



ANNO TERTIO

# VICTORIÆ REGINÆ.

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## *Cap. xiv.*

An Act to enable the *Arbroath* and *Forfar* Railway Company to raise a further Sum of Money, and otherwise to amend and enlarge the Powers and Provisions of the Act relating to the *Arbroath* and *Forfar* Railway. [3d April 1840.]

**W**HEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty *William* the Fourth, intituled *An Act for making and maintaining a Railway between the Royal Burgh of Arbroath in the County of Forfar and the Royal Burgh of Forfar in the same County*, whereby several Persons were incorporated by the Name or Style of “*The Arbroath and Forfar Railway Company*,” for making and maintaining the said Railway, and carrying into execution the said Undertaking, and were authorized to raise the Sum of Seventy thousand Pounds Sterling in Shares of Twenty-five Pounds each, and to borrow and take up at Interest any Sum not exceeding Thirty-five thousand Pounds Sterling on the Credit and Security of the said Undertaking, by way of Mortgage, as therein particularly mentioned, for effecting the Purposes of the said Act: And whereas the said Company have made great Progress in executing the Works authorized by the said recited Act, and have expended thereon the whole Money raised under the Authority of the said Act, and certain other Sums still resting owing by the said Company; and a single Line of the said Railway has been opened, and found to afford great Public Accommodation; but the Money which the Company are authorized to raise as aforesaid is insufficient to complete the Works authorized by the said Act, and provide such further Supply of Engines, Carriages, Waggons, and other Conveniences as will be necessary for carrying fully into effect the Purposes

[Local.] 3 P said



Provisions  
of former  
Act ex-  
tended to  
this Act,  
except as  
hereby  
altered.

of the said Act; and it is therefore expedient and necessary that the said Company should be authorized to raise a further Sum of Money, to enable them to pay the said Debts still resting owing, and also to perfect and carry into execution all the Purposes of the said recited Act, and that some of the Powers and Provisions contained in the said recited Act should be altered, amended, and enlarged; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Authorities, Provisions, Penalties, Forfeitures, Rules, Remedies, Directions, Restrictions, Privileges, Clauses, Matters, and Things contained in the said recited Act, (except in so far as the same or any Part thereof are hereby varied, altered, or repealed, or otherwise provided for,) shall extend and be construed to extend to this Act, and to the Monies hereby authorized to be raised, and to the Shares to be issued, and to the Securities to be granted or executed in respect of or for securing the same, or any Part thereof, and the Transfer of such Shares or Securities, and the Proprietors or Holders thereof, their Successors, Executors, Administrators, and Assigns, and to the several other Purposes and Things hereby authorized to be effected and done, and shall, so far as the same may be applicable, operate and be in force in respect to the Objects and Purposes of this Act, as fully and effectually, to all Intents and Purposes whatsoever, as if the same Powers, Authorities, Provisions, Penalties, Forfeitures, Rules, Remedies, Directions, Restrictions, Privileges, Clauses, Matters, and Things were repeated and re-enacted in this Act, and made Part thereof.

Company  
empowered  
to raise a  
further Sum  
of Money  
not exceed-  
ing 50,000*l.*

II. And be it enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered, from Time to Time, by Order of any General or Special General Meeting of the said Company, to raise by Contribution among themselves, or by the Admission of other Persons as Subscribers to the Undertaking, wholly or in part by each of those Means, such Sum or Sums of Money as they shall from Time to Time think expedient or necessary, not exceeding in the whole the Sum of Fifty thousand Pounds Sterling, in addition to the Monies authorized to be raised and borrowed by the said recited Act, and the Monies so to be raised from Time to Time by Subscription shall be divided into distinct and integral Shares, of such Amount not exceeding Twenty-five Pounds each, and shall be appropriated and disposed of in such Manner, and by such Ways and Means, as by the Order of any such Meeting shall be fixed and determined; and all such new Shares shall be deemed Personal Estate, and shall be transmissible and transferable in the Manner provided and directed by the said Act in respect of the original Shares in the said Undertaking; and all Persons and Corporations who shall become entitled to any such new Share or Shares, and their several and respective Successors, Executors, and Assignees, shall be and they are hereby declared to be Owners and Proprietors of Stock in the said Undertaking, and to be interested therein, and entitled to Dividends and Profits, and to vote in respect thereof, in proportion to the Amount of such new Share or Shares, as beneficially, to all Intents and Purposes, as the Proprietors of original Shares in the said Under-

