

The Deeside Railway Extension Act, 1857.

the Public if a Continuation or Extension of the said Railway as originally contemplated were now made from *Banchory* to *Aboyne*, as herein-after described: And whereas the said *Deeside* Railway Company are willing, with the Assistance and Contributions of the several Persons who have already subscribed or shall hereafter subscribe to such Undertaking, to make and maintain the said Extension Railway and all necessary Works connected therewith; but these Purposes 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, to the Effect and in manner following; (that is to say,)

Short Title. I. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Deeside* Railway Extension Act, 1857."

Construction of Terms. II. In the Construction of this Act the Expressions "Original Stock" shall mean the Capital Stock authorized to be raised by the said herein-before recited Acts for the Purposes of the Railway thereby authorized to be made, and "Extension Stock" shall mean the Capital Stock by this Act authorized to be raised for the Purposes of the said Extension Railway and Works; the Expression "Extension Shareholders" shall mean the Shareholders of the Extension Stock or Shares; and the Expression "the Company" shall mean the *Deeside* Railway Company, unless there be something in the Subject or the Context repugnant to such Construction.

8 & 9 Vict. cc. 17., 19., & 33. incorporated. III. "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall, so far as any of the Clauses or Provisions thereof are not hereby expressly altered, be incorporated with and form Part of this Act.

Expense of Extension Railway, and Power to raise the Sum of 80,000*l.* IV. And whereas the estimated Expense of making the said Extension Railway and Works as herein-after described amounts to the Sum of Eighty thousand Pounds: Therefore the Capital by this Act authorized to be raised shall be Eighty thousand Pounds; and it shall be lawful for the Company, for the Purpose of carrying the said Undertaking into effect, to raise (upon such Terms and Conditions as are hereby attached thereto) the said Sum of Eighty thousand Pounds in addition to the Sums which by the said recited Acts the said Company are already authorized to raise for the Purposes of their Undertaking.

Interest not to be paid on V. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by
Calls

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Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not 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 of "The Companies Clauses Consolidation (*Scotland*) Act, 1845."

Calls paid
up.

VI. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament from Time to Time 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 Railway or execute any other Work or Undertaking.

Deposit for
future Bills
not to be
made out of
Company's
Capital.

VII. The Number of Shares into which the Capital for the said Extension Railway shall be divided shall be Eight thousand, and the Amount of each Share shall be Ten Pounds.

Shares.

VIII. Three 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 Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of Calls to be made in any One Year upon any Share.

Calls.

IX. In addition to the Directors authorized to be elected by the secondly herein-before recited Act there shall, as representing the Extension Shareholders, be Two additional Directors under this Act, who shall continue in Office for One Year, and such first additional Directors shall be *Peter Laing Gordon of Craigmyle* and *Robert Smith of Glenmillan*, and the Extension Shareholders, present personally or by Proxy, and holding Extension Stock, shall from Time to Time, as often as Vacancies occur by Effluxion of Time, at the Meetings when Directors in the Room of retiring Directors are chosen, elect Two other Directors, whose respective Qualification shall be the Possession in his own Right of Fifty Shares in the said Extension Stock, and such Two Directors shall continue in Office for One Year, and any outgoing Director elected as aforesaid may, at the Expiration of the said One Year, be re-elected in the like Manner; and any occasional Vacancy among such Two Directors may be filled up in the Manner appointed in the Companies Clauses Consolidation (*Scotland*) Act for the Supply of occasional Vacancies in the Office of Directors: Provided always, that nothing herein contained shall in any Manner affect the Right of electing Directors under the Provisions

Extension
Sharehold-
ers to elect
Two Direc-
tors of Com-
pany.

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sions contained in the said recited Acts; and the said Two Directors elected under the Provisions of this Act shall enjoy the like Powers as if they had been elected by the whole of the Shareholders of the Company.

Power to borrow on Mortgage.

