



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. 1.

An Act to incorporate a Company for extending the *Banff, Macduff, and Turriff Junction* Railway from *Turriff* to *Banff* and *Macduff*.

[27th July 1857.]

WHEREAS an Act of Parliament was passed in the Session of Parliament held in the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, called "The *Banff, Macduff, and Turriff Junction* Railway Act, 1855," whereby Authority was given for the making of a Railway from the *Great North of Scotland* Railway to *Turriff* in the County of *Aberdeen*: And whereas great Progress has been made in the Construction of such Railway, and the Extension of the said Railway from *Turriff* to *Banff* and *Macduff* would be of great local and public Advantage: And whereas a Plan and Section of the Extension Railway showing the Line and Levels thereof, with a Book of Reference to the Plan containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of the Lands through which the said Railway will pass, were deposited with the Principal Sheriff Clerks for the Counties of *Aberdeen* and *Banff* in the Month of *November* last: And whereas the Persons herein-after named, with others, are willing, at their own Expense, to construct the said Extension Railway, but they cannot do

18 & 19 Vict.
c. lvii.

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so without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

8 & 9 Vict.
cc. 17. 19.
and 33. in-
corporated.

I. "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act.

"The Com-
pany."

II. In this Act the Words "the Company" shall mean the Company incorporated by this Act, and the Words "the Railway" shall mean the Extension Railway hereby authorized.

Subscribers
incorporated.

III. *John Blaikie, Newell Burnett, Alexander Jopp, John Duguid Milne, John Stewart, Robert Duncan, William Aristides Verel, Alexander Souter, Edward Mortimer,* and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway hereby authorized, and such Company shall be incorporated by the Name of "*The Banff, Macduff, and Turriff Extension Railway Company,*" and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the incorporated Acts contained.

Capital.

IV. And whereas the estimated Cost of the Railway is Eighty-one thousand Pounds: The Capital of the Company shall be Eighty-one thousand Pounds.

Shares.

V. The Number of Shares into which the Capital shall be divided shall be Eight thousand one hundred, and the Amount of each Share shall be Ten Pounds.

Calls.

VI. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Two Months at the least shall be the Interval between successive Calls, and Two Third Parts of the Amount of a Share shall be the utmost aggregate Amount of Calls to be made in any One Year upon any Share.

Power to
borrow on
Mortgage.

VII. The Company may borrow on Mortgage any Sums not exceeding in the whole the Sum of Twenty-seven thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said
Capital

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Capital or Sum of Eighty-one thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

VIII. The Moneys by this Act authorized to be raised, whether by Shares or Mortgage, shall be applied only in carrying into execution the Objects and Purposes of this Act. Application of Capital.

IX. The Subscription Contract which, pursuant to the Standing Orders of Parliament, was entered into with respect to the Undertaking authorized by this Act previously to the Commencement of the last Session of Parliament, shall be as valid and shall be construed as if this Act had been passed in the said last Session. Confirmation of Subscription Contract.

X. The *Great North of Scotland* Railway Company may subscribe towards and become Shareholders in the Undertaking to any Extent not exceeding Five thousand Pounds, and they may pay the said Sum, or any Part thereof, by and out of any of the Moneys by "The *Great North of Scotland* Railway Amendment Act, 1851," authorized to be raised, and which may not be required by the *Great North of Scotland* Railway Company for any other Purpose. Power for Great North of Scotland Company to subscribe.

XI. The said last-mentioned Railway Company may from Time to Time, so long as they remain Subscribers to the Undertaking, appoint any Person (whether a Shareholder or not in the Undertaking hereby authorized) to vote on behalf of the *Great North of Scotland* 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 the Person so appointed shall during his Appointment have the same Right of voting at such Meeting as he would have if the Shares held by the *Great North of Scotland* Railway Company were held by him in his own Right. Nominee of such Company to vote for them.

XII. Provided always, That every such Appointment or Revocation shall be in Writing, and under the Seal of the *Great North of Scotland* Railway 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. How Appointment of such Person to be signified.

XIII. 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 Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before 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 Interest not to be paid on Calls paid up.

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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 Company's Capital.

XIV. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, 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 Work or Undertaking.

First and subsequent General Meetings.

