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# VICTORIÆ REGINÆ.

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## *Cap. lxxxvii.*

An Act for making a Railway from *Keith* to  
*Dufftown.* [27th July 1857.]

**W**HEREAS the making of a Railway to connect the Town of *Keith* in the County of *Banff* with *Dufftown* in the same County will be of great local and public Advantage: And whereas the estimated Cost of constructing the said Railway is Fifty thousand Pounds: And whereas the Persons herein-after named, with others, are willing at their own Expense to carry the said Undertaking into execution: And whereas the Formation of the said intended Railway will be beneficial to the Interests of the *Great North of Scotland* Railway Company, and it is expedient that the said Company should be empowered to subscribe to and hold Shares in the said Undertaking, as herein-after provided: And whereas it is also expedient that the Company hereby incorporated, and the *Inverness and Aberdeen Junction* Railway Company, and the *Great North of Scotland* Railway Company, or One of them, should be empowered to make and enter into such Agreements and Arrangements as are herein-after authorized with respect to the Working and Use of the Lines of Railway belonging to the said several Companies respectively, and the Regulation and Management of the Traffic

[Local.] 14 N thereon,

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thereon, and the Division and Apportionment of the Profits arising therefrom: And whereas it is expedient and will be for the public Advantage that a Station should be constructed at or near the said Town of *Keith* for the joint Accommodation of the Traffic of the Company hereby incorporated and the *Great North of Scotland* Railway Company, and that the Company hereby incorporated should be authorized, either alone or jointly with the said other Company, to acquire Land for the Purposes of such Station, and to enter into Arrangements and Agreements with the said other 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 *Keith and Dufftown* Railway Act, 1857."

Interpreta-  
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 Railway" shall mean the Railway and Works hereby authorized.

Subscribers  
incorporated.

IV. *John Grant, James Findlater, James Skinner, William Cantlie, James Petrie, Alexander Jopp, Robert Falconer, John Stewart, 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 herein-after particularly described, with all proper Works and Conveniences belonging thereto, according to the Provisions of the said incorporated Acts and of this Act, and for the other Purposes herein



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herein and in the said incorporated Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Keith and Dufftown Railway Company*," and 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 Fifty thousand Pounds, and the whole thereof, when raised, shall be applicable only to the Purposes authorized by this Act. Capital.

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

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. Calls.

VIII. It shall be lawful for the *Great North of Scotland Railway Company*, by and with the Sanction of Three Fifths of the Votes of the Shareholders voting, in Person or by Proxy, at a Meeting convened with special Notice of that Object, to subscribe to and to acquire, take, and hold Shares in the Undertaking hereby authorized, to any Extent not exceeding the Amount of One thousand Pounds; and for that Purpose to appropriate and apply any Sums of Money which the said Company is authorized to raise, or which shall have been raised by them under the Provisions of any Act or Acts relating to their Undertaking, and which may not be required for the Purposes to which they are by any such Act or Acts made specially applicable. Power to the Great North of Scotland Railway Company to contribute to the Undertaking.

IX. The *Great North of Scotland Railway Company*, or the Directors thereof, may from Time to Time, so long as the said Company continues to hold Shares in the Undertaking hereby authorized, appoint some Person, whether a Proprietor of Shares in the Undertaking or not, to vote on their Behalf at any Meeting of the Company hereby incorporated, and may from Time to Time revoke any such Appointment and appoint another Person in that Behalf; and the Person so for the Time being appointed shall, except as herein-after provided, during his Appointment, have the same Right of voting at any such Meeting as he would have had if the Shares in the Undertaking for the Time being held by the *Great North of Scotland Railway Company* were held Power to Great North of Scotland Railway Company to appoint a Person to vote on their Behalf.

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held by such Person in his own Right: 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 said Company, and shall be deposited with the Secretary of the Company hereby incorporated.

Interest not  
to be paid on  
Calls paid up.

X. 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.

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

XI. 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.

Power to  
borrow on  
Mortgage.