Terms of  
new Sub-  
scriptions.



taking; and all the Powers to make Calls, and charge Interest thereon, to sue for Calls and Interest, to declare forfeited and to sell Shares in case of Nonpayment of Calls, and all the other Powers, Provisions, Indemnities, Remedies, Privileges, Clauses, Matters, and Things contained in the said recited Act with reference to the original Shares in the said Undertaking, and the Proprietors thereof, shall apply to such new Shares and the Proprietors thereof, except as to the Time of making Calls for the said new Shares, and the Amount of such Calls, (which Calls the Committee of Management of the said Company are hereby empowered to appoint to be of such Amount, and payable at such Times, as they may think fit,) and save in so far as any other of such Powers, Provisions, Indemnities, Remedies, Clauses, Matters, or Things are hereby expressly varied or altered; and the several Proprietors of such new Shares are hereby and shall be united to and incorporated with the said *Arbroath* and *Forfar* Railway Company: Provided nevertheless, that the Proprietors of such new Shares shall only be entitled to Dividends or Profits in respect thereof in proportion to the Amount which shall have been actually paid upon such Shares at the Time of declaring such Dividends respectively: Provided also, that the Proprietors of such new Shares shall be entitled only to such Number of Votes in respect thereof as the Amount of Stock represented by such Shares would have entitled them to had they been original Shareholders in the said Undertaking; and no Proprietor shall be entitled to any Vote unless possessed of some Share or Shares representing Twenty-five Pounds at least of the Capital Stock of the said Company; and where any new Shares are subscribed for or held by Proprietors or Holders of original Shares, the Number of Votes to which such Holder shall be entitled shall be upon the gross Amount of such new and original Shares joined together and computed in Terms of the said recited Act.

III. And be it enacted, That when and so soon as the whole of the said Sum of Fifty thousand Pounds shall be subscribed, and Fifty *per Cent.* of the whole Capital of the said Company shall have been paid up, it shall be lawful for the said Company, by Order from Time to Time of any General or Special General Meeting of the said Company, to borrow and take up at Interest, in addition to the Sums which they are by this and the said recited Act authorized to raise, any Sum or Sums of Money not exceeding in Amount in the whole the Sum of Five thousand Pounds, and to secure the Repayment of the Money so borrowed or taken up in virtue of this Act, with Interest, in manner directed with respect to the Sums authorized to be borrowed by the said recited Act.

IV. And be it enacted, That it shall be lawful for the said Company, if they shall think fit, and they are hereby empowered, by Order from Time to Time of any General or Special General Meeting of the said Company, to raise by Contribution among themselves, or by the Admission of other Persons as Subscribers to the Undertaking, or in part by each of those Means, such Sum or Sums of Money as shall be sufficient for paying off and discharging the Whole or any Part of any Monies which they may have borrowed by virtue of this or the said recited Act, or either of them, from Time to Time; and the Money so to be raised from Time to Time by Subscription shall be divided into distinct and integral Shares, and shall be appropriated and disposed of in such Manner and by such Ways and Means as by the Order of any such

Company  
may borrow  
a further  
Sum of  
Money.

Company  
may contri-  
bute among  
themselves  
to pay off  
the money  
borrowed.



such Meeting shall be determined; and all Provisions herein-before contained with regard to the Money by this Act before authorized to be raised by Subscription, and to the Shares to be issued in respect thereof, and to the Holders of such Shares, shall apply to the said Shares so to be raised as last above mentioned.

On the Re-  
payment of  
borrowed  
Money, the  
same  
Amount may  
be again  
borrowed.

V. And be it enacted, That in case the said Company (having borrowed the Sums of Money which by this or the said recited Act they are authorized to borrow, or any Part thereof,) shall pay off all or any Part of the said Sums of Money, then and in every such Case it shall be lawful for the said Company, immediately or at any Time or Times thereafter, again to raise, in lieu of any Principal Money so paid off, the Whole or any Part or Parts of such Sum or Sums of Money as they shall from Time to Time have paid off, and so from Time to Time as often as the same shall happen.

Application  
of Money to  
be raised.

VI. And be it enacted, That the whole Monies hereby authorized to be raised or borrowed, or so much thereof as may be so raised or borrowed, shall be laid out and applied towards the Purposes of the said recited Act and this Act, and to no other Purposes whatsoever.

Prior Mort-  
gages not to  
be affected  
by this Act.