X. The Company may from Time to Time borrow on Bond or Mortgage of the Undertaking by this Act authorized, and of the Tolls, Rates, and Duties arising by virtue of this Act, in addition to any Money raised or authorized to be raised on Bond or Mortgage by the said recited Acts, any Sum of Money not exceeding in the whole the Sum of Twenty-six thousand six hundred Pounds; but no Part of such Money shall be borrowed until the whole of the Capital by this Act authorized to be raised shall have been subscribed for, and One Half thereof paid up.

If Lands purchased by way of Feu, Sum to be proportionately reduced.

XI. Provided always, That in the event of the Company, under the Powers of this Act as herein-after provided, or of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," agreeing with any Person for the Purchase of Land for the Purposes of the Railway in consideration of an annual Feu Duty or Ground Annual, the Sums by this Act authorized to be raised by Bond or Mortgage shall be reduced by a Sum equal to the Value reckoned at Twenty Years Purchase of the Feu Duty or Ground Annual to be thereafter payable by the Company in respect of the Land so purchased.

Regulating Votes of Shareholders.

XII. Subject to the Provisions of this Act, the Shares created under the Authority thereof shall, according to the Number and Amount of such Shares, confer on the respective Holders thereof the same Privileges and the same Qualification and Rights of voting at General Meetings of the Company, and otherwise, as pertain to the Holders of Shares created under the said recited Act.

Holders of separate Stock in the Undertakings to vote separately on Questions of Dividends.

XIII. At any Meeting of the Company for the Purpose of declaring a Dividend among the Holders of Shares in the original Stock, no Holder of Shares in the Extension Stock shall be entitled to vote in respect of such Stock on any Question relating to the Amount of such proposed Dividend; and in like Manner, at any Meeting of the Company for the Purpose of declaring a Dividend among the Holders of Shares in the Extension Stock, no Holder of Shares in the original Stock shall be entitled to vote in respect of such Stock on any Question relating to the Amount of such proposed Dividend.

Mortgages and Bonds under this Act to attach only to Ex-

XIV. All Mortgages or Bonds to be granted under the Authority of this Act on the Security of the Extension Railway and Tolls thereof shall, until the merging of the Capital Stock as herein-after provided, include and be expressed to include only the Extension Railway

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way and the Tolls arising thereon, and also (if so agreed) the future Calls to be made on the Extension Shareholders, and the same shall be called Extension Mortgages or Bonds, and the Holders of any such Mortgages shall not, in respect thereof, have any Right or Claim upon the *Deeside* Railway Company, or the Tolls, Income, or Profits thereof; and in like Manner the Holders of any Mortgages, Bonds, or Securities granted or to be granted under the Powers of the recited Acts shall not, in respect of such Mortgages, Bonds, or Securities, have any Right over or Claim upon the Extension Railway, or the Tolls, Income, and Profits thereof, or the Calls to be made in respect of the Extension Shares.

tension Rail-
way until
Merger.

XV. The Moneys by this Act authorized to be raised, whether by the Creation of Shares or by Mortgage, shall be applied to the Purposes of the said Extension Railway, and the necessary Works connected therewith, by this Act authorized, and to no other Purpose whatsoever.

Application
of Moneys
raised.

XVI. The Capital by this Act authorized to be raised, and the Money authorized to be borrowed, shall, for all Purposes of Charge, Privileges, and Dividends upon or attaching to the same, form and be kept by the Company, under the distinctive Appellation of "Extension Stock and Extension Debt," as a separate and distinct Capital and Debt from the original Stock and original Debt of the Company, and shall be applied only as hereby authorized to the making, maintaining, and working the said Extension Railway and Works therewith connected, and separate and distinct Accounts in separate and distinct Books shall be kept of such several Capitals, and of all Charges, Privileges, and Dividends upon or attaching to the same respectively, or in any other Matter relating thereto, so long as the said Capital Stocks are separate and not united as herein-after provided for.

Capital to be
kept sepa-
rate from
Deeside
Railway
Capital, and
separate
Books to be
kept there-
for.

XVII. The several Persons who have subscribed or who shall hereafter subscribe to the Undertaking by this Act authorized shall, in proportion to their respective Subscriptions, be Shareholders or Proprietors of Shares in the said Extension Stock by this Act authorized to be raised, and shall be called and known by the distinctive Appellation of "Extension Shareholders."

