CHAPTER cxxvi.

An Act to authorise the construction of a railway from the Great North of Scotland Railway at Portsoy to Elgin and for other purposes. A.D. 1882.

[12th July 1882.]

WHEREAS the Great North of Scotland Railway Company (in this Act called "the Company") were incorporated by the Great North of Scotland Railway Act 1846 and the powers of that Act have been from time to time extended by other Acts which were consolidated and amended by the Great North of Scotland Railway Consolidation Act 1859 (in this Act called "the Act of 1859") and other Acts passed since that date: 9 & 10 Vict. c. ciii. 22 & 23 Vict. c. viii.

And whereas the construction of the railway herein-after described will be attended with public and local convenience and the Company are willing to undertake that work on the powers herein-after contained being conferred for that purpose and on being authorised to constitute the said railway a separate undertaking as in this Act provided:

And whereas by the Buckie (Cluny) Harbour Order 1874 confirmed by the Pier and Harbour Orders Confirmation Act 1874 John Gordon of Cluny Castle Aberdeenshire (since deceased) his heirs assigns and successors (the undertakers for carrying that Order into execution) were empowered to make a quay walls jetties excavations rails tramways sidings turntables and other works at the harbour of Buckie and to take duties and rates in respect of the use thereof and the powers conferred by the said Order are or are reputed to be now vested in the testamentary trustees of the said John Gordon who are for the purpose of this Act herein-after called the Buckie Harbour Authority. 37 & 38 Vict. c. clxxxv.

And whereas it is believed that the railway authorised by this Act will tend to the development of the said harbour and to the benefit of the Buckie Harbour Authority and it is expedient that the provisions hereafter contained should be made with reference to the said harbour and authority:

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And whereas it is expedient that the other provisions contained in this Act should be made:

And whereas plans and sections showing the line and levels of the railway and works authorised by this Act and of the lands to be taken for the purposes thereof also a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the sheriff clerks for the county of Banff and the county of Elgin or Moray and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas the purposes of this Act 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:

Short title.

1. This Act may be cited as the Great North of Scotland (Buckie Extension) Railway Act 1882.

Incorporation of Acts. 8 & 9 Vict. c. 19. 23 & 24 Vict. c. 106. 8 & 9 Vict. c. 33. 26 & 27 Vict. c. 92.

2. The Lands Clauses Consolidation (Scotland) Act 1845 the Lands Clauses Consolidation Acts Amendment Act 1860 the Railways Clauses Consolidation (Scotland) Act 1845 and Part I. (relating to construction of a railway) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Extending certain provisions of Companies Clauses Acts. 8 & 9 Vict. c. 17.

3. The clauses and provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of the creditors of the Company against shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

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The provision to be made for affording access to the special Act by all parties interested;

And also Parts I. II. and III. of the Companies Clauses Act 1863 relating respectively to the cancellation and surrender of shares to additional capital and to debenture stock. 26 & 27 Vict. c. 118.

are (except where expressly varied by this Act) incorporated with and form part of this Act and shall so far as applicable apply to the Company and to the capital by this Act authorised to be raised.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and the expression "the railway" means the railway authorised by this Act.

Power to make railway.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections a railway (25 miles 3 furlongs and 0·32 chains or thereabouts in length) commencing in the parish of Fordyce in the county of Banff by a junction with the Portsoy Branch of the Great North of Scotland Railway near Portsoy Station and terminating in the parish of St. Andrew's Lhanbryd in the county of Elgin or Moray by a junction with the Elgin and Lossiemouth Branch of the Great North of Scotland Railway together with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes. The said railway is called for the purposes of this Act "The Buckie Extension."

For protection of the Cullen Estate.

6. For the protection of the Right Honourable Ian Charles Ogilvie-Grant Earl of Seafield and his successors in estate (in this section called "the said Earl") the following provisions shall have effect:—

Between the points shown on the deposited plans as 5 miles 6 furlongs and 8 chains and 7 miles 1 furlong and 3 chains from the commencement of the railway the Company may and shall construct the railway in the line and at the levels shown on a plan and section signed by the Right Honourable the Earl of Redesdale the Chairman of Committees of the House of Lords (a copy of which plan has been deposited in the office of the Clerk of the Parliaments) instead of in the line and at the levels shown on the deposited plans and sections.

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Provided that they shall obtain the consent of the owners lessees and occupiers of any lands outside the limits of deviation shown on the deposited plans which they may require to enter upon take and use for that purpose.

Diversion of roads.

7. The Company may divert or alter any roads within the limits of deviation in the manner shown on the deposited plans and sections.

Inclination of roads.

8. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclination not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say):

No. on deposited Plan.	Parish.	Description of Roads.	Intended Inclination.
4	Cullen	Public road	1 in 15 on one side and level on the other.
79	Rathven	do. do.	1 in 17 on one side and 1 in 100 on the other.
288	do.	do. do.	1 in 14
446	do.	do. do.	1 „ 15
464	do.	do. do.	1 „ 15
479	do.	do. do.	1 „ 15
791	do.	do. do.	1 „ 15
559	do.	do. do.	1 „ 10
577	do.	do. do.	1 „ 10

Height and span of bridges.