VII. And be it enacted, That nothing in this Act contained shall be held or construed to alter, affect, or diminish any Security or Securities, Mortgage or Mortgages, granted for Money borrowed under the Authority of the said recited Act, all of which shall remain as good, valid, and sufficient in favour of the Grantors therein or Holders thereof, and shall have such Priority and Preference, as they would have had if this Act had not passed.

Company  
may give  
Preference  
to the  
Holders of  
new Stock to  
the Extent of  
5*l.* per Cent  
per Annum  
on said  
Stock.

VIII. And be it enacted, That it shall and may be lawful to the said Company, at any Special General Meeting of the said Company, called in Manner provided by the said recited Act, to guarantee or provide, stipulate and secure, by a Resolution to that Effect in which Three Fourths in Value of the Proprietors present or represented by Proxy at such Meeting shall concur, to the Subscribers or Holders of all or any Part of the Stock to be raised in virtue of this Act, a Dividend or Dividends thereon not exceeding, so far as guaranteed, the Sum of Five Pounds *per Centum per Annum* on such additional Stock, which Dividends, so far as guaranteed, shall be a Burden and Charge on all the other Revenues of the said Company, and shall be paid in preference to all Dividends on the original Stock or Shares, and the Holders of the said new or guaranteed Shares shall be always entitled to receive their Proportions of any Dividend or Per-centage which the said Company may from Time to Time make or declare in any Year to the Proprietors at large, in so far as such general Dividend may exceed the guaranteed Rate; but the Holders of the said new or guaranteed Stock shall not be entitled to receive any larger or higher Rate of Dividend in any One Year than the Amount of the Rate so guaranteed, until the Holders of the other Stock shall receive or draw in the same Year a like Amount of Dividend with the guaranteed Rate; and the whole surplus Revenues beyond the guaranteed Rate of Dividend on the whole Stock guaranteed, and an equal Rate of Dividend on the Stock unguaranteed, shall belong equally to and be divisible among the Proprietors of both Descriptions of Stock; and the Holders of the said new or guaranteed Stock shall in every respect, but in proportion only to the Amount of

Stock



Stock held by them, be entitled to all the same Privileges and Advantages, and Powers of voting and transferring their Stock, as the Proprietors of all or any of the original Stock of the said Company; but no Holder of any less Sum than Twenty-five Pounds as aforesaid shall be entitled to attend and vote at any Meeting of the said Company, and no fractional Part or Amount of Stock, being less than Twenty-five Pounds as aforesaid, shall entitle the Holder to any Vote or Voice in any way in respect thereof in the Affairs of the said Company: Provided always, that the Notice calling any Special General Meeting of the said Company, at which it is to be proposed to guarantee the said Rate of Dividend as aforesaid, shall state specifically the Intention of proposing a Resolution to that Effect at such Meeting, and shall contain an Intimation that those Proprietors who do not attend such Meeting personally or by Proxy will be held as concurring in such Resolution.

IX. And be it enacted, That when the said Company shall resolve to create and sell any new or additional Stock, then the said Company shall, as soon as any Resolution shall be made to that Effect, intimate the same, and the Amount of the Principal Sum so resolved to be converted into Stock, by Circular Letters addressed to each Proprietor of the original Stock or Shares of the said Company, and shall, before receiving or contracting to receive Payment of any such new or guaranteed Stock, put it in the Option of every Proprietor of any of the original Stock or Shares of the said Company, One Month at least before carrying the Resolution into effect, to purchase, pay for, and hold a Portion of the Stock so resolved to be raised, in proportion, or as nearly as may be convenient in proportion, to the Amount of Stock or Capital already paid, and at his, her, or their Credit in the Books of the said Company; and in case any of the said Proprietors shall refuse or neglect for One Calendar Month next after Offer of the same, by Letter under the Hand of the Clerk of the said Company, given to or sent through the Post Office to him, or left at his usual or last known Place of Abode, to accept the Share or Shares so to be appropriated to him, then and in every such Case it shall be lawful for the said Company and they are hereby empowered to sell and dispose of such Shares as shall not be accepted as aforesaid unto such Corporations or Persons as may be willing to become Purchasers thereof, for such Sums of Money as the said Company may be able to obtain for the same.

Original Shareholders to have a Preference of new Stock.

