tolls ; to raise additional Capital ; and for other Purposes.

[14th July 1864.]

**W**HEREAS it is expedient that the *Scottish North-eastern* Railway Company (in this Act called “ the Company ”) should be empowered to construct and maintain a Railway between their Railway near *Dundee* (formerly the *Dundee and Arbroath* Railway) and their Railway near *Forfar* (formerly the *Arbroath and Forfar* Railway), with all necessary Works and Conveniences connected therewith for giving more direct Communication than now exists between the Royal Burghs of *Dundee* and *Forfar*, both in the County of *Forfar* : And whereas the Construction of the proposed Railway will be of great local and public Advantage, and it is expedient that the Company should be authorized to raise for the Purposes thereof additional Capital by the Creation and Issue of new Preference Shares or Stock, and by borrowing, and by the Creation and Issue of Debenture Stock, and that some of the Powers and Pro-

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visions

*Scottish North-eastern Railway (Dundee and Forfar) Act, 1864.*

visions of the Acts of Parliament relating to the Company should be amended or repealed: And whereas the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be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 of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. In citing this Act for any Purpose it shall be sufficient to designate it as "The *Scottish North-eastern Railway (Dundee and Forfar)* Act, 1864."

8 & 9 Vict.  
cc. 19. & 33.,  
23 & 24 Vict.  
c. 106., and  
26 & 27 Vict.  
c. 92. incor-  
porated.

2. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation (*Scotland*) Act, 1845," and Part First of "The Railways Clauses Act, 1863," so far as the same are not expressly altered or otherwise provided for by this Act, shall apply to the Railway and Works by this Act authorized to be made, and shall be incorporated with and form Part of this Act.

Certain  
Provisions of  
8 & 9 Vict.  
c. 17. incor-  
porated.

3. 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 Construction of the Act, and of other Acts to be incorporated therewith;

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 respect to the Forfeiture of Shares for Nonpayment of Calls;

With respect to the Remedies of Creditors of the Company against the Shareholders;

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 Meeting;

With respect to the giving of Notices; and

With respect to the Provision to be made for affording Access to the Special Act by all Parties interested,

shall, so far as the same are not varied by the Provisions of this Act, be incorporated with and form Part of this Act.

4. The

*Scottish North-eastern Railway (Dundee and Forfar) Act, 1864.*

4. The following Parts of "The Companies Clauses Act, 1863," namely,

Part 1. Relating to surrender and Cancellation of Shares ;

Part 2. Relating to additional Capital ; and

Part 3. Relating to Debenture Stock ;

shall, so far as the same are not varied by the Provisions of this Act, be incorporated with and form Part of this Act.

Certain  
Parts of  
26 & 27 Vict.  
c. 118. in-  
corporated.

5. The several Clauses and Provisions of "The Companies Clauses Consolidation (Scotland) Act, 1845," and Parts of "The Companies Clauses Act, 1863," incorporated with this Act, shall apply to the Company and to the Shareholders thereof, and to the Share Capital, Mortgages, and Debenture Stock authorized, and Notices required by this Act, and to the several other Matters and Things relating thereto respectively provided for by such Clauses, Provisions, and Parts of Acts respectively.

Incorporated  
Provisions to  
apply to  
Capital, &c.  
authorized  
by this Act.

6. In construing this Act and the Acts or Parts of Acts incorporated herewith the Expression "the Company" shall mean the *Scottish North-eastern Railway Company*, and the Expression "the Railway" shall mean the Railway to be constructed under Authority of this Act, unless in Cases where the Context or Subject shall be repugnant to such Construction.

Interpre-  
tation of  
Terms.

7. The several other Words and Expressions to which in the Acts and Parts of Acts incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Same Mean-  
ings to  
Words in  
incorporated  
Acts as in  
this Act.

8. And whereas Plans and Sections of the Railway and Works showing the Lines and Levels thereof, together with Books of Reference to such Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands which may be required for the Purposes thereof, have been deposited for public Inspection at the Offices in *Dundee* and *Forfar* respectively of the Principal Sheriff Clerk for the Two Divisions of the County of *Forfar* : Be it enacted, That, subject to the Provisions of this Act and of the Acts incorporated herewith, it shall be lawful for the Company to make and maintain the Railway and Works herein-after mentioned in the Lines and upon the Lands delineated on the said Plans, and described in the said Books of Reference, and according to the Levels described on the said Sections respectively, with all proper Works and Conveniences connected therewith, and to enter upon, take, and use such of the said Lands as shall be necessary for those Purposes.