Subscribers
to be Share-
holders
under dis-
tinctive Ap-
pellation of
"Extension
Share-
holders."

XVIII. As between the Proprietors of original Stock and the Proprietors of Extension Stock by this Act authorized to be raised, the Debts, Expenditure, and Liabilities of such Proprietors of original and Extension Stock respectively, whether secured by Mortgage, Bond, simple Contract, or otherwise, or unsecured, shall be kept separate and distinct.

Liability of
Proprietors
of Deeside
Railway to
be kept in
separate
Accounts.

[Local.]

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XIX. The

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Tolls, &c. to be kept in separate Books from those of Deeside Railway; and as to Rights and Liabilities of Shareholders.

XIX. The Tolls, Rates, and Duties, or other Revenue arising from the Extension and Undertaking by this Act authorized shall be kept separate and distinct, and in separate and distinct Books, from the Tolls, Rates, and Duties, and other Revenue arising from the said Undertaking authorized by the herein-before recited Acts; and until the Merger of the Two Capital Stocks shall have taken place as herein-after provided for, the Shareholders in the Extension Stock shall have no Claim or Right to participate in the Revenue or Profits, or be liable to bear any Debts or Liabilities of and attaching to or arising from the said Undertaking authorized by the herein-before recited Acts, nor shall the Shareholders in the original Stock have any like Right or Claim or Liability in respect of the Undertaking by this Act authorized.

Deeside Railway Company to furnish the Use of all Rolling Stock, &c. at Cost Price;

XX. The Company shall, so far as their Funds will admit, provide and furnish for the Use of the Railway Extension hereby authorized all Rolling Stock, Station, and Office Accommodation at *Banchory*, Furniture, Working Tools and Implements, and all Stores and Materials, and Officers and Servants necessary for the efficient working of the said Extension, and the due Conduct of the Traffic thereon; the Use of such Rolling Stock, Station, and Office, and other Accommodation and Matters aforesaid, and generally for and in respect of the working of the said Extension Railway, and any Matter incidental thereto, to be charged by the Company in a separate Account at such Sum or Sums as shall be agreed upon between the Company and the Two Directors representing the Extension Shareholders as herein-before provided, such Sum to be fixed on the Principle of prime Cost, without any Allowance for Profit to the Company, and in the event of Difference of Opinion, as the same shall be determined by Arbitration in manner provided by the said Companies Clauses Consolidation Act.

otherwise, Company authorized to apply Moneys raised to that Purpose.

XXI. In the event of the Company not providing the Rolling Stock, Plant, and other Matters and Things as herein-before provided, it shall be lawful for the Company, out of the Moneys by this Act authorized to be raised either by Shares or borrowing, to apply such Sums of Money as the Company shall think fit, subject to the Approval of the said Two Directors, as may be necessary for the Purchase and Acquisition of Rolling Stock or Plant for the Use and Accommodation of the said Extension Railway, or as may be rendered necessary for the Use and Accommodation of the whole Line of Railway in consequence of the increased Traffic which may arise; and if any of the above-mentioned Rolling Stock, Plant, and other Matters and Things shall be used upon the Railway or Works made under the Provisions of the said recited Acts, then the Proprietors of the Extension Stock shall be credited and allowed for the Cost of the same such Sum or Sums of Money, ascertained on the Principle of prime Cost, without any Allowance

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ance for Profit, as shall be agreed upon between the Company and such Two Directors, or, in the event of Difference of Opinion, as shall be determined by Arbitration in manner herein-before provided in reference to the Expense of furnishing the like Rolling Stock and other Matters by the Company to the said *Deeside* Extension Railway.

