





*The Banff, Portsoy, and Strathisla Railway Act, 1857.*

*Scotland* Railway, and it is expedient and will be for the public Advantage that a Station should be constructed at or near the Point of Junction of the said respective Railways for the joint Accommodation of the Traffic of the Company hereby incorporated and the said *Great North of Scotland* Railway Company, and that the Company hereby incorporated should be authorized, either alone or jointly with the said last-mentioned Company, to acquire Land for the Purpose of such Station, and to enter into Arrangements and Agreements with the said Company for the Construction, Arrangement, Maintenance, Working, Use, and Apportionment of the said Station: And whereas the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

8 & 9 Vict.  
cc. 17., 19,  
& 33. incor-  
porated.

I. The several Acts of Parliament following, (that is to say,) "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.

Short Title.

II. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "*The Banff, Portsoy, and Strathisla Railway Act, 1857.*"

Interpreta-  
tion of  
Terms.

III. The following Words wherever they occur in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

"The Company" shall mean the Company hereby incorporated;

"The Railways" shall mean the Railways and Works hereby authorized.

Subscribers  
incorporated.

IV. The Honourable *Thomas Charles Bruce, James Moir, John Allan, William Gillespie Bryson, William James Tayler, Lauchlan Duff Gordon, Robert Duncan, James Wood, Adam Longmore Minty,* 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 Railways herein-after particularly described, with all proper Works and Conveniences belonging thereto respectively, according to the Provisions of the said incorporated Acts and of this Act, and for the other Purposes herein and in the said incorporated Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "*The Banff, Portsoy, and Strathisla Railway Company,*" and  
by



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by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the said Acts contained.

V. The Capital of the Company shall be Ninety thousand Pounds, and the whole thereof, when raised, shall be applicable only to the Purposes authorized by this Act.

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

VII. 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 the aggregate Amount of Calls to be made on any One Share in any One Year shall not exceed Six Pounds in the whole.

VIII. 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 the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before 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.

IX. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes thereof, 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.

X. Subject to the Provision herein-after contained, it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole Thirty thousand Pounds, but no Part of such Sums shall be borrowed until the whole of the said Capital of Ninety thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up: Provided always, that the Sums to be borrowed under the Powers hereby conferred shall be applied solely to the Purposes authorized by this Act.

XI. It



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Arrears may be enforced by Appointment of a Judicial Factor.

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

First and subsequent General Meetings.

XII. The First Ordinary Meeting of the Company shall be held at *Banff* within Two 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 *Portsoy*, but the principal Office of the Company shall be in *Banff*.

Quorum of General Meetings.

XIII. The Quorum of General Meetings of the Company shall be Ten 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.

XIV. 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.

XV. Subject to the Provision herein-after contained, the Number of Directors shall be Nine, and the Qualification of a Director shall be the Possession in his own Right of Thirty Shares in the Capital of the Company.

Power to vary the Number of Directors.

XVI. It shall be lawful for the Company to reduce the Number of Directors, provided that the reduced Number be not less than Five.

First Directors.

XVII. The Honourable *Thomas Charles Bruce*, *James Moir*, *John Allan*, *William Gillespie Bryson*, *William James Tayler*, *Lauchlan Duff Gordon*, *Robert Duncan*, *James Wood*, and *Adam Longmore Minty* shall be the First Directors of the Company.

First Election of Directors.

XVIII. The Directors hereby appointed shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy,



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

XIX. At the First Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected 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 said "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 "Companies Clauses Consolidation (*Scotland*) Act, 1845."

Future  
Directors.

XX. The Quorum of a Meeting of Directors shall be Five; and if their Number shall be reduced to Five, the Quorum shall be Three; and the Quorum of any Committee of Directors shall be Three.

Quorum of  
Directors.

XXI. It shall be lawful for the Company to make the Railways herein-after mentioned, with all proper Works, Approaches, Stations, and Conveniences connected therewith; (that is to say,)

Lines of  
Railway.