X. And be it enacted, That it shall be lawful to the said Proprietors for the Time being of the said Company and they are hereby empowered, whether before or after any Call or Calls shall have been made in respect of any new Shares held by them respectively, to pay in advance, in case the Committee of Management shall think proper to accept the same, which they are hereby authorized to do, to such Person as the said Committee shall appoint, the respective Sums of Money respectively by them subscribed for, or such Part or Portion thereof as shall be wanting (over and above the Amount, if any, actually paid in respect of such Shares) to make up the full Sum of Twenty-five Pounds, or whatever may be the Amount fixed for the said new Shares, in respect of each such new Share; and the said Company shall and they are hereby required to pay Interest at the Rate of Five Pounds for every Hundred Pounds by the Year upon the Principal Monies which shall have been paid in advance, or for

Interest to be paid on Calls paid in advance.



so much thereof as shall from Time to Time exceed the Amount of the Calls which shall have been made upon the Shares in respect of which such Money shall have been paid in advance as aforesaid.

Special Constables may be appointed by the Sheriff or his Substitute.

XI. And be it enacted, That it shall be lawful for the Sheriff of the County of *Forfar*, or his Substitutes, and he and each of them is hereby required, on the Application of the said Company, to appoint from Time to Time such fit and proper Persons as he shall think proper to be Special Constables on and within the said Railway and other Works, and every or any Part thereof; and every Person so appointed shall make a solemn Declaration, to be administered by the said Sheriff or Sheriff Substitute, duly to execute the Office of a Constable for the said Premises; and every Person so appointed, and having made such Declaration as aforesaid, shall have Power to act as a Constable for the Preservation of the Peace, and for the Security of Persons and Property against Felonies and other unlawful Acts, within the Limits of the said Premises, and to the Extent of One Mile therefrom, and shall have, use, exercise, and enjoy all such Powers, Authorities, Protections, and Privileges for the apprehending of Offenders, as well by Night as by Day, and for doing all Acts, Matters, and Things for the Prevention, Discovery, and Prosecution of Felonies and other Offences, and for the Preservation of the Peace, as Constables duly appointed now have by the Laws and Statutes of this Kingdom, and shall be paid by the said Company; and it shall be lawful for the said Sheriff or his Substitute, on Cause shown, to dismiss or remove any such Constable from his Office of Constable; and upon every such Dismissal or Removal all Powers, Authorities, Protections, and Privileges, by virtue of such Appointment as aforesaid vested in any Person so dismissed or removed, shall wholly cease.

Constables may seize and detain Offenders whose Name and Residence is not known.

XII. And be it enacted, That it shall be lawful for any Constable appointed as aforesaid, and for any Officer or Agent of the said Company, and all such Persons as he shall call to his Assistance, to seize and detain any Person, whose Name and Residence shall be unknown to such Constable, Officer, or Agent, who shall commit any Offence against the said recited Act and this Act, or any or either of them, or the Bye Laws, Rules, and Regulations thereby authorized, and convey such Person with all convenient Dispatch before any Magistrate by the said recited Act and this Act, or either of them, authorized to take cognizance of such Offence, without any Warrant or other Authority than this Act, and such Magistrate is hereby empowered and required to proceed with all convenient Dispatch to the hearing and determining of the Complaint; and it shall be lawful for any such Constable, and the Officers, Agents, and Servants of the said Company, in every Case of Infraction or Non-observance of any of the said Bye Laws, Rules, and Regulations which shall be attended with Danger to the Public or Annoyance to Travellers, summarily to interfere and obviate such Danger, or to remove or prevent the same.

Procedure authorized before Justices may be competent before Sheriff.

XIII. And be it enacted, That in all Cases in which Provision is made by the said recited Act or this Act for any Procedure before the Justices of the Peace for the County of *Forfar* for Punishment of Offences against the said Acts or Regulations thereby authorized, such Procedure may and shall be equally competent before the Sheriff of the County of *Forfar* or his Substitutes.

Fines may be levied on Witnesses

XIV. And be it enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Magistrate



or Judge touching any Matter or Fact contained or involved in or affecting any Complaint laid in pursuance of or for any Offence committed against this Act or the said recited Act, or any Matter which is hereby or by the said Act referred to any Magistrate or Judge, on the Part of the Prosecutor, or on the Part of the Party summoned or accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his Expences, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath (or in the Case of a Quaker on Affirmation), to give Evidence before such Magistrate or Judge, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

refusing to attend, or to be examined on Oath.