XV. The First Ordinary Meeting of the Company shall be held at *Banff* within Three Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held twice in every Year, in the Months of *March* or *April* and *September* or *October*, as the Directors may appoint; and all Meetings, whether ordinary or extraordinary, shall be held alternately in *Banff* and *Aberdeen*, but the principal Office of the Company shall be in *Banff*.

Quorum of General Meetings.

XVI. The Quorum of General Meetings of the Company shall be Nine Shareholders, present personally or by Proxy, holding in the aggregate not less than Five thousand Pounds in the Capital of the Company.

Votes of Shareholders.

XVII. At all General Meetings of the Company the Scale according to which the Shareholders may vote in respect of their Shares shall be as follows; (that is to say,) for Two Shares or more, but not exceeding Five Shares, One Vote; for more than Five Shares an additional Vote for every Five Shares to the Extent of Fifty Shares; for more than Fifty Shares an additional Vote for every Ten Shares over and above the said Fifty Shares: Provided always, that no Shareholder shall be entitled to vote at any Meeting unless he shall have paid up all the Calls then payable upon the Shares held by him.

Number and Qualification of Directors.

XVIII. The Number of the Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Thirty Shares in the Capital of the Company.

First Directors of Company.

XIX. *Alexander Jopp, John Stewart, Robert Duncan, William Aristides Verel, Alexander Souter, and Edward Mortimer*, shall be the First Directors of the Company.

Such Directors to continue in

XX. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act,

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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 supply the Places of those not continued in Office, the Directors appointed by this Act being capable of Re-election.

Office until
First Meet-
ing after
passing of
Act.

XXI. At the First Ordinary Meeting held in the Year next after the Year in which such last-mentioned Directors shall have been elected, and in every succeeding Year, 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.

Election of
future Di-
rectors.

XXII. A Quorum of a Meeting of Directors shall be Three.

Quorum.

XXIII. It shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, to make and maintain the Railway herein-after described, with all proper Works, Approaches, and Stations, in the Line and upon the Lands delineated on the said Plan, and described in the said Book of Reference, and according to the Levels described on the said Section, subject nevertheless to the Provisions herein-after contained as to a Deviation in the Parish of *Turriff*, and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Power to
make Rail-
way accord-
ing to depo-
sited Plans.

XXIV. And whereas the Railway, according to the said Plan, will cross on the Level the *Turriff* Turnpike Road in the Parish of *Turriff*, but such level Crossing is objected to by the Trustees of the Road and other Parties interested therein: And whereas such level Crossing may be avoided by diverting the Turnpike Road and carrying it under the Railway, and by diverting also a public Road into which the said Turnpike Road leads: And whereas these Alterations involve Works not shown upon the said deposited Plan, and fresh Plans and Sections showing how the said Roads will be diverted and altered, and a Book of Reference to such Plans containing the Names of the Owners, Lessees, and Occupiers of the Lands which may be required to be taken in diverting the said Roads, were deposited in the Month of *April* last with the Principal Sheriff Clerk for the County of *Aberdeen*, and with the Schoolmaster of the Parish of *Turriff*: Be it enacted, That the Company shall and they are hereby required to cross and divert the said Turnpike Road, and to divert the said public Road in manner shown upon the Plans and

Power to
alter Turn-
pike Road
and public
Road in
Parish of
Turriff.

[*Local.*]

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Sections

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Sections so deposited in the Month of *April* One thousand eight hundred and fifty-seven, instead of as shown upon the said Plan and Section deposited in *November* last; and the Company may take and enter upon such of the Lands delineated on the said Plan and described in the said Book of Reference deposited in the Month of *April* One thousand eight hundred and fifty-seven as may be necessary in diverting and altering the said Roads.

Company to maintain and repair Part of Turnpike Road when diverted;

XXV. And whereas the said Turnpike Road when diverted will be One hundred and forty Yards longer than it now is, and it is reasonable that the Company should keep in repair such additional Length of Road: Be it enacted, That from and after the Diversion of the said Turnpike Road the Company shall, at their own Expense, in all Time coming maintain and keep in good Order and Repair Seventy Yards in Length of the said Road on each Side of the centre Line of the Railway.

and to make an Embankment to keep out Flood Waters.

XXVI. For the Purpose of protecting the North Side of the said new Road next to and exposed to the Floods of the Water of *Turriff* the Company shall at their own Expense erect and at all Times maintain an Embankment along the said Portion of the said Road and the said River or Water of *Turriff* of sufficient Height and Strength to resist the Flood Waters.