Power to  
make Rail-  
way accord-  
ing to Plans,  
&c.

9. The

Scottish North-eastern Railway (Dundee and Forfar) Act, 1864.

Line of  
Railway.

9. The Railway to be made and maintained under Authority of this Act shall be the following, namely,  
A Railway commencing out of and by a Junction with that Portion of the *Scottish North-eastern* Railway which was formerly the *Dundee and Arbroath* Railway, at a Point thereon 670 Yards or thereby West from the West Side of the Bridge by which the public Road is carried over said Railway at *Stannergate*, on the Lands of *Craigie* in the Parish of *Dundee* in the County of *Forfar*, and terminating by a Junction with that Portion of the *Scottish North-eastern* Railway which was formerly the *Arbroath and Forfar* Railway, at a Point thereon at or near the East Side of the Bridge over the Railway East of *Forfar* Station, commonly called the *Red Road Bridge* in the Parish of *Forfar* in the said County :  
And the said intended Railway and the Works connected therewith shall become and be Part of the Undertaking of the Company.

Regulating  
Inclination  
of certain  
Roads.

10. 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 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.              | Inclination.                        |
|--------------|-------------|-----------------------------------|-------------------------------------|
| 16           | Monikie - - | Public Road -                     | 1 in 18 and 1 in 20.                |
| 79           | Ditto - -   | { Mill Pond and<br>Service Road - | 1 in 16 and level on<br>other Side. |
| 36 & 32      | Murroes - - | Turnpike Road - {                 | 1 in 20 and level on<br>other Side. |
| 44           | Ditto - -   | Public Road -                     | 1 in 18 and 1 in 30.                |

As to Height  
and Span  
of certain  
Bridges.

11. Notwithstanding anything to the contrary contained in “The Railways Clauses Consolidation (*Scotland*) Act, 1845,” the Company may in the Construction of the Bridges for carrying the Railway over the Roads herein-after mentioned construct such Bridges respectively of the Height and Span as follows :—

| No. on Plan. | Parish.     | Description of Road.              | Height.   | Span.    |
|--------------|-------------|-----------------------------------|-----------|----------|
| 79           | Monikie - - | { Mill Road and<br>Service Road } | 15 Feet - | 15 Feet. |
| 21           | Murroes - - | { Church and<br>Farm Road - }     | 15 Feet - | 15 Feet. |

12. Provided

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**12.** 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 Railways Clauses Consolidation (*Scotland*) Act, 1845."

As to Width of Bridges when Roads are widened.

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

Land for extraordinary Purposes.

**14.** The Powers for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Powers for compulsory Purchases limited.

**15.** The Railway by this Act authorized to be made shall be completed within Four Years after the passing of this Act, and on the Expiration of that Period the Powers given by this Act and the Acts incorporated herewith for executing the Railway or otherwise in relation thereto shall cease, except as to so much of the Railway as shall then have been completed, and also except those Powers which are by the same Acts or any of them declared to be continued, or which may lawfully be exercised for a longer Period.

Works to be completed within Four Years.

**16.** If the Railway by this Act authorized shall not be completed within Four Years after the passing of this Act then the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due to the Crown, for every Day after the Expiration of the said Period of Four Years until the said Railway shall be completed and opened for public Traffic, but no Penalty shall accrue in respect of any Time during which it shall appear, by a Certificate to be obtained from the Board of Trade, that the Company was prevented from completing or opening such Line by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

Penalty on Company if not so completed.

**17.** It shall be lawful for the Company to appropriate and apply for or towards the Purposes of this Act any of the Monies which under or by virtue of their existing Acts or any of them, or of any other Act of the present Session of Parliament, they have raised or

Power to apply Monies raised under other Acts to Purposes of this Act.

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are

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are or may be authorized to raise, and which shall not be wanted for the Purposes of those Acts.

Power to  
raise addi-  
tional Cap-  
ital by new  
Shares.