9. The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any span not less than the span herein-after mentioned in connexion therewith respectively (that is to say):

No. on deposited Plan.	Parish.	Description of Roads.	Span.
288	Rathven	Public road	20 feet.
951	do.	Lane and footpath	20 feet.
1109	do.	Public road	20 feet.
11	Urquhart	Accommodation road	20 feet.
196	do.	Public road	20 feet.
208	do.	Accommodation road and footpath	20 feet.
217	do.	Public road	20 feet.

Width of certain roadways.

10. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such

width between the fences thereof as the Company think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say):

No. on deposited Plan.	Parish.	Description of Roads.	Width of Roadway.
61	Fordyce	Public road	20 feet.
163	do.	do.	20 feet.
178	do.	do.	20 feet.
202	do.	do.	20 feet.
239	do.	do.	20 feet.
4	Cullen	do.	20 feet.
8	do.	do.	30 feet.
35	do.	Public road or street	20 feet.
64	Rathven	Public road	20 feet.
79	do.	do.	20 feet.
152	do.	do.	20 feet.
205	do.	do.	20 feet.
229	do.	do.	20 feet.
241	do.	do.	20 feet.
791	do.	do.	20 feet.
1177	do.	do.	20 feet.
48	Bellie	do.	20 feet.
126	do.	do.	20 feet.
19	Urquhart	do.	20 feet.
24	do.	do.	20 feet.
52	do.	Accommodation road	20 feet.
80	do.	do.	20 feet.
93	do.	Public road	20 feet.
152	do.	Accommodation road	20 feet.
183	do.	Public road	20 feet.
194	do.	Church road	20 feet.
264	do.	Public road	20 feet.
3	St. Andrew's Lhanbryd		
19	do.	do.	20 feet.
52	do.	do.	20 feet.

Stopping roads, &c.

11. The Company may stop up the roads streets lanes and footpaths next herein-after mentioned (that is to say):

No. on deposited Plan.	Parish.	Description of Roads.
48	Cullen	Road or street.
73	do.	Public road—Reidhaven Street.
632	Rathven	Lane and footpath.

so far as they are within the limits of deviation shown on the deposited plans.

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Lands for extraordinary purposes.

12. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation (Scotland) Act 1845 shall not exceed ten acres.

Notice to be given of taking houses of labouring classes.

13. The Company shall eight weeks at least before they take in any parish fifteen houses or more occupied either wholly or partly by persons belonging to the labouring classes as tenants or lodgers make known their intention to take the same by placards handbills or other general notice placed in public view upon or within a reasonable distance from such houses and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Company to procure accommodation for persons of the labouring classes to be displaced.

14. Before taking in any parish fifteen houses or more occupied either wholly or partly by persons belonging to the labouring classes as tenants or lodgers the Company shall (unless the Company and such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice and the Company may for the purpose of procuring such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase by agreement such further lands as may be necessary for such purpose and may on such lands erect labouring-class dwellings and may let or otherwise dispose of such lands and dwellings and may apply for the purposes of this section or any of them any moneys they may have already raised or are authorised to raise.

Power to take easements &c. by agreement.

15. Persons empowered by the Lands Clauses Consolidation (Scotland) Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the last-mentioned Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Owners may be required to sell parts only of certain lands and buildings.

16. And whereas in the construction of the railway hereby authorised portions only of certain of the lands and buildings shown on the deposited plans may be sufficient for the purposes of the same and such portions may be severed from the remainder of the

said properties without material detriment thereto. Therefore notwithstanding section ninety of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and persons interested in the lands and buildings described in the schedule to this Act and whereof parts only are required for the purposes of this Act may (if such portions can in the judgment of the jury arbiters or other authority assessing or determining the compensation under that Act be severed from such properties without material detriment thereto) be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

Period for compulsory purchase of lands.

17. 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 three years from the passing of this Act.

New coastguard station at Buckie to be substituted for present.

18. Before taking any portion of the property numbered on the deposited plans and books of reference 492 in the parish of Rathven on which the coastguard station at Buckie stands the Company shall (unless the Company and the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland otherwise agree) procure a site of equal area to that on which the said station stands to be conveyed to the said commissioners without cost to them such site to be approved by the said commissioners and shall erect thereon for the said commissioners in accordance with plans and specifications to be approved by them and to their satisfaction a new coastguard station and for that purpose may appropriate any lands for the time being belonging to them or which they have power to acquire or may purchase additional land by agreement.

Provided that if the said commissioners require the erection of a station of a more costly character than the present station any difference in cost arising from such requirement shall be defrayed by them and provided also that unless otherwise agreed by them no higher feu duty shall be payable by the commissioners in respect of such new site than is payable by them in respect of the present site.

New site for flag-staff to be provided if required.