First. A Railway commencing by a Junction with the *Great North of Scotland* Railway at or near the *Grange* Station of that Railway in the Parish of *Grange*, and terminating in the Town or Royal Burgh of *Banff* at or near the Gasworks, which Railway will pass from, in, through, or into the Parishes of *Grange*, *Rothiemay*, *Marnoch*, *Ordiquhill*, *Fordyce*, *Boyndie*, *Banff*, or some of them, and the Royal Burgh of *Banff*, all in the County of *Banff*:

Secondly. A Branch Railway diverging therefrom at a Point at or near to the Farm Road North of the Houses of *Tillynaught*, and about One hundred Yards West of where the said Road crosses the Burn of the *Boyne*, and terminating at a Point at or near to the West Pier of the inner Harbour of *Portsoy*, and which Branch Railway will be wholly situate in the Parish of *Fordyce* and County of *Banff*.

XXII. And whereas Plans and Sections of the said Railways showing the Lines and Levels thereof, together with a Book of Reference to the said Plans containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited in the Office in the Town of *Banff* of the Principal Sheriff Clerk of the County of *Banff*: Be it enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the Company to make and maintain the said Railways and Works

Power  
to make  
Railways  
according to  
deposited  
Plans, &c.

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in the Lines and upon the Lands delineated on the said Plans, and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Level  
Crossings.

XXIII. Subject to the Provisions in this Act and in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," contained, it shall be lawful for the Company in the Construction of the said Railways to carry the same with a double Line of Railway across and upon the Level of the several Turnpike and public Roads numbered on the Plans deposited as aforesaid, as follows; (that is to say,)

No. on Plan.	Parish.	Description of Roads.
MAIN LINE.		
11	Boyndie - - -	Commutation Road.
49	Boyndie } - - -	Commutation Road.
5	Banff } - - -	
59	Boyndie } - - -	Commutation Road.
21	Banff } - - -	
60	Boyndie } - - -	Turnpike Road.
26	Banff } - - -	
PORTSOY BRANCH.		
264	Fordyce - - -	Turnpike Road.

Lodges or  
Stations to  
be made at  
level Cross-  
ings.

XXIV. For the greater Convenience and Security of the Public the Company shall erect and maintain either a Station or Lodge at the Place where the Railway shall cross the before-mentioned Roads on the Level, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of  
Trade may  
require  
Bridges to be  
erected in  
lieu of level  
Crossings.

XXV. It shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the public Safety, at any Time, either before or after the Railways hereby authorized to be carried across the said Roads on the Level shall have been completed and opened for public Traffic, to require the Company, within such Time as the Board shall direct, and at the Expense of the Company, to carry the herein-before mentioned Roads either over or under the Railway by means of Bridges or Arches in lieu of crossing the same on the Level,

or



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or to execute such other Works as under the Circumstances of the Case shall appear to the Board of Trade best adapted for removing or diminishing the Danger arising from such level Crossings.

XXVI. 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 Railways hereby authorized with such Inclinations as they think fit, not steeper than the following; (that is to say,) Regulating Inclinations of certain Roads.

## MAIN LINE.

In the Case of the Road numbered 74 in the Parish of *Grange*, not steeper than 1 in 16.

## PORTSOY BRANCH.

In the Case of the Road numbered 122 in the Parish of *Fordyce*, not steeper than 1 in 20.

In the Case of the Road numbered 236 in the Parish of *Fordyce*, not steeper than 1 in 14.

XXVII. It shall be lawful for the Company to construct the Bridge or Arch for carrying the Railway over the Road numbered Thirteen in the Parish of *Grange* on the said deposited Plans of such Dimensions as they think fit, not being less than Fifteen Feet Span and Ten Feet Six Inches in Height. Regulating Span and Headway of a certain Bridge.

XXVIII. Where the Limits of Deviation extend below High-water Mark on or near the Town of *Banff*, the Railway and other Works shall not deviate Seaward of the continuous Centre Line of Way marked on the Plan deposited at the Admiralty without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only in such Manner as may be mentioned in any such Consent. Construction of Railway on the Shore near Town of Banff not to be deviated without Consent of the Admiralty.