**18.** It shall be lawful for the Company in addition to the Monies already raised, or which they are or shall be authorized to raise by any of their former Acts or by any Acts or Act which have been or shall be passed in the present Session of Parliament, to raise by Contribution amongst themselves, or by the Admission of other Persons as Subscribers to their Undertaking, or in part by each of those Means, the Sum of One hundred and twenty-five thousand Pounds, which Sum may be raised by the Creation and Issue of new Preference Shares, or in the Option of the Company by new Preference Stock, to be called "*Scottish North-eastern Railway Preference Shares (or Stock), 1864.*"

Additional  
Capital, how  
to be divided.

**19.** The Capital so to be raised by new Preference Shares or Stock may, if raised by Shares, be divided into Shares of any nominal Value, and such new Shares or Stock shall be issued and disposed of or distributed either alone or together with any other Shares or Stock which the Company may be then authorized to raise by any other Act or Acts which have been or may be passed in the present Session of Parliament, and as Part of an aggregate Amount thereof, in such Manner and (subject to the Provisions of this Act) upon such Terms, not being less than the nominal Amount of such Shares or Stock, and subject to such Provisions and Restrictions and with such Rights in addition to the Preference Dividend attached thereto as any General Meeting of the Company shall from Time to Time direct or authorize or attach thereto, and shall be considered as Part of the general Capital of the Company.

Shares not to  
issue until  
One Fifth  
paid up.

**20.** It shall not be lawful for the Company to issue any Share, nor shall any Share vest in the Person accepting the same, unless and until a Sum not less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Rights of  
new Share-  
holders to be  
in proportion  
to the Value  
of new  
Shares or  
Stock.

**21.** Subject to the Provisions of this Act and to the Terms of Issue of the said new Preference Shares or Stock, every Person who shall accept or become entitled to any of such Shares or Stock shall in respect thereof be a Shareholder of the Company and be considered to have subscribed towards the Capital thereof and of the Undertaking to the Extent of the nominal Amount of the Shares or Stock so accepted by him in the Undertaking, and such Shares or Stock shall, unless otherwise provided by the prescribed Terms of Issue or Creation, confer on the respective Holders or Proprietors thereof Rights of voting and Qualifications in proportion to the aggregate nominal Value of such Share or Amount of such Stock, and not in proportion

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proportion to the Number of such Shares, and for such Purposes every entire Sum of Fifty Pounds of such nominal Value shall be equivalent to One Share of Fifty Pounds in the original Capital of the Company, and no Shareholder shall vote in respect of any Number of such new Shares which shall constitute a less Interest in the Capital of the Company than Fifty Pounds, and the Holders of such new Shares or Stock shall be entitled to vote in the Election of both the Auditors of the Company.

**22.** The preferential Dividend payable in respect of the new Preference Shares or Stock created by the Company under this Act shall rank *pari passu* with the Dividends on any other Preference Shares or Stock to be created by the Company under any other Act or Acts relating to the Company passed or to be passed in the present Session of Parliament, but after all Dividends payable in respect of any Preference Shares or Stock already issued or hereafter to be issued by the Company under the Authority of any existing Act or Acts, whether payable out of the Revenue of the Company or out of the Proportions of the Revenue thereof appropriated to any of the several Classes of Stock of which the Capital of the Company now consists.

As to preferential Dividend on new Shares or Stock.

**23.** When and so soon as the said additional Capital of One hundred and twenty-five thousand Pounds shall have been *bonâ fide* subscribed and issued, and One Half thereof paid up, it shall be lawful for the Company from Time to Time to borrow and reborrow on Mortgage any further Sum or Sums of Money not exceeding in the whole the Sum of Forty-one thousand Pounds in addition to the Sums which they are authorized to borrow by any other Act or Acts of Parliament relating to the Company, but no Part of such Sum shall be borrowed until the Company shall have proved to the Sheriff who is to certify under the Provisions of the 42d Section of "The Companies Clauses Consolidation (Scotland) Act, 1845," before he so certifies, that the whole of the said Capital of One hundred and twenty-five thousand Pounds has been subscribed for *bonâ fide* and issued, and that not less than One Fifth of the Amount of each Share or Portion of Stock has been paid on issue of the same, and that all Shares or Portions of Stock are held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, of which Proof having been given, the Certificate of the Sheriff under that Section shall be sufficient Evidence.

Power to borrow on Mortgage.