Describing the Line of Railway.

XXVII. The Railway shall commence by a Junction with the authorized Line of the *Banff, Macduff, and Turriff Junction* Railway in the Parish of *Turriff*, pass through or into the said Parish of *Turriff* and the Parish of *King Edward* in the County of *Aberdeen*, and of *Gamrie* in the County of *Banff*, and terminate in the last-mentioned Parish at the *Hill of Doun* or *Doune*, near the Bridge over the River *Deveron*.

Regulating Inclinations of certain Roads.

XXVIII. It shall be lawful for the Company to construct the Approaches to the Bridges, Arches, or level Crossings for carrying the Roads numbered as after mentioned on the said deposited Plans over, under, or across the Railway, as also to make and construct the proposed Alterations and Diversions 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 deposited in November.	Parish.	Rate of Inclination.
No. 104. Turnpike Road -	Turriff - -	Not steeper than 1 in 14.
No. 171. Public Road -	Turriff - -	Not steeper than 1 in 19.
No. 67. Public Road -	King Edward -	Not steeper than 1 in 10.
No. 119. Public Road -	King Edward -	Not steeper than 1 in 15.
No. 6. Public Road -	Gamrie - -	Not steeper than 1 in 18.
No. 84. Public Road -	Gamrie - -	Not steeper than 1 in 6.

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No. on Plan deposited in April.	Parish.	Rate of Inclination.
No. 232. Public Road from Auchterless.	Turriff - -	Not steeper than 1 in 10.
No. 232. Public Road to Huntly.	Turriff - -	Not steeper than 1 in 16.

XXIX. It shall be lawful for the Company, in carrying under the Railway the public Carriage Roads in the Parish of *King Edward*, numbered respectively 34 and 119 on the said Plan deposited in *November*, to construct the Bridges, Arches, Approaches, and Alterations of the said Roads of such Width as they may think fit, not being less than Twenty Feet, and in carrying under the Railway the Turnpike Road numbered 217 on the Plans deposited in *April* last to construct the Bridge or Arch of such Height as they think fit, not being less than Twelve Feet.

Regulating Width and Height of certain Bridges.

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

Lands for extraordinary Purposes.

XXXI. It shall be lawful for all Persons owning or entitled to any Lands or other Property authorized or required to be taken for any of the Purposes of this Act, whether such Persons shall hold or be entitled to dispose of such Lands or other Property absolutely, or being under any legal Disability or Incapacity within the Meaning of Section Seven of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," shall be only able to sell or convey the same under the Powers of this Act and of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," to agree with the Company to sell and convey such Lands and other Property, or any Part thereof, unto the Company, in consideration of an annual Feu Duty or Ground Annual to be paid by the Company.

Power to purchase Lands on Feu Duties.

XXXII. Provided always, That it shall not be lawful for the Company to pay, nor for any Party having a limited Interest in or being under Disability or Incapacity to sell or convey any Lands, to receive or take any Grassum, Fine, or Premium, or any Consideration in the Nature thereof, for the Lands to be so conveyed, other than the annual Feu Duties or Ground Annuals made payable by such Conveyance; and the Amount of such Feu Duties or Ground Annuals shall, in case of Difference, be ascertained and settled by Valuers in the Manner prescribed by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Valuation of Lands sold by Agreement by Parties under legal Disability or Incapacity to convey as aforesaid.

Grassums not to be taken.

XXXIII. Pro-

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Provision for
Limitation
of Capital.

XXXIII. Provided also, That in the event of the Company agreeing with any Persons for the Purchase of Land for the Purposes of the Railway in consideration of an annual Feu Duty or Ground Annual, under the Powers of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," or of this Act, the Capital of the Company to be raised by Mortgage or Bond shall be diminished in respect of the Land so purchased by an Amount equal to Twenty Years Purchase of the said Feu Duty or Ground Annual.

Provision for
Recovery of
Feu Duties.

