



ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

Cap. lxi.

An Act to enable the *Keith and Dufftown* Railway Company to abandon their authorized Line of Railway, and to make a new Line of Railway instead thereof. [25th May 1860.]

WHEREAS by "The *Keith and Dufftown* Railway Act, 1857," 20 & 21 Vict. c. lxxxvii. the *Keith and Dufftown* Railway Company (in this Act referred to as "the Company") were incorporated for the making of a Railway from *Keith* to *Dufftown*: And whereas the said Railway has not yet been commenced, and it would be attended with Advantage to the Company and to the Public if the said Railway instead of being made as authorized by the said Act were constructed in the Line and Manner shown upon the Plan and Section, which, with a Book of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands shown upon the Plan, were deposited in *November* last with the Principal Sheriff Clerk for the County of *Banff*, and the Company are willing to adopt the said altered Line: And whereas the Railway will join the *Great North of Scotland* Railway at *Keith*, and it would facilitate the Completion of the Railway if the *Great North of Scotland* Railway Company were empowered

[Local.] 9 G

The Keith and Dufftown Railway (Deviation) Act, 1860.

powered to contribute Funds towards the said Railway beyond the Amount limited by the said Act, and it is expedient that this Power should be given, and that some of the Provisions of the said recited Act should be amended and enlarged; but the Objects aforesaid cannot be accomplished 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. 19. & 33.
incorporated.

I. "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.

Interpreta-
tion of
Terms.

II. In this Act whenever the Words "the Railway" or "the Undertaking" are used, the same shall mean the new or substituted Line of Railway by this Act authorized.

Railway to
be made
according
to deposited
Plans.

III. The Company may make and maintain the Railway herein-after particularly described (with all proper Works, Stations, Approaches, and Conveniences connected therewith) in the Line and upon the Lands delineated on the said Plan, and described in the said Book of Reference, and according to the Levels defined on the said Section; and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Describing
new Line
of Railway.

IV. The Railway (which will be wholly situate in the said County of *Banff*) shall commence by a Junction with the *Great North of Scotland* Railway at or near the *Keith* Station of that Railway in the Parish of *Keith*, pass thence through or into the Parishes of *Keith*, *Botriphnie*, and *Mortlach*, and terminate in the said Parish of *Mortlach* at a Point about One hundred and seventy-seven Yards from the North Side of the Road leading to the Farmhouses of *Little Tulloch*.

Company to
abandon
Railway
authorized
by recited
Act.

V. The Railway shall be in substitution of that authorized by the recited Act, and the Company shall abandon the Formation of the said authorized Line; and all the Powers, Authorities, and Privileges by the said recited Act granted to the Company for the Construction, Maintenance, or Use of the said Railway so required to be abandoned shall, from and after the passing of this Act, cease and determine.

Compensa-
tion to
be made
where Con-
tracts have

VI. In any Case where, before the passing of this Act, any Contract has been entered into or Notice given by the Company for purchasing or using any Lands which the Company were empowered to purchase for the Purpose of constructing the Railway so required to be abandoned as aforesaid,

The Keith and Dufftown Railway (Deviation) Act, 1860.

aforesaid, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or such Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided always, that the Authority hereby given for abandoning the said Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands, for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of Railway, pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation (*Scotland*) Act, 1845," contained.

been entered into or Notice given.

VII. 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 Railway, to carry the same, with not more than Two Lines of Railway, and whilst the Line continues single with not more than a single Line of Railway, across and upon the Level of the public Road numbered on the said deposited Plan as follows:

Level Crossings.

No. on Plan.	Parish.
25 a	Botriphnie.

VIII. It shall not be lawful for the Company, in shunting Trains to or from any Siding near to such level Crossing, to pass any Trains over the level Crossing, or to allow any Train when stopping at any Station to stand across the said level Crossing.

Company not to shunt Trains on level Crossing.

IX. For the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the Point where the before-mentioned Road shall be crossed 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 Road on the Level, or with regard to the Speed at which the Trains shall pass such Road, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect and at all Times maintain such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing

Company to erect Station or Lodge at Point of Crossing, and abide by Rules, &c. of Board of Trade.

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The Keith and Dufftown Railway (Deviation) Act, 1860.

ing at such Point or Station, or to observe or abide by any such Rules or Regulations 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 be continued after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridge in lieu of level Crossing.