XV. And be it enacted, That it shall be lawful for the said Company, or any of the Members of their Committee of Management, or their Servants or Officers, in every Case of Infraction or Non-observance of any of their Rules or Regulations which shall be attended with Danger to the Public or Annoyance to Travellers, or which shall obstruct or hinder the said Company in their due and lawful Use and Working of the said Railway, summarily to interfere and to obviate such Danger, or to remove or prevent such Obstruction, Nuisance, or Hindrance.

Servants and Officers of Company authorized summarily to remove Obstructions, &c.

XVI. And be it enacted, That the Rules, Bye Laws, Regulations, or Orders of the said Company, and also the Tables of Rates, Tolls, and Duties leviable by the said Company, directed by the said recited Act to be distinctly and legibly painted on Boards, shall and may, in the Option of the said Company, be either so painted upon Boards, or legibly printed upon Paper and placed upon Boards, and affixed and published upon the several Toll Houses and Buildings or other public Places on the said Railway, and renewed from Time to Time as directed by the said recited Act; and if any Person shall wilfully, negligently, or maliciously pull down, deface, or destroy such Rules, and others, or any Board whereon any Rules, Orders, Bye Laws, Tolls, or Rates shall be set forth as aforesaid, he shall on Conviction forfeit and pay to the said Company for each Offence any Sum not exceeding Five Pounds.

Rules and Regulations and Tables of Rates may be printed instead of being painted.

XVII. And be it enacted, That no Bye Laws or Regulations already made by the said Company under the Authority of the said recited Act, (except such as relate solely to the Proprietors or Committee of the said Company, or to any of their Officers or Servants,) shall continue in force for a longer Space of Time than Six Calendar Months next after the passing of this Act, unless the same shall, previously to the Expiration of that Period, have been submitted to and approved by the Sheriff Depute of the County of *Forfar*, or any One of his Substitutes; and that no Bye Law or Regulation (except as aforesaid) which shall be made by the said Company after the passing of this Act shall have any Operation or Effect until the same shall have been in like Manner approved of by the said Sheriff Depute or any of his Substitutes; but every such Bye Law or Regulation, when approved of as aforesaid, shall be binding and conclusive upon all Persons whomsoever: Provided always, that such Bye Laws and Regulations shall be published in some Newspaper printed in the County of *Forfar* Six Weeks at least before the same shall be submitted to the said Sheriff, who is hereby authorized to hear any Party who objects to any such Bye Law or Regulations.

Bye Laws to be invalid unless allowed by the Sheriff.

XVIII. And



Rates of Carriage to be charged equally.

XVIII. And be it enacted, That the Charges by the said recited Act authorized to be made for the Carriage of any Passengers, Goods, Animals, or other Matters or Things to be conveyed by the said Company, or for the Use of any Steam Power or Carriage to be supplied by the said Company, shall be at all Times charged equally to all Persons, and after the same Rate *per* Mile, or *per* Ton *per* Mile, in respect of all Passengers, and of all Goods, Animals, or Carriages of a like Description, and conveyed or propelled by a like Carriage or Engine, passing on the same Portion of the Line only, and under the same Circumstances, and no Reduction or Advance in any Charge for Conveyance by the said Company, or for the Use of any locomotive Power to be supplied by them, shall be made either directly or indirectly in favour of or against any particular Company or Person travelling upon or using the same Portion of the said Railway.

Railway not to be exempted from any general Act relating to Railways.

XIX. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this Act or the said herein-before recited Act authorized to be made from the Provisions of any general Act relating to Railways which may pass during the present or any future Session of Parliament.

Annual Account to be made up, and Copy to be transmitted to the Sheriff Clerk.

XX. And be it enacted, That the said Company shall and they are hereby required, in each and every Year, to cause an Annual Account in Abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied under or by virtue of this or the said recited Act for the Year ending on some convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by not less than Three of the Committee for the Time being of the said Company, and shall transmit a Copy of the said Account, free of Charge, to the Sheriff Clerk of the County of *Forfar*, on or before the First of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection : Provided always, that if the said Company shall omit or neglect to prepare and transmit, or cause to be prepared and transmitted, such Account as aforesaid, they shall forfeit and pay for every such Omission or Neglect the Sum of Twenty Pounds.

Costs of Act to be paid.

XXI. And be it enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act shall be paid and defrayed by the said Company out of the first Money to be raised by virtue of the said recited Act or this Act, in preference to any other Payment whatever hereby authorized to be raised and paid out of the same accordingly.

Public Act.

XXII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.