XXIX. Where the Railway skirts the Seashore, and cuts off or will cut off Access between the Land and Water, the Company shall, during the Formation of the Railway, and from Time to Time thereafter, make and maintain, and allow to be used by all Persons and at all Times, free of Toll or other Charge, all such Footways and Carriageways over, under, or across the Railway, or on a Level therewith, as the said Lord High Admiral or the said Commissioners shall at any Time or from Time to Time require, such Requirement to be signified in Writing under the Hand of the Secretary of the Admiralty. Company to allow Access across the Railway to the Seashore.

XXX. The Company shall not claim or be entitled to any exclusive Right of Water Frontage where the Railway skirts the Shore, but only such Frontage as the Company may require for the Uses of the Railway, Company not to claim exclusive Right of



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Frontage to Seashore.

Railway, and any other Persons legally entitled may, with the previous Assent of and as approved of by the said Lord High Admiral or the said Commissioners, to be signified in Writing under the Hand of the Secretary of the Admiralty, and with the Consent of the Owners of the Soil, construct Quays, Wharfs, and other Works to Seaward of the Railway.

Plans and Working Drawings of the Railway along the Quay at Portsoy, &c. to be approved by the Admiralty before Works commenced.

XXXI. Previously to commencing the Railway where the Centre Line of Way is carried along the Quay at *Portsoy* and the Limits of Deviation extend below High-water Mark, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Railway for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Railway shall be constructed only in accordance with such Approval.

Admiralty may order a local Survey at Expense of Company.

XXXII. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and, if not paid upon Demand, may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Works affecting tidal Waters may be removed by Admiralty, if allowed to fall into Decay, at Expense of Company.

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

Lands for extraordinary Purposes.

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

XXXV. It



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XXXV. 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 Person shall hold or be entitled to dispose of such Lands or other Property absolutely, or who, being under any legal Disability or Incapacity within the Meaning of Section Seven of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," incorporated with this Act, shall be only able to sell or convey the same under the Powers of this Act and of the said "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.

XXXVI. 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 or Rights or Interests 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.

XXXVII. Provided also, 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 Limitation of Capital.

XXXVIII. 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 to the Person entitled for the Time being to Payment of such Feu Duties or Ground Annuals to recover the same from the Company, with Interest and Costs, by Action in the Sheriff Court of the County of *Banff*, or summarily by Poinding and Sale of the Goods and Effects of the

Provisions for Recovery of Feu Duties.

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Company,



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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.

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

Period for Completion of Works.

XL. The Railways 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 incorporated Acts granted to the Company for executing the Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Communications with Great North of Scotland Railway to be made under the Direction of their Engineer.

XLI. The Communications between the said Main Line of Railway and the *Great North of Scotland* Railway, and all such Openings in the Ledges or Flanches of such last-mentioned 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 *Great North of Scotland* Railway Company, and in case of any Difference arising as to the Mode of effecting such Communications, then the same shall be determined, at the Cost of the Company, by a Referee to be appointed by the Board of Trade on the Application of either Company.

Company not to interfere with the Works of Great North of Scotland Railway Company without Consent.

XLII. 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 *Great North of Scotland* 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 Intercommunication 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.

Saving the Rights of Great North of Scotland Railway Company.

XLIII. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, or Powers of the said *Great North of Scotland* Railway Company, otherwise than is herein expressly provided.

Tolls.

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

First.



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First. In respect of the Tonnage of all Articles conveyed upon the Railways or any Part thereof, as follows: Tonnage of Articles of Merchandise.

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

For all Coal, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slate, 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; 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 belonging to the Company, *per Mile* not exceeding Sixpence:

And a further Sum of One Penny Halfpenny *per Mile* for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, which such Carriage may weigh.