**24.** Every Part of the Monies to be raised under this Act by the Creation of Shares or by borrowing shall be applied only in carrying into execution the Powers of this Act.

Application of Money.

**25.** All

*Scottish North-eastern Railway (Dundee and Forfar) Act, 1864.*

Saving  
Rights of  
existing  
Mortgagees.

**25.** All Mortgages created by the Company under the Powers of any of the existing Acts of Parliament relating to the Company, and which shall be subsisting at the passing of this Act, shall have Priority over all Mortgages to be created by the Company under the Powers of this Act.

Power to  
raise 41,000*l.*  
by Deben-  
ture Stock  
instead of  
borrowing  
the same.

**26.** In addition to the Sum of Eight hundred and eighty-one thousand nine hundred Pounds which the Company are by "The *Scottish North-eastern Railway Act, 1863*," authorized to raise by the Creation and Issue of Debenture Stock, it shall be lawful for the Company to raise the Sum of Forty-one thousand Pounds which they are by this Act authorized to raise by borrowing, or, having borrowed the same, to raise for the Purpose of paying off the same, by the Creation and Issue of Debenture Stock of the like Description and having the same Privileges and Incidents, and bearing a Dividend not exceeding the Rate prescribed by the said Act, and subject to the same Provisions as in the said Act contained with respect to the Application of Monies raised by the Creation and Issue of the said Stock: Provided that the Company shall not be entitled to create any such Debenture Stock until they shall be entitled to exercise the Power to borrow the Money in respect of which such Stock is to be created.

Tolls.

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

Tonnage of  
Goods.

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 Coal, Coke, Culm, Charcoal, and Cinders, Dung, Compost, and 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 in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* of One Penny:

Class 2. For all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop 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* Twopence; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* of One Penny:

Class 3. For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails,

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Nails, Anvils, Vices, and Chains, *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 :  
 Class 4. For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise; Fish, Articles, Matters, or Things, *per Ton per Mile* Fourpence; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* of One Penny :

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 belonging to or provided by the Company, and not weighing more than One Ton, *per Mile* Sixpence; and a Sum of One Penny Halfpenny *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh.

In respect of Passengers and Animals conveyed in Carriages upon the Railway or any Part thereof as follows :

Tolls for  
Passengers  
and Animals.

For any 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 One Penny :

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 One Penny *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 *per Mile* of One Penny :

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 Halfpenny *per Mile*.

28. The Toll which the Company may demand for the Use of Engines for propelling Waggon and other 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.

29. The maximum Rates of Charge to be made by the Company for the Conveyance of Passengers upon the Railway or any Part thereof, including the Charge for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance,

Limiting  
Charges for  
the Convey-  
ance of Pas-  
sengers.

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shall

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shall not exceed 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, One Penny Halfpenny *per* Passenger *per* Mile in respect of any Passenger travelling in a Third-class Carriage.

Limiting  
Charges for  
the Convey-  
ance of  
Goods.

**30.** The maximum Rates of Charge to be made by the Company for the Conveyance on the Railway or any Part thereof of the several Articles, Matters, and Things, and of the several Descriptions of Animals herein-after mentioned, including the Tolls for the Use of the Railway, and Waggons or Trucks, and locomotive Power, and all other Charges incidental to such Conveyance (except a reasonable Sum for loading, covering, and unloading of Goods, Animals, or Minerals at any Terminal Station of such Goods, Animals, or Minerals upon the Railway authorized to be made by this Act, and for Delivery and Collection, and any other Services incidental to the Business or Duty of a Carrier at or upon any such Station where such Services or any of them are or shall be performed by the Company), shall not exceed the several Sums herein-after mentioned; (that is to say,)

For Coal, Dung, or other Articles in Class 1, *per* Ton *per* Mile One Penny Halfpenny, and One Farthing *per* Ton *per* Mile additional for any Distance under Ten Miles :

For Stones for Buildings or other Articles in Class 2, *per* Ton *per* Mile Twopence :

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

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

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, *per* Mile Fourpence :

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

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

Terminal  
Station.

**31.** No Station shall be considered a Terminal Station in regard to any Goods in any of the Classes before mentioned, or to any Animals conveyed upon the Railway, which have not been received thereat direct from the Consignor of such Traffic, or are not directed to be delivered thereat to the Consignee.