XXXIV. All Feu Duties or Ground Annuals for any Lands acquired for the Purposes of the Undertaking hereby authorized, and made payable by any Conveyance under this Act and the said last-named Consolidation Act, shall be a First Charge on the Tolls and Rates leviable under this Act and other Revenues of the Company, anything in this Act or in any of the Consolidation Acts herewith incorporated to the contrary notwithstanding; and if at any Time any such Feu Duties or Ground Annuals remain unpaid for Thirty Days after they respectively become payable, it shall be lawful for the Person entitled for the Time being to Payment of such Feu Duties or Ground Annuals to recover the same from the Company, with Interests and Costs, by Action in the Sheriff Court of the County of *Aberdeen* or the County of *Banff*, in whichever of the said Counties the Lands may be situate, or summarily by Pounding and Sale of the Goods and Effects of the Company, on Application by Petition to the Sheriff of the County, whose Decision in either Case shall be final, and shall not be subject to Review in any Manner whatsoever; and it shall not be lawful for any such Person to resume Possession of the Lands so conveyed, or to proceed by any Action of Declarator or Reduction, or by Real Diligence or any other Process whatever in respect thereto, or in respect to the said Feu Duties or Ground Annuals.

Powers for
compulsory
Purchases
limited.

XXXV. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for
Completion
of Works.

XXXVI. The Railway shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said incorporated Acts granted to the Company for making the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Communica-
tions with

XXXVII. The Communications between the Railway and the *Banff, Macduff, and Turriff Junction* Railway, and all such Openings
in

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in the Ledges or Flanches of such Railway as may be necessary or convenient for effecting such Communications, shall be made under the Direction and Superintendence of the Engineer for the Time being of the *Banff, Macduff, and Turriff Junction* Railway Company; and in case of any Difference arising as to the Mode of effecting such Communications, then the same shall be determined by a Referee, to be appointed at the Cost of the Company by the Board of Trade on the Application of either Company.

Banff, &c.
Railway to
be made
under the
Direction of
their En-
gineer.

XXXVIII. Nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company to take or enter upon any of the Lands belonging to the *Banff, Macduff, and Turriff Junction* Railway Company, or to alter, vary, or interfere with their Railway, or any of the Works thereof, further or otherwise than is necessary for the convenient Junction and Inter-communication between the said Railway and the Railway hereby authorized, without the Consent in Writing of the said Company in every Instance for that Purpose first had and obtained.

Company not
to take Lands
nor interfere
with the
Works of
Banff, &c.
Railway
without
Consent.

XXXIX. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of the *Banff, Macduff, and Turriff Junction* Railway Company otherwise than is herein expressly provided.

Saving the
Rights of
Banff, &c.
Railway
Company.

XL. Whereas pursuant to the Standing Orders of both Houses of Parliament and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, the Sum of Six thousand and seventy-five Pounds, being Ten *per Centum* upon Three Fourths of Eighty-one thousand Pounds, the estimated Cost of the Railway, has been deposited in the Commercial Bank of *Scotland* in the Name and with the Privity of the Queen's Remembrancer of the Court of Exchequer in *Scotland* in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Six thousand and seventy-five 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, 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 Railway, either open the Railway 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

Money de-
posited in
Bank to be
forfeited to
the Crown
in a certain
Event.

[Local.]

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Company

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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 Railway 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 at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Six thousand and seventy-five 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 Six thousand and seventy-five Pounds if the Company shall not, within the Time limited for the Completion of the Railway, either open the Railway 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 recited Act 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 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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XLI. It shall be lawful for the Company on the one hand, and the *Banff, Macduff, and Turriff Junction* Railway and the *Great North of Scotland* Railway Company, or either of those Companies, on the other hand, from Time to Time to enter into Contracts and Agreements for and in respect of the working, Maintenance, Management, and Use of the Railway hereby authorized, and for and in respect of the Interchange of Traffic, and the Collection, Division, and Appropriation of the Tolls, Rates, and Charges in respect thereof, and any Matter incidental thereto.

Company may contract with the Banff, &c. and the Great North of Scotland Railway Companies as to working and Use of Railway.

XLII. Provided always, That any such Contract or Agreement shall not be for more than Ten Years, and shall not be valid and binding unless and until approved of by the Board of Trade, who shall not approve thereof without being satisfied that it has been duly assented to by the Shareholders of the Companies Parties thereto in Extraordinary Meeting assembled for the Purpose as herein-after provided.

Duration of Contract.

XLIII. Any such Contract or Agreement shall not be valid without the Sanction of an Extraordinary Meeting of each of the Companies Parties thereto, given by a Majority at each such Meeting of the Holders of Three Fifths of the Capital represented thereat respectively, personally or by Proxy.