Second. In respect of Passengers and Animals conveyed in Carriages upon the 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 any Carriage 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



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ing to the Company, an additional Sum not exceeding Three-pence *per Mile* :

For every Calf, 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 Three Halfpence *per Mile*.

Tolls for propelling Power.

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

Limiting Charges for the Conveyance of Passengers.

XLVI. 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 Railways than Threepence *per Passenger per Mile* in respect of any Passenger travelling in a First-class Carriage, Twopence *per Passenger per Mile* in respect of any Passenger travelling in a Second-class Carriage, and One Penny Halfpenny *per Passenger per Mile* in respect of any Passenger travelling in a Third-class Carriage, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance.

Limiting Charges for the Conveyance of Goods.

XLVII. 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 Railways, any greater Sum, including the Charges for the Use of Carriages, Waggons, 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 Dung, Compost, and all Sorts of Manure, Lime and Limestone, and undressed Materials for the Repair of public Roads or Highways, One Penny Halfpenny *per Ton per Mile* :

For Coals, Coke, Culm, Charcoal, and Cinders, Stones for building, pitching, and paving, Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and other similar Descriptions of Wrought Iron, and Iron Castings, not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* Twopence :

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

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

And



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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 for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which such Carriage may weigh, a further Sum of One Penny Halfpenny *per* Mile:

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 *per* Head:

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

XLVIII. The Restriction as to the Charges to be made for Passengers, Animals, or Goods shall extend to Express and Ordinary Trains, but not to Special Trains.

Restriction as to Charges not to apply to Special Trains.

XLIX. 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 or Persons in charge of such Goods, 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 thereto.

Company may take increased Charges by Agreement.

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

For Articles or Persons conveyed on the Railways for a less Distance than Four Miles the Company may demand Tolls and Charges as for Four entire Miles: Provided always, that if the Railways shall be worked continuously with the *Great North of Scotland* Railway under the Powers to that Effect herein-after contained, Articles or Persons conveyed continuously for a less Distance than Four Miles upon the Railways or either of them, and the said *Great North of Scotland* Railway, shall only be charged once as for Four entire Miles, in the same Manner as if the Railways passed over had formed Part of the Railways hereby authorized, anything in any of the Acts relating to the *Great North of Scotland* Railway to the contrary notwithstanding:

Regulations as to the Tolls.

For a fractional Part of a Mile beyond Four Miles the Company may demand Tolls and Charges in respect of Goods and Minerals for each Fraction in proportion to the Number of Quarters of a Mile contained therein, and the Fraction of a Quarter of a Mile shall be deemed a Quarter of a Mile; and in respect of Passengers, any Fraction of a Mile shall be considered as One Mile:

[Local.]

8 Z

For



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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 of a Ton :

With respect to all Articles except Stone or 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.

Tolls for  
small Parcels  
and single  
Articles of  
great  
Weight.

LI. 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,)

For the Carriage of small Parcels on the Railways, or either of them, as follows :

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

For any Parcel exceeding Seven Pounds and not exceeding Fourteen Pounds in Weight, Eightpence ;

For any Parcel exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds in Weight, One Shilling ;

For any Parcel exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds in Weight, One Shilling and Sixpence ;

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

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

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

Passengers  
Luggage.

LII. Every Passenger travelling upon the Railways, or either of them, may take with him his ordinary Luggage, not exceeding One hundred and twelve Pounds in Weight for First-class Passengers, One



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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.