**32.** The

*Scottish North-eastern Railway (Dundee and Forfar) Act, 1864.*

**32.** 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 Tolls.

For all Persons, Animals, Articles, Matters, or Things conveyed on the Railway for a less Distance than Six Miles the Company may demand Tolls and Charges as for Six entire Miles, and for every Fraction of a Mile beyond Six Miles the Company may demand in the Case of Persons or Animals as for an entire Mile, and in the Case of all Articles, Matters, or Things in proportion to the Number of Quarters of a Mile contained in such Fraction, and each Fraction of a Quarter shall be deemed an entire Quarter:

For a Fraction of a Ton the Company may demand in proportion to the Number of Quarters contained in such Fraction, and each Fraction of a Quarter shall be deemed an entire Quarter:

With respect to all Traffic passing along the Railway or any Portion thereof on, to, or over the Company's existing Railway between *Dundee* and the Terminus of the Railway next *Dundee*, or on, to, or over the Company's existing Railway between *Forfar* and the Terminus of the Railway next to *Forfar*, the Tolls, Rates, and Charges hereby authorized shall extend and be applicable and leviable in respect of such Portions of the Company's existing Railways:

With respect to all Articles the Weight shall be determined according to the usual Avoirdupois Weight; provided that with respect to Stone and Timber Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

**33.** With respect to small Packages and single Articles of great Weight, the Company may lawfully demand Tolls for the Railway by this Act authorized not exceeding the following; (that is to say,) Tolls for  
small Parcels  
and single  
Articles of  
great  
Weight.

For the Carriage of small Parcels on the Railway, as follows:

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

For any Parcel exceeding Seven Pounds, but not exceeding Fourteen Pounds in Weight, Fivepence:

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

For any Parcel exceeding Twenty-eight Pounds, but not exceeding Fifty-six Pounds in Weight, Ninepence:

For Parcels exceeding Fifty-six Pounds and 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,

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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, and for the Carriage of rough or hewn Timber, or other Articles which from length or otherwise require Two or more Trucks or Waggons in the Stowage, the Company may demand such Sum as they think fit, not exceeding One Shilling *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.

Only One short Distance Charge to be made for Traffic on Portions of Two Railways.

**34.** The Railway and the *Scottish North-eastern Railway* shall for the Purposes of Tolls and Charges be deemed One Railway, and in estimating the Amount of Tolls or Charges in respect of Traffic conveyed partly on the Railway and partly on any other Railway of the Company for a less Distance than Six Miles Tolls and Charges may be charged as for Six Miles only ; and in respect of Passengers conveyed more than Six Miles, then for every Mile or Fraction of a Mile beyond Six Miles Tolls and Charges as for One Mile only shall be made ; and in respect of Animals, Minerals, and Goods conveyed more than Six Miles, then for every Quarter of a Mile or Fraction of a Quarter of a Mile beyond Six Miles Tolls and Charges as for a Quarter of a Mile only shall be made, and no other Short-distance Charge shall be made for the Conveyance of Passengers, Animals, Minerals, Goods, or other Matters, partly on the Railway and partly on any other Railway of the Company.

Company may take increased Charges by Agreement.

**35.** The Restrictions herein-before contained as to the Charges to be made for Passengers, Animals, Goods, Minerals, or other Articles shall extend only to Express and Ordinary Trains, and not to any Special Train, nor prevent the Company from taking increased Charges for the Conveyance of such Animals, Goods, Minerals, or Articles by Agreement with the Owners or Persons in charge thereof, either in respect of the Conveyance of such Goods, except small Parcels, by Passenger Trains, or by reason of any other special Service performed by the Company in relation to such Animals, Goods, Minerals, and Articles.

Passengers Luggage.

**36.** Every Passenger travelling upon the Railway may take with him his ordinary Luggage not exceeding One hundred and twenty Pounds

*Scottish North-eastern Railway (Dundee and Forfar) Act, 1864.*

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.