XII. 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 Sixteen thousand six hundred Pounds; but no Part of such Sums shall be borrowed until the whole of the said Capital of Fifty 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.

Arrears may  
be enforced  
by Appoint-  
ment of a Ju-  
dicial Factor.

XIII. 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



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such Judicial Factor shall be made shall not be less than Two thousand five hundred Pounds in the whole.

XIV. The First Ordinary Meeting of the Company shall be held at *Keith* 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 *Keith* or *Dufftown*, but the principal Office of the Company shall be in *Fife Keith* in the said County of *Banff*.

First and subsequent General Meetings.

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

Quorum of General Meetings.

XVI. 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.

Votes of Shareholders.

XVII. The Number of Directors shall be Nine, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Capital of the Company.

Number and Qualification of Directors.

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

Power to vary the Number of Directors.

XIX. *John Grant, James Findlater, James Skinner, William Cantlie, James Petrie, Robert Falconer, John Stewart, Alexander Jopp, and Edward Mortimer* shall be the First Directors of the Company.

First Directors.

XX. 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, 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

First Election of Directors.

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

As to future  
Directors.

XXI. 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."

Quorum of  
Directors.

XXII. The Quorum of a Meeting of Directors shall be Five, and when the Number of Directors shall be reduced to Five the Quorum of such Meeting shall be Three, and the Quorum of any Committee of Directors shall be Three.

Line of Rail-  
way.

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

A Railway commencing by a Junction with the *Inverness and Aberdeen Junction* Railway, as authorized by "The *Inverness and Aberdeen Junction* Railway Act, 1856," at a Point on the Farm of *Strypeside* in the Parish of *Keith* and County of *Elgin*, Sixty-three Yards or thereabouts Westward from the *March Ditch* separating the said Farm of *Strypeside* from the Farm of *Allanbuie*, numbered Forty on the deposited Plans of the said *Inverness and Aberdeen Junction* Railway, and terminating in a Field on the Farm of *Parkbeg* in the Parish of *Mortlach* and County of *Banff*, at or near the Point where the *Botriphnie* Turnpike Road joins the *Boharm* Road, and which Railway and Works, Approaches, Stations, and Conveniences to be connected therewith, will be situate in or pass from, in, through, or into the several Parishes and Places following; (that is to say,) the Parish of *Keith* in the Counties of *Elgin* and *Banff*, or in the Parishes of *Botriphnie* and *Mortlach* in the County of *Banff*.

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

XXIV. And whereas Plans and Sections of the said Railway and Works connected therewith, showing the Lines and Levels and Situation thereof, and the Limits within which the same will be constructed, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of Lands or Buildings through which the same are intended

to



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to pass, were deposited, on or before the Thirtieth Day of *November* One thousand eight hundred and fifty-six, for public Inspection with the Principal Sheriff Clerk of the Counties of *Elgin* or *Moray* and *Banff* respectively: And whereas a Plan and Section of a Deviation of a Portion of the said intended Railway, together with a Book of Reference thereto containing the like Particulars, were deposited with the Sheriff Clerk of the said County of *Banff* on or before the Eighteenth Day of *May* One thousand eight hundred and fifty-seven: Be it enacted, That subject to the Provisions and Powers of Deviation in this and the said incorporated Acts contained, it shall be lawful for the Company to make and maintain the said Railway and Works connected with the same in the Lines and Situations and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections; and subject to the Provisions in this and the said incorporated Acts contained, it shall be lawful for the Company to enter upon, take, and use such of the said Lands and Buildings as shall be necessary for the Purposes aforesaid: Provided always, that the Company shall not be entitled to make so much of the Railway shown on the Plans deposited on or before the Thirtieth Day of *November* One thousand eight hundred and fifty-six as lies between the Wood or Pasture Land marked No. 74 and the Arable Land marked No. 142, both in the Parish of *Botriphnie*, nor to enter upon, take, or use any of the Lands and Buildings shown upon the said Plan between the Points aforesaid, except in so far as the same are included in the Plan of the said Deviation so deposited as aforesaid, and shall be required for the Purpose of constructing the said Deviation.