LIII. And whereas the Magistrates and Town Council of the Burgh of *Banff* have been in the Practice of levying and collecting certain Rates and Dues, denominated Petty Customs, on Goods, Cattle, Articles, Effects, and Commodities brought to Market within the Limits of the said Burgh: And whereas the Main Line of Railway hereby authorized will pass within the Boundaries of the said Burgh, and it would be attended with great Delay and Inconvenience if the said Rates and Dues were levied by the said Magistrates and Town Council on Goods, Cattle, Articles, Effects, and Commodities carried by or for the Company, or upon the said Railway, and brought within the said Boundaries for Sale as aforesaid: And whereas it is expedient that Provision should be made for obviating such Inconvenience and Delay, by enabling the Company to collect the said Customs, Rates, and Dues, and to account for the same to the said Magistrates and Town Council respectively, or to compensate them for their Interest in the same: Be it enacted, That it shall be lawful for the Company, with the Concurrence and Authority of the said Magistrates and Town Council, to levy, collect, receive, and discharge the said Customs, Rates, and Dues, in so far as the same can be legally demanded in respect of all Goods, Cattle, Articles, Effects, and Commodities carried by or for the Company upon the said Railway, and brought within the Boundaries of the said Burgh for Sale, and to account to the said Magistrates and Town Council for the same, or to make such Compensation in respect thereof as shall from Time to Time be mutually agreed on; and it shall be lawful for the said Magistrates and Town Council, and for the Company, from Time to Time to make and enter into such Agreements, Leases, or other Contracts as to them may seem expedient and proper in reference to the said Matters or any of them; and such Agreements, Leases, or Contracts may contain such Covenants and Conditions as may be mutually agreed upon between the Parties: Provided always, that nothing herein contained shall be held or construed as creating, constituting, or confirming any Claim or Right at present or heretofore made or exercised by the said Magistrates and Town Council in regard to the said Rates and Dues, but the same shall in all respects remain and be construed and dealt with in the same Manner as if this Enactment had not been passed.

Power to agree as to Petty Customs with Magistrates and Town Council of Banff.

LIV. Arrangements and Agreements may be made between the Company and the *Great North of Scotland* Railway Company for the Formation, Maintenance, Arrangement, Management, and joint Use of a Station at *Grange* in the Parish of *Grange* and County of *Banff* 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

Power to enter into Agreements with Great North of Scotland Railway Company as to Station at Grange.

Time



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Time to Time to alter, vary, or renew such Arrangements and Agreements as may be made between them for the Purpose of making, constructing, or arranging such Station, and for the Regulation, Management, and Use thereof, as to the said Companies shall seem meet for the public Accommodation, and to do or concur in all Acts necessary for the Purposes aforesaid; 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 to depute to such joint Committee Powers to agree to and from Time to Time to vary or rescind Regulations respecting the Management and Use of such joint Station; and in case either of the said Companies shall have purchased or acquired Land for the said joint Station, such Company shall hold such Land as shall have been so acquired, and as shall be used for the said joint Station, in trust for the joint Use of the Companies, upon such Terms as have been or 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.

Disputes in regard to joint Station to be settled by Arbitration.

LV. If any Questions, Disputes, or Differences shall arise under any such Arrangement or Agreement as aforesaid between the Company and the *Great North of Scotland* Railway Company in regard to the Construction, Arrangement, Management, or Use of the said joint Station at *Grange*, 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 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.

Power to make Traffic Arrangements with *Great North of Scotland* Railway Company.

LVI. The Company and the *Great North of Scotland* Railway Company may from Time to Time make any Contracts and Agreements with respect to the following Purposes, or any of them; (that is to say,)

1. The Use and working by the *Great North of Scotland* Railway Company of all or any Part of the Railways hereby authorized, and the Stations, Sidings, Watering Places, and all other Works and Conveniences belonging thereto:
2. The Conveyance by the *Great North of Scotland* Railway Company of all or any Part of the Traffic passing upon or over the Railways hereby authorized, or either of them, or any Part thereof:

3. The



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3. The Supply of any Rolling or Working Stock to or by the Company :
4. The Accommodation, Conveyance, forwarding, Interchange, and Management of Traffic on, to, and from the Railways of the said respective Companies, or any Part thereof respectively :
5. The Division between the Company and the *Great North of Scotland* Railway Company of the Profits and Receipts arising from the Traffic upon their respective Railways, or any or either of them, or any Part thereof respectively :
6. The Tolls, Rates, Duties, and Charges, Rent, or other Consideration to be charged in respect of such Traffic, or to be paid in respect of such User, and the fixing and appointing of such Tolls, Rates, Duties, and Charges, Rent, or other Consideration, or any of them.