XXII. The Station at *Banchory* belonging to the Company shall be for the joint Use and Accommodation of the Traffic on the Railway made under the Provision of the herein-before recited Acts and the Traffic on the Extension Railway hereby authorized, for which the Company shall make no Charge against the Extension Railway for the first Two Years after the Opening of said Extension Railway, and thereafter upon such Terms and Conditions, either upon Payment of a specific Sum for the permanent joint Use of the said Station or upon Payment out of the Moneys received by virtue of this Act of such annual Sum as shall be approved of by the said Two Directors, and in the event of such Approval being withheld, as shall be determined by Arbitration in manner aforesaid, but such annual Payment shall not in any event exceed One Third of the annual Interest, calculated at *Five per Cent.* on the Capital expended by the Company in the Construction of the said Station, and a like Proportion of the annual Feu Duty payable in respect of the Lands actually used for such Station.

Station at
Banchory to
be for the
joint Use of
the entire
Traffic.

XXIII. Upon the annual Balance of the Accounts relating to the Undertaking hereby authorized, the clear annual Revenue arising therefrom, after paying thereout, first, the annual Feu Duties in respect of Lands purchased in Feu (if any) in virtue of this Act; secondly, the Interest of Money borrowed in virtue of this Act; thirdly, the annual Sum payable for the Use of the *Banchory* Station, and for the Use of Plant or Rolling Stock (in the event of the Company supplying such Plant or Rolling Stock as aforesaid); and, fourthly, the annual working Expenses, Taxes, Wages, Costs of Repairs, and other Costs incurred on the said Extension Railway, or by the Terms of this Act made chargeable against the Shareholders holding the Extension Stock, shall belong to and be appropriated exclusively in Payment of a Dividend among the Shareholders of the Extension Stock, and in like Manner the clear Revenue of the Railway authorized by the said recited Acts, after the necessary Deductions applicable thereto have been made, shall belong to and be appropriated exclusively among the Shareholders of such original Stock.

Provision as
to Division
of Revenue.

XXIV. The Company shall, out of the Proportion of Profits annually appropriated to the Shareholders of the original Stock, and out of separate Moneys belonging to such Shareholders on Revenue Account, make and pay such Dividends or Apportionment of Profits

Mode of cal-
culating
Dividends to
be paid to
the respec-

among

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tive Share-
holders from
the Profits.

among such Shareholders as the Company shall think reasonable; and in like Manner the Company shall, out of the Proportion of Profits annually appropriated to the Shareholders of the Extension Stock, and out of the separate Moneys belonging to such Shareholders on Revenue Account, make and pay such Dividends or Apportionment of Profits among such Shareholders as the said Company shall think reasonable.

When the
Dividends
are equal,
the Stocks
to be united.

XXV. When and as soon as the clear Revenue distributable as Dividend among the Proprietors of the Extension Stock shall yield a Dividend equal to the Dividend distributable among the Proprietors of the original Stock, then it shall be lawful for the Company, with the Concurrence of Three Fifths of the Votes of the Shareholders holding Shares in the original Stock, present personally or by Proxy at any General Meeting of the Company called for the Purpose, from thenceforth and for ever thereafter to combine and unite the said Capital Stocks into One; and the said Two Capital Stocks shall then be combined and united into One Capital Stock; and thereupon the Property, Revenues, and Liabilities of the Company and of the said Extension Shareholders shall for all Purposes be merged, and the Shareholders holding Extension Stock shall hold and enjoy the same freed from the Qualifications, Restrictions, and Conditions by this Act imposed, and upon an Equality, as respects Rights, Privileges, and Liabilities, with the Shareholders holding original Stock.

Company to
fix Proportion of Re-
venue to be
appropriated
to Proprietors of Dee-
side Stock
and Deeside
Extension
Stock.

XXVI. It shall be lawful to the Company at any Time, with the Consent of Three Fifths of the Votes of the Shareholders holding Shares in the original Stock, and of Three Fifths of the Votes of the Shareholders in the Extension Stock, present personally or by Proxy at a like General Meeting of the Company called for the Purpose, to fix and determine the Proportions in which the entire clear Revenue of the Company, after paying thereout all Expenses of Management and working Expenses, and other Expenses chargeable against such Revenue, and not against either of the separate Classes of the Proprietors, shall belong and be appropriated to the Proprietors of the *Deeside* Stock and the *Deeside* Extension Stock respectively, as their respective Shares of the Earnings of the joint Concern, which Proportions shall continue to regulate the Distribution of said Earnings thereafter in Terms of the Resolutions to be adopted at the Meeting foresaid.