Sanction of Extraordinary Meetings to Traffic Arrangements.

XLIV. Such Meetings shall be called by Advertisements inserted for Two successive Weeks in a Newspaper published in *Edinburgh* and in some Newspaper of the County in which the principal Office of the Company to be convened is situate (the last of which Advertisements shall be published not less than Seven Days before the Meeting is held), and also by a Circular addressed to each Shareholder entitled to vote at Meetings of the Company, to be served in the Manner prescribed by "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to Notices requiring to be served by the Company upon the Shareholders.

Meetings, how to be convened.

XLV. Provided also, That any such Contract or Agreement shall not in any Manner increase any of the Tolls, Rates, or Charges which the respective Companies Parties thereto are from Time to Time respectively authorized to demand or receive from any Person not Party to the Contract or Agreement, but all such other Persons shall, notwithstanding any such Contract or Agreement, be entitled to use the Railways to which the Contract or Agreement relates upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as if the Contract or Agreement were not entered into.

Traffic Arrangements not to affect Tolls, &c.

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Contract
may be re-
newed with
Approval of
Board of
Trade.

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

XLVI. At the Expiration of any such Contract or Agreement the Companies Parties thereto, with the Sanction of an Extraordinary Meeting of their Shareholders respectively, given by a Majority at each such Meeting of the Holders of Three Fifths of the Capital represented thereat respectively personally or by Proxy, may enter into a further Contract or Agreement for all or any of the Purposes aforesaid, subject to the Approval of the Board of Trade: Provided always, that before such Companies shall enter into any such further Contract or Agreement as aforesaid, they shall give Notice of their Intention to do so by Advertisement inserted once in each of Three successive Weeks in some Newspaper published or circulating in each County in which any Part of the Railway or Railways to which such proposed Contract or Agreement relates is situated; and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Contract or Agreement, and desiring to object thereto, may bring such Objections before the Board of Trade.

Power to
enter into
Agreements
with Banff,
&c. Railway
Company as
to Station at
Turriff.

XLVII. Arrangements and Agreements may be made between the Company and the *Banff, Macduff, and Turriff Junction* Railway Company for the Formation, Maintenance, Arrangement, Management, and joint Use of a Station at *Turriff* for the Accommodation of the respective Traffic of the said Companies; and it shall be lawful for the Companies to give effect to, and from Time to Time to alter, vary, or renew any such Arrangements and Agreements; and it shall also be lawful for the Companies to hold Lands for their joint Use and at their joint Disposal, and to appoint a joint Committee, composed of such Number of their Directors respectively as they think fit, for the Regulation and Management of the joint Station, and to agree on Regulations as to the Appointment and Duties of such joint Committee and their Powers; and in case either of the said Companies shall purchase or acquire Land for the said joint Station, such Company shall hold such Land in trust for the joint Use of the Companies upon such Terms as may be agreed upon; and the Company who shall not have purchased the same shall contribute and pay to the Company who purchased such Land such Portion of the Purchase or Consideration Money, and other Expenses incurred in acquiring the same, as has been or shall be agreed upon.

Arbitration
in regard to
joint Sta-
tions.

XLVIII. If any Questions, Disputes, or Differences shall arise between the said Companies in regard to the Formation, Maintenance, Arrangement, Management, or Use of the said joint Station, or in relation to the Lands acquired or to be acquired for the Purposes of the said Station, or in regard to any Agreement as to the Matters aforesaid, or any of them, or otherwise in relation thereto, the same shall

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shall from Time to Time, so often as they shall arise, be settled by Arbitration in the Manner provided by "The Railways Clauses Consolidation (Scotland) Act, 1845," with respect to the Settlement of Disputes by Arbitration.

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

1. In respect of the Tonnage of all Articles conveyed upon the Railway or any Part thereof, as follows: Tonnage on Articles of Merchandise.

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* not exceeding Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny:

For all Coals, 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, 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* not exceeding Twopence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* not exceeding Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny Halfpenny:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per Ton per Mile* not exceeding Fourpence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding Twopence:

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* not exceeding Sixpence:

And a like Sum of Three Halfpence *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh.