X. It shall be lawful for the Board of Trade, if it shall appear to them necessary for the Public Safety, at any Time either before or after the Railway shall have been completed and open for Public Traffic, to require the Company, within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry the herein-before mentioned Road either under or over the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the Board of Trade the best adapted for removing or diminishing the Danger arising from such level Crossing.

Regulating Inclinations of certain Roads.

XI. It shall be lawful for the Company to construct the Approaches to the Bridges, Arches, or level Crossing for carrying the Roads numbered as after mentioned on the said deposited Plan over, under, or across the Railway, as also to make and construct the proposed Diversions of the Roads numbered as after mentioned on the said Plan, with such Inclinations as they think fit, not steeper than the following; (that is to say,)

Number on Plan.	Parish.	Rate of Inclination.
56	Keith - . -	Not steeper than 1 in 19.
68	Keith - . -	Not steeper than 1 in 17.
184	Keith - . -	Not steeper than 1 in 25.
11	Botriphnie - . -	Not steeper than 1 in 25.
101 a	Botriphnie - . -	Not steeper than 1 in 25.

Lands to be bought by Compulsion in Three Years.

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

Period for Completion of Works.

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

Powers of this Act to be in substitution of previous Powers.

XIV. The Railway by this Act authorized shall be substituted for the Railway authorized by the recited Act and by this Act directed to be abandoned, and all the Powers and Provisions of the recited Act, except as altered by this Act, and so far as applicable, shall apply to the Rail-
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The Keith and Dufftown Railway (Deviation) Act, 1860.

way by this Act authorized in the same Manner as if it had been authorized by the recited Act.

XV. The Period in Section Fifty-seven of the recited Act referred to as "the Period limited by this Act for the Completion of the Railway" shall mean the Expiration of One Year after the passing of this Act, and the said Section shall be read and construed as though the Railway therein referred to were that by this Act authorized.

Section 57 of recited Act to be construed with reference to this Act.

XVI. It shall be lawful for the Company to apply towards the Purposes of this Act any of the Monies which by the recited Act they are authorized to raise.

Company may apply their Funds towards Purposes of Act.

XVII. In addition to the Subscription of One thousand Pounds authorized by the recited Act, the *Great North of Scotland* Railway Company may, with the Consent of Three Fifths of the Votes of their Proprietors present either personally or by Proxy, and entitled to vote, at any Ordinary or Extraordinary General Meeting of the Company specially convened for the Purpose, from Time to Time subscribe towards the Undertaking such Sum or Sums of Money, not exceeding in the whole Twenty-five thousand Pounds, as may be agreed to by any such Meeting, and Clause Nine of the recited Act shall extend and apply to any additional Shares in the Undertaking which the *Great North of Scotland* Railway Company may subscribe for under the Powers of this Act.

Further Powers to the *Great North of Scotland* Railway Company to subscribe.

XVIII. The *Great North of Scotland* Railway Company may apply towards the Purposes of this Act any of the Moneys which they are already authorized to raise, and which may not now be required by them for the Purposes of their Undertaking.

Great North of Scotland Railway Company may apply their existing Funds.

XIX. So much of the recited Act as enacts that the Ordinary Meetings of the Company shall be held twice in every Year, namely, in *March* or *April*, and in *September* or *October*, shall be repealed, and the future Meetings of the Company shall be held in the Month of *October* or *November* in every Year; and notwithstanding anything contained in the said recited Act, it shall be lawful for the Directors of the Company, with the previous Authority of a General Meeting, from Time to Time to fix the Place where the Meetings of the Company, whether ordinary or extraordinary, shall be from Time to Time held, and where the principal Office of the Company shall be.

Future Meetings of Company to be yearly instead of half-yearly, and Directors, with Consent of Company, may fix where Meetings shall be held and where the principal Office of the Company shall be.

XX. It shall not be lawful for the Company, or the *Great North of Scotland* Railway Company, out of any Money by any Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament now in force or hereafter to be in force may

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

[Local.]

9 H

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The Keith and Dufftown Railway (Deviation) Act, 1860.

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.

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

XXI. Nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force, or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act or the said recited Act, and of the Rates for small Parcels.

Expenses of Act.

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

Short Title.

XXIII. In citing this Act it shall be sufficient to describe it as "*The Keith and Dufftown Railway (Deviation) Act, 1860.*"

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1860.