XXV. 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, with such Inclinations as they think fit, not steeper than the following; (that is to say,)

Regulating  
Inclinations  
of certain  
Roads.

In the Case of the Turnpike Road numbered 85, in the Parish of *Botriphnie*, upon the Plans deposited on or before the Thirtieth Day of *November* Eighteen hundred and fifty-six as aforesaid, not steeper than 1 in 25:

In the Case of the Turnpike Road numbered 181, in the Parish of *Botriphnie*, upon the Plans deposited on or before the Eighteenth Day of *May* Eighteen hundred and fifty-seven as aforesaid, not steeper than 1 in  $16\frac{1}{3}$ :

In the Case of the Road numbered 31, in the Parish of *Mortlach*, upon the Plans deposited on or before the Thirtieth Day of *November* Eighteen hundred and fifty-six as aforesaid, not steeper than 1 in 16.

XXVI. It

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Regulating  
Width of cer-  
tain Bridges.

XXVI. It shall be lawful for the Company, in carrying any Turnpike Road either over or under the Railway, to construct the Bridges, Arches, Approaches, and Alterations of the Road of such Width as they may think fit, not being less than Thirty-five Feet, except in the Case of the Roads numbered as after mentioned on the said deposited Plans, where it shall be lawful for the Company to construct the Bridges, Arches, and Alterations of the Roads of such Width as they may think fit, not being less than Twenty-five Feet; (that is to say,)

	Number on Plan.	Parish.
	12	Keith.
	89	Ditto.
	4	Botriphnie.

Lands for ex-  
traordinary  
Purposes.

XXVII. 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 Three Acres.

Power to  
purchase  
Lands on  
Feu Duties.

XXVIII. 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," 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.

Grassums  
not to be  
taken.

XXIX. 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.

XXX. Pro



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XXX. 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.

XXXI. 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 *Elgin* or *Moray*, or the County of *Banff*, in whichever of the said Counties the Lands may be situate, or summarily by Poinding 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.

Provision for  
Recovery of  
Feu Duties.

XXXII. 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.

Powers for  
compulsory  
Purchases  
limited.

XXXIII. The Railway shall be completed within Three 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 Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Period for  
Completion  
of Works.

XXXIV. The Communications between the Railway and the *Inverness and Aberdeen Junction* Railway, and all such Openings in the Ledges or Flanches of such Railway as may be necessary or convenient

Communica-  
tions with  
Inverness  
and Aber-  
deen Junc-



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tion Rail-  
way to be  
made under  
the Direction  
of their En-  
gineer.

venient for effecting such Communications, shall be made under the Direction and Superintendence of the Engineer for the Time being of the *Inverness and Aberdeen Junction* Railway Company; and in case of any Difference arising as to the Mode of effecting such Communications, 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.

Company  
not to take  
Lands, &c.  
of Inverness  
and Aber-  
deen Junc-  
tion Railway  
Company  
without Con-  
sent.

XXXV. 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 *Inverness and Aberdeen 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 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 the  
said Railway  
Company.

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

Tolls.

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

Tonnage of  
Articles of  
Merchan-  
dise.

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

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 in 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;



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

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 to the Company, an additional Sum not exceeding Threepence *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*.

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

Tolls for  
propelling  
Power.

XXXIX. 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 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,

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

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riage, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance.

Limiting  
Charges for  
the Convey-  
ance of  
Goods.

XL. 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 Dung, Compost, and all Sorts of Manure, Lime and Limestone, and undressed Material 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 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*.

Restriction  
as to Charges  
not to apply  
to Special  
Trains.

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

Company  
may take  
increased  
Charges by  
Agreement.

XLII. 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



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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.