2. In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows: Tolls for Passengers and Cattle.

For any Person conveyed in or upon any such Carriage, *per Mile* not exceeding Twopence; and if conveyed in or upon Carriages *belonging*
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belonging to the Company, an additional Sum not exceeding One Penny *per* Mile:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding Threepence *per* Mile:

For every Calf or Pig, Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Penny Halfpenny *per* Mile.

Tolls for
propelling
Power.

L. The Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway 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.

Regulations
as to the
Tolls.

LI. The following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than Three Miles the Company may demand as for Three entire Miles:

For a Fraction of a Mile beyond Three Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandise for such Fraction in proportion to the Number of Quarters of a Mile contained therein; and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile:

For a Fraction of a Ton the Company may demand Toll 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 or a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

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.

LII. And

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LII. And with respect to small Packages and single Articles of great Weight, be it enacted, That notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand Tolls not exceeding the following; (that is to say,)

Tolls for
small Parcels
and single
Articles
of great
Weight.

For the Carriage (over the whole or any Part of the Line) of small Parcels not exceeding Seven Pounds in Weight, Threepence:

For the Carriage of any Parcel exceeding Seven Pounds but not exceeding Fourteen Pounds in Weight, Sixpence:

For the Carriage of any Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, Ninepence:

For the Carriage of any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, One Shilling:

For the Carriage of any Parcel exceeding Fifty-six Pounds but not exceeding One hundred and twelve Pounds in Weight, Two Shillings:

For the Carriage of any Parcel exceeding One hundred and twelve Pounds but not exceeding Two hundred and twenty-four Pounds in Weight, Four Shillings:

For the Carriage of Parcels exceeding Two hundred and twenty-four Pounds 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 Stone or Timber, 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 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.

LIII. 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 than Twopence *per Passenger per Mile* in respect of any Passenger travelling in a First-class Carriage, One Penny Halfpenny *per Passenger per Mile* in respect of any Passenger travelling in a Second-class Carriage, and One Penny *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

Limiting
Charges for
Conveyance
of Passen-
gers.

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and all other Charges incidental to such Conveyance, unless in the Case of Passengers travelling by Special Trains: Provided always, that in the Case of Trains travelling at a greater Rate of Speed than Thirty Miles *per* Hour, it shall be lawful for the Company to demand and receive in respect of Passengers travelling by such Trains in a First-class Carriage any Sum not exceeding Threepence *per* Mile, and for Passengers travelling by such Trains in a Second-class Carriage any Sum not exceeding Twopence *per* Mile, and if travelling in a Third-class Carriage by such Trains any Sum not exceeding One Penny Halfpenny *per* Mile, including in such Charge the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance.

Limiting
Charge for
Conveyance
of Goods.

LIV. 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, 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, than the several Sums herein-after mentioned; (that is to say,)

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile One Penny Halfpenny :

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, and 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 :

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Twopence Halfpenny :

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, and Things, *per* Ton *per* Mile Threepence Halfpenny :

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 an additional Sum of One Penny Halfpenny *per* Mile for every Quarter of a Ton above One Ton that any such Carriage may weigh:

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

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

For

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For every Calf or Pig, Sheep, Lamb, or other small Animal, *per* Mile Three Farthings:

Provided always, that if any Passenger, Animals, or Goods be conveyed for a less Distance than Three Miles on the Railway, the Company shall be entitled to demand and receive Tolls as and for Three entire Miles.

LV. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twelve 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. Passengers Luggage.

LVI. The Restriction as to the Charges to be made for Passengers shall not extend to any Special Trains that may be required to run upon the Railway, but shall apply only to the Express and Ordinary Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railway. Restriction as to Charges not to apply to Special Trains.

LVII. 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 of such Goods, except small Parcels, by Passenger or other Trains, or by reason of any other special Service performed by the Company in relation to such Goods. Company may take increased Charges by Agreement.

LVIII. Nothing herein contained shall be deemed or construed to exempt the Railway 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 maximum Rates of Fares and Charges authorized by this Act, or of the Rates for small Parcels. Railway not exempt from Provisions of present and future General Acts.

LIX. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company. Expenses of Act.

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LX. In

The Banff, Macduff, and Turriff Extension Railway Act, 1857.

Short Title.

LX. In citing this Act for any Purpose it shall be sufficient to use the Expression “*The Banff, Macduff, and Turriff Extension Railway Act, 1857.*”

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