Company to
contribute to
the Under-
taking.

XXVII. The Company may, in the Names of such of their Directors as they think fit, subscribe towards and become Shareholders in the Undertaking hereby authorized to any Extent not exceeding Five thousand Pounds, and they may pay the said Sum or any Part thereof either out of surplus Revenue or free annual Profits,

OR

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or by and out of any of the Moneys by "The *Deeside* Railway Act, 1852," authorized to be raised, and which may not be required by the said *Deeside* Railway Company for any other Purpose.

XXVIII. Whereas Plans and Sections of the Railway hereby authorized showing the Lines and Levels thereof, and also a Book of Reference to the said Plans containing the Names of the Owners or reputed Owners, Lessees, and Occupiers of the Lands, Houses, and Heritages through which the same are intended to pass, have been deposited in the Office in *Aberdeen* of the Principal Sheriff Clerk of the County of *Aberdeen*, and in the Office in *Stonehaven* of the Principal Sheriff Clerk of the County of *Kincardine*: It shall be lawful for the Company, with the Powers of Deviation and other Powers, and subject to the Provisions of this Act and the Acts herewith incorporated, to make and maintain 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, the Railway herein-after described, and all proper Works and Conveniences in connexion therewith, and to enter upon, take, and use such of the said Lands and Heritages as shall be necessary for the said Purposes.

Power to make Railway accord- to deposited Plans.

XXIX. The Railway to be made and maintained under the Authority of this Act shall be the following; (that is to say,)

Description of Extension Line.

A Railway commencing by a Junction with the Rails of the Main Line of the said *Deeside* Railway at a Point thereon at or near the West End of the Passenger Platform of the *Banchory* Station of said Railway, at the East End of the Village called *Banchory* in the Parish of *Banchory Ternan* and County of *Kincardine*, and terminating in a Wood near the Mill of *Aboyne*, at a Point about Fifty Yards or thereby East from the House situated contiguous to the Turnpike Road leading from *Kincardine O'Neil* to *Charleston* of *Aboyne*, and which House is now occupied by *Robert Milne*, Gamekeeper, in the Parish of *Aboyne* and County of *Aberdeen*, which said intended Railway and Works will be made or pass in or through the several Parishes or Places following, or some of them; (that is to say,) the Parishes of *Banchory Ternan* in the said County of *Kincardine*, and *Kincardine O'Neil*, *Lumphanan*, and *Aboyne*, in the said County of *Aberdeen*.

XXX. Notwithstanding anything contained in this Act or in the Acts incorporated herewith, it shall not be lawful for the Company, without the Consent in Writing of the most Honourable *Charles* Marquis of *Huntly*, or his Heirs of Entail, to divert the Turnpike Road numbered on the deposited Plans 120 in the Parish of *Aboyne* at the Point where a proposed Diversion thereof is shown on the same

Ornamental Water of Formiston Loch not to be interfered with.

[Local.]

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Plans

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Plans opposite *Rose Hill Farm* in the same Parish, but the Railway and Works by this Act authorized shall be so constructed and maintained at and near that Point as to avoid Interference for any Purpose whatsoever with the ornamental Water there called *Formiston Loch*, numbered 140 on the same deposited Plans.

Certain Road may be crossed on the Level.

XXXI. It shall be lawful for the Company to carry the Railway across the Level of the Road numbered on the said deposited Plans with the Number of Lines of Rails herein-after specified; (that is to say,)

Name of Parish.	No. on Plan.	Number of Lines of Rails which may be laid down.
Banchory Ternan -	The Road numbered 165	Two Lines of Rails.

Lodges or Stations to be made at level Crossing.