**37.** The Company may abandon and stop up and use or sell the Site of any Portion of Road or Footpath which may be otherwise provided for or rendered unnecessary by the Construction of any of the Roads or Approaches or Works by this Act authorized, and the new Portion of any public Road made in Substitution of the Road so stopped up and abandoned shall be reparable and repaired by the Persons or District by which the public Road so stopped up and abandoned was reparable before such Abandonment: Provided always, that nothing herein contained shall affect the Liability of the Company to maintain any Bridge for carrying the substituted Road over or under the Railway with the immediate Approaches, and all other necessary Works connected therewith, under the Provisions of "The Railways Clauses Consolidation (*Scotland*) Act, 1845."

Roads at Stations rendered unnecessary by new Roads may be abandoned.

**38.** Section Forty-one of "The *Scottish North-eastern Railway Act, 1863*," in this Act called "The Act of 1863," is hereby repealed, and after the passing of this Act the Company shall apply the Fifteen One hundred equal Parts of the Profits of the Company annually appropriated under the Act of 1863 to Proprietors of *Dundee and Arbroath* Capital Stock, and any separate Monies on Revenue Account belonging or payable to the Proprietors of that Stock, after Payment of any Sums by that Act specially made chargeable against the Proprietors of *Dundee and Arbroath* Capital Stock as follows: First, in paying to the Proprietors for the Time being of the *Dundee and Arbroath* Five per Centum preferential Stock the guaranteed Dividends payable thereon; and secondly, in paying to and amongst the Proprietors of the *Dundee and Arbroath* ordinary Stock such Dividends as the Company shall from Time to Time think reasonable, not being less than the Dividend by that Act directed to be paid to those Proprietors for the Year ending the Thirty-first Day of *January* One thousand eight hundred and sixty-four and for every subsequent Year, and not for the Year ending the First Day of *January* One thousand eight hundred and sixty-four as directed by the said repealed Section.

Sect. 41. of 26 & 27 Vict. c. ccxxxi. repealed, and the same re-enacted with a Correction.

**39.** Section Sixty-four of the Act of 1863 is hereby repealed, and after the passing of this Act at any Meeting of the Company for the Purpose of declaring a Dividend among the Proprietors of original Capital Stock in the *Aberdeen* Capital Stock (being One of the *Scottish North-eastern* Capital Stocks) no Holder of any Stock of the

Sect. 64. of 26 & 27 Vict. c. ccxxxi. repealed, and the same re-enacted with a Correction.

[*Local.*]

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Company

*Scottish North-eastern Railway (Dundee and Forfar) Act, 1864.*

Company shall be entitled to vote on any Question relating to the Amount of such proposed Dividend, except in respect of some Share or Interest in the *Aberdeen* original Capital Stock, and then only to the Extent of such Share or Interest, and at any Meeting of the Company for the Purpose of declaring a Dividend among the Proprietors of Stock in the *Scottish Midland* Capital Stock (also One of the *Scottish North-eastern* Capital Stocks) no Holder of any Stock of the Company shall be entitled to vote on any Question as to the Amount of such proposed Dividend, except in respect of some Share or Interest in *Scottish Midland* Capital Stock, and then only to the Extent of such Share or Interest; and in like Manner at any Meeting of the Company for the Purpose of declaring a Dividend among the Proprietors of ordinary Stock in the *Dundee and Arbroath* Capital Stock no Holder of any Stock of the Company shall be entitled to vote on any Question relating to the Amount of such proposed Dividend, except in respect of some Share or Interest in the *Dundee and Arbroath* ordinary Stock, and then only to the Extent of such Share or Interest.

Interest not  
to be paid on  
Calls paid  
up.

40. It shall not be lawful for the Company, out of any Money by this Act or any 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 any 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 any Act relating to the Company authorized to be raised: Provided always, that nothing herein 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.

Deposit for  
future Bills  
not to be  
paid out of  
the Com-  
pany's Capital.

41. It shall not be lawful for the Company, out of any Money by this Act or any other Acts relating to the 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 in force for the Time being 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 Railway or execute any other Work or Undertaking.

Railway not  
exempt from  
Provisions of  
present and  
future General Acts.

42. Nothing in this Act contained shall be deemed or construed to exempt the Railway 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

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*Scottish North-eastern Railway (Dundee and Forfar) Act, 1864.*

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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 or of the Rates for small Parcels authorized by this Act.

**43.** All the Costs, Charges, and Expenses of and attending the applying for, obtaining, and passing of this Act, or incidental thereto, shall be paid by the Company. Expenses of  
Act.

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