LVII. Provided always, That any such Contract shall not be for more than Ten Years, and that the same shall not be valid and binding unless and until approved of by the Board of Trade, who shall not approve such Contract without being satisfied that the same 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.

LVIII. Provided also, That any such Contract shall not be valid without the Sanction of an Extraordinary Meeting of each of the Companies Parties to such Contract as aforesaid, 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.

LIX. Such Meeting 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 so called is situate, the last of which Advertisements shall be published not less than Seven Days before such Meeting, and also by a Circular addressed to each Shareholder entitled to vote at Meetings of the Company so called as aforesaid, 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.

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

Traffic Arrangements not to affect Tolls, &c.



*The Banff, Portsoy, and Strathisla Railway Act, 1857.*

Joint Committees for Purposes of Traffic.

LXI. For the Purposes of any such Contracts the Companies may from Time to Time (if they think fit) appoint such joint Committees, composed of such Number of their Directors respectively as they think fit, and may regulate the Proceedings of such joint Committees, and may delegate to and confer on such joint Committees all such Powers for carrying into effect such Contracts and Agreements; or any of the Objects or Purposes thereof, as the Companies respectively think fit.

Powers of joint Committees.

LXII. Every such joint Committee shall have and may exercise the Powers so from Time to Time delegated to and conferred on them, in like Manner as the same might be had and exercised by each of the Companies respectively, or their respective Directors.

As to Settlement of Disputes by Arbitration.

LXIII. If any Difference shall arise between the Companies or between their respective Representatives upon any such joint Committee respecting any of the Objects and Purposes of any such Contract or Agreement, or any other Matter whatsoever arising out of any such Contract or Agreement, or out of the Provisions of this Act, not herein-before specially provided for, such Difference shall from Time to Time be referred to Arbitration in the Manner prescribed by "The Railways Clauses Consolidation (*Scotland*) Act, 1845," for the Settlement of Disputes by Arbitration: Provided always, that it shall be lawful for the Companies, in the first instance, to agree on the Appointment of a single Arbitrator or Umpire, whose Award shall be binding on them.

Contract may be renewed with Approval of Board of Trade.

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

Contract inoperative until approved by the Board of Trade.

LXIV. At the Expiration of the said Contract 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 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 as aforesaid they shall give Notice of their Intention to enter into such Contract 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 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, and desiring to object thereto, may bring such Objections before the Board of Trade, and no such Contract shall be valid or binding until the same shall have been approved of by the Board of Trade, who shall not approve any such Contract without being satisfied that the same has been duly assented to by the Shareholders of the Companies Parties thereto in manner before provided.

LXV. Whereas



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LXV. 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, a Sum of Six thousand seven hundred and fifty Pounds, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railways authorized by this Act, 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 to 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 seven hundred and fifty 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 under 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 said Company shall, previously to the Expiration of the Period limited by this Act for the Completion of the Railways hereby authorized to be made, either open the said Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said 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 said Company shall either have opened the said Railways for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided, that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Six thousand seven hundred and fifty Pounds shall have been executed by the said 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 seven hundred and fifty Pounds if the said Company shall not, within the Time limited for the Completion of the said Railways, either open the said Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords

Providing  
for Comple-  
tion of  
Railways.

of



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of the said Committee that the said 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 said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Subscription  
Contracts to  
be as valid  
as if Act  
passed in  
the last  
Session.

LXVI. The Subscription Contracts which, pursuant to the Standing Orders of Parliament, were 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.

Railways to  
be subject to  
Provisions of  
present and  
future General  
Acts.

LXVII. Nothing herein contained shall be deemed or construed to exempt the Railways 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 pass during the present 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 and Charges for small Parcels, authorized by this Act.

Expenses of  
Acts.

LXVIII. All Costs, Charges, and Expenses connected with the passing of this Act shall be paid by the Company.

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