XXXII. For the greater Convenience and Security of the Public the Company shall erect and maintain either a Station or a Lodge at the Place where the Railway shall cross the before-mentioned Road 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 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 or at all Times maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the crossing 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 not exceeding Twenty Pounds, and also to a daily Penalty not exceeding Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridge to be erected in lieu of level Crossing.

XXXIII. 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 Railway hereby authorized to be carried across the said Road 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 said Road either over or under 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 said Board best adapted for removing or diminishing the Danger arising from such level Crossing.

Regulating the Inclina-

XXXIV. It shall be lawful for the Company to construct the Approaches to the Bridges, Arches, or level Crossings for carrying the

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the Roads numbered as after mentioned on the said deposited Plans over, under, or across the Railway, as also the proposed Diversion of the Roads numbered as after mentioned on the said Plans, with such Inclinations as they think fit, not steeper than the following; (that is to say,)

No. on Plan.	Name of Parish.	Rate of Inclination.
123	Kincardine O'Neil - - -	Not steeper than 1 in 15
159	Kincardine O'Neil - - -	Not steeper than 1 in 17
186	Kincardine O'Neil - - -	Not steeper than 1 in 11
70	Kincardine O'Neil - - -	Not steeper than 1 in 30
108	Lumphanan - - - -	Not steeper than 1 in 20
120	Aboyne - - - -	Not steeper than 1 in 26

XXXV. It shall not be necessary for the Company to make the Bridge or Arches for carrying the Roads in the Parish of *Kincardine O'Neil*, numbered respectively 159 and 186 on the said deposited Plans, under the Railway of a greater Height than Fourteen Feet, nor the Road numbered 24 in the said Parish of a greater Height than Twelve Feet.

As to Height of certain Bridges.

XXXVI. It shall be lawful for the Company, in constructing the Railway, to stop up the Road in the Parish of *Kincardine O'Neil* numbered 112 on the said deposited Plan.

Power to stop up the Road in the Parish of Kincardine O'Neil.

XXXVII. The Junction of the said Railway with the Rails of the *Deeside* Railway, and all such Openings in the Ledges or Flanches thereof as may be necessary or convenient for effecting such Junction, shall be made under the Direction and Superintendence of the Engineer or other proper and competent Officer for the Time of the *Deeside* Railway Company.

Regulating Junction with Deeside Railway.

XXXVIII. The Company shall, out of the Moneys authorized to be raised by this Act, maintain and keep in repair the Rails, Points, and Crossings connected with the said Junction, and also erect and maintain at or near such Junction such Signal Posts, Lamps, and other Apparatus as may be necessary for the Protection and Security of the Traffic passing between the *Deeside* Railway and the Railway hereby authorized, and employ proper and sufficient Persons at the said Junction to watch, light, and regulate the same, and make all other Works and Arrangements necessary for the Prevention of Danger or Inconvenience or Interruption to the Traffic between the said *Deeside* Railway and the Railway hereby authorized.

Expense of Junction and of Signals to be borne by Shareholders.

XXXIX. All Parties having a limited Right or Interest in any Lands required to be taken for the Purposes of this Act, or being under

Power to Parties having limited

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Powers to convey Lands by Feu Right.

under any Disability or Incapacity to sell or convey within the Meaning of Section 7 of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and being only entitled to sell or convey such Lands under the Powers by this Act and the said Consolidation Act granted, may sell and convey to the Company such Lands, or any Part thereof, or any Right or Interest therein, in consideration of an annual Feu Duty or Ground Annual payable by the Company to such Parties and their Successors in the Lands, or in the Right or Interest therein, so conveyed, and that in the Form prescribed by the said Consolidation Act with respect to Conveyances in Feu by Parties entitled absolutely to dispose of Lands.

Grassums not to be taken.

XL. 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 and 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 be ascertained and settled by Valuers in the Manner prescribed by the said Consolidation Act with respect to the Valuation of Lands sold by Agreement by Parties under legal Disability or Incapacity to convey as aforesaid.

Provision for recovering Feu Duties.