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

For Articles or Persons conveyed on the Railway for a less Distance than Four Miles, the Company may demand Tolls and Charges as for Four entire Miles: Provided always, that if the Railway hereby authorized shall be worked continuously with the *Great North of Scotland* Railway and the *Inverness and Aberdeen Junction* Railway, or either of them, under the Powers to that Effect herein-after contained, Articles or Persons conveyed continuously for a less Distance than Four Miles upon any Two of the said Railways so worked as aforesaid 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 Railway hereby authorized, anything in any of the Acts relating to the *Great North of Scotland* and the *Inverness and Aberdeen Junction* Railways respectively to the contrary notwithstanding:

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, the Company may demand Tolls and Charges as for One 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 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.

XLIV. 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 Par-  
cels and sin-  
gle Articles  
of great  
Weight.

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

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

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For



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

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

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

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.

XLV. 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.

Power to  
enter into  
Agreements  
with certain  
Railway  
Companies  
as to Station  
at Keith.

XLVI. 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 *Keith*, for the Accommodation of the respective Traffic of the said Companies; and it shall be lawful for the said Companies to give effect to and from 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 said 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,



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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 said 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.

XLVII. If any Questions, Disputes, or Differences shall arise under any such Arrangement or Agreement 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 *Keith*, 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.

Arbitration  
in regard to  
joint Sta-  
tions.

XLVIII. The Company and the *Inverness and Aberdeen Junction Railway Company* and the *Great North of Scotland Railway Company*, or the Company and any One of the said other Companies, may from Time to Time make any Contracts and Agreements with respect to the following Purposes, or any of them; (that is to say,)

Power to  
make Traffic  
Arrange-  
ments with  
certain  
Railway  
Companies.

1. The Use and working by the *Inverness and Aberdeen Junction* and the *Great North of Scotland Railway Companies*, or either of them, of all or any Part of the Railway hereby authorized, and the Stations, Sidings, Watering Places, and all other Works and Conveniences belonging thereto:
2. The Conveyance by the *Inverness and Aberdeen Junction* and the *Great North of Scotland Railway Companies*, or either of them, of all or any Part of the Traffic passing upon or over the Railway hereby authorized, or any Part thereof:
3. The Supply of any Rolling or Working Stock to or by the Company hereby incorporated:
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



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5. The Division between the Companies, Parties to any such Contracts and Agreements, 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.

Duration of Contract.

XLIX. 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 several Companies Parties thereto in Extraordinary Meeting assembled for the Purpose, as herein-after provided.

Sanction of Extraordinary Meetings to Traffic Arrangements.

L. 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.

Meeting how to be convened.

LI. 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 holding such Meeting 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, 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.

Traffic Arrangements not to affect Tolls, &c.

LII. Provided further, That any such Contract shall not in any manner increase 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.

Joint Committees for Purposes of Traffic.

LIII. For the Purposes of any such Contracts the Companies may from Time to Time (if they think fit) appoint such joint Committees, composed



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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.

LIV. 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.

Powers of joint Committees.

LV. 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, 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.

As to Settlement of Disputes by Arbitration.

LVI. At the Expiration of the said Contract, the Company and the said other Companies or either of them, with the Sanction of an Extraordinary Meeting of the Shareholders of the Companies Parties to such Contract respectively, convened with special Notice of the Object, 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 a like Term of Ten Years 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 several Companies Parties thereto, in manner before provided.

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

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

Contract inoperative until approved of by the Board of Trade.

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LVII. Whereas



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Providing  
for Comple-  
tion of Rail-  
way.

LVII. 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 Three thousand seven hundred and fifty Pounds, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway 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 Three 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 hereinafter 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 Railway hereby authorized to be made, either open the said 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 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 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 Three 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 Three thousand seven hundred and fifty Pounds if the said Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Pas-  
sengers,



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sengers, or prove to the Satisfaction of the Lords 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.

LVIII. 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.

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

LIX. Nothing herein contained shall be deemed or construed to exempt the Railway 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.

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

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

Expenses of Act.

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