XLI. All Feu Duties or Ground Annuals for any Lands required for the Purposes of the Railway, and made payable by any Conveyance under this Act and the said Consolidation Act, shall be a First Charge on the Tolls and Rates leviable under this Act, anything in this Act or in any of the Consolidation Acts herewith incorporated to the contrary notwithstanding; and if at any Time any such Feu Duties or Ground Annuals remain unpaid for Thirty Days after they respectively become payable, it shall be lawful for the Person entitled for the Time being to Payment of such Feu Duties or Ground Annuals to recover the same from the Company, with Interest and Costs, by Action in the Sheriff Court of the County of *Aberdeen*, or Sheriff Court of the County of *Kincardine*, or summarily by Poining and Sale of the Goods and Effects of the Company, on Application, by Petition, to the Sheriffs of the said Counties respectively, and it shall not be lawful for any such Party to resume Possession of the Lands or Rights or Interests therein 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.

XLII. 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.

XLIII. The

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XLIII. 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 Act and the Acts incorporated herewith 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 Railway as shall then be completed.

Period for
Completion
of Works.

XLIV. It shall be lawful for the Company to demand and receive for and in respect of the Extension Railway by this Act authorized the same Tolls and Charges as they are authorized to demand and receive for and in respect of the *Deeside* Railway by "The *Deeside* Railway Act, 1852," and the Extension Railway hereby authorized to be made shall, for all such Purposes, be held to be Part of the said *Deeside* Railway.

Same Tolls
as on the
Deeside
Line.

XLV. Provided always, That every Passenger travelling upon the Railway hereby authorized may take with him his ordinary Luggage, not exceeding One hundred and twelve Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Passengers
Luggage.

XLVI. And whereas the *Deeside* Railway Company, under an Agreement with the *Aberdeen* Railway Company, now called the *Scottish North-eastern* Railway Company, use the Railway of that Company between *Ferryhill* and *Guild Street* in *Aberdeen*, and also Part of the *Scottish North-eastern* Railway Company's Station at *Guild Street* in *Aberdeen*, for the Conveyance and Accommodation of the Traffic of the *Deeside* Railway as now authorized: Be it therefore enacted, That nothing in this Act shall alter, prejudice, or affect the Rights, Powers, and Claims of the *Scottish North-eastern* Railway Company, as coming in place of the *Aberdeen* Railway Company, as respects the Passage of the Traffic to and from the Extension Railway hereby authorized over or along the *Scottish North-eastern* Railway, between *Ferryhill* and *Guild Street*, or the Use of any Part of the Station of the *Scottish North-eastern* Railway Company at *Guild Street*, or any of the Booking Offices or Conveniences connected therewith, for the Purposes of such Traffic: Provided always, that nothing in this Enactment contained shall prejudice, alter, or diminish, or take away any of the existing Powers, Rights, or Privileges of the *Deeside* Railway Company in respect of Traffic carried on that Line, received from whatever Source, over the Portion of the *Scottish North-eastern* Railway and Station comprised in the said before-mentioned Agreement, or any other of the Rights or Powers by such Agreement conferred on either of the said Companies Parties thereto.

Rights of the
Scottish
North-east-
ern Railway
Company
and of the
Deeside
Railway
Company
reserved.

The Deeside Railway Extension Act, 1857.

Subscription
Contract
valid.

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

Railway not
to be exempt
from Provi-
sions of pre-
sent and
future Gene-
ral Acts.

XLVIII. 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, or of the Rates and Charges for small Parcels, authorized by this and the last-recited Act.

Sum depo-
sited pur-
suant to
Standing
Orders not
to be repaid,
except in
certain
Events.

XLIX. And 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 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 Bank 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: Notwithstanding anything contained in the said Act of the Ninth Year of Her present Majesty, the said Sum of Six thousand Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway 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 Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the said 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.

The Deeside Railway Extension Act, 1857.

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 Pounds shall have been executed by the Company, with One or more Sureties (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Six thousand Pounds, if the Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said Act of the Ninth Year of Her present Majesty 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.

L. The Costs, Charges, and Expenses of applying for and obtaining this Act, and in any way incidental thereto, shall be paid by the Company. Expenses of Act.

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