19. If in the opinion of the said commissioners it shall not be convenient to use for the purpose of a flag-staff in connexion with such substituted station the property numbered on the deposited plans and books of reference 476 in the parish of Rathven and such

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substituted station shall not contain a proper site for that purpose the Company shall on having the property so numbered conveyed to them by the commissioners provide a site to their satisfaction to be used for the same purpose instead thereof and the Company shall not purchase or take the said property numbered 476 otherwise than with the consent of the said commissioners.

Deposit fund not to be repaid except as far as railway is opened.

20. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of ten thousand pounds being five per centum upon the amount of the estimate in respect of the railway has been deposited with the Court of Exchequer in Scotland in respect of the application to Parliament for this Act which sum or the securities in which it may be invested is referred to in this Act as the deposit fund. Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not 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 which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers. Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

21. If the Company do not previously to the expiration of the period limited for the completion of the railway complete and open the same then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the "Edinburgh Gazette" shall be applied towards compensating any landowners or other persons

whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Court if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof. Provided that until the deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for completion of railway.

22. If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Company may apply funds and raise additional capital.

23. The Company may apply towards the construction of the railway any money which they are already authorised to raise and which may not be required by them for the purposes for which the same was authorised to be raised and they may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the sums of money which they are already authorised to raise any further sum or sums not exceeding in the whole one hundred and sixty-five thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those methods respectively but the Company shall not issue any share of less nominal value

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than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth part of the amount of such share shall have been paid in respect thereof and the capital so raised by the Company shall subject to the provisions of this Act form part of the capital of the Company.

Qualifications of new shares or stock.

24. Subject to the provisions of this Act and except as by or under the powers of this Act otherwise provided the new shares or stock issued under the powers of this Act shall in proportion to the aggregate amount thereof from time to time held by the same person at the same time entitle the respective holders thereof to the same dividends and profits and confer on them the like qualifications and the like right of voting as the like amount of existing shares or stock of the Company of the same class or description.

Extent of preferential dividends.

25. The shares or stock to be created under the powers of this Act shall be entitled to the preferential dividend (if any) which may be attached thereto by the Company and such preferential dividend shall be payable half-yearly whenever there are profits enough declared at any half-yearly ordinary general meeting to be applicable to pay such preferential dividends after satisfying the dividend and arrears of dividend (if any) then due upon any preference shares or stock of the Company previously created or issued but if the profits divided in respect of any half year between the thirty-first day of July and the thirty-first day of January be insufficient to pay such half year's dividend in full the deficiency shall be made up out of the profits of the second half year applicable to such dividend but no deficiency of dividend on the preferential shares or stock to be created under the powers of this Act for any year shall be made up out of the profits of any subsequent year or out of any other funds of the Company. Provided also that if in the first half of any year there be profits applicable to the purposes of dividend upon the ordinary shares or stock of the Company after satisfying the dividend and arrears of dividend (if any) due upon any other preference shares or stock of the Company previously created and issued and also the dividend for such half year upon the preference shares or stock to be created under the powers of this Act it shall be lawful for the Company to declare a dividend for such half year on such ordinary shares or stock.

Power to borrow.

26. The Company may in respect of the capital of one hundred and sixty-five thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage any sum not exceeding in the whole fifty-five thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued

and accepted and one half thereof is paid up and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such sheriff as aforesaid before he so certifies that such shares or stock (as the case may be) were or was issued and accepted and paid up bonâ fide and are or is held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if the said capital is raised by means of shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such sheriff of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid in reference to such capital has been given which certificate shall be sufficient evidence thereof.

For appointment of a receiver or a judicial factor.

27. The mortgagees of the Company under this Act may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver or judicial factor. In order to authorise the appointment of a receiver or judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver or judicial factor is made shall not be less than five thousand pounds in the whole.

Saving priority of existing mortgages.

28. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and as regards the undertaking comprised in and assigned by such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over all mortgages to be granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture stock.

29. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863

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but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

30. All moneys raised by the Company under this Act whether by shares or stock debenture stock or borrowing shall be applied to the purposes of this Act and to the general purposes of the Company.

Receipt clause in case of persons not sui juris.

31. If any money is payable to a holder of shares or stock in the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Providing for separation of undertaking.

32. If the directors of the Company pass a resolution to the effect that the capital in shares or stock (the amount of which shall be specified in such resolution and shall not exceed two hundred and twenty thousand pounds) to be raised under this Act for the purposes of the Buckie Extension and that the Buckie Extension shall be constituted a separate capital and undertaking and such resolution be confirmed at an extraordinary general meeting of the Company convened with due notice of the matter and by the votes of proprietors entitled to vote at any such meeting present in person or by proxy holding at least three fourths of the paid-up capital represented at such meeting the Buckie Extension together with all lands buildings and property to be purchased for the purposes thereof shall form a separate undertaking distinct and apart from the rest of the undertaking of the Company. Provided that if the separate capital as fixed by such resolution exceed one hundred and sixty-five thousand pounds the excess may be created by shares or stock and the powers of borrowing under this Act shall be to a like amount reduced.

Providing for management of separate undertaking.

33. The directors of the Company shall have the working and management of the affairs of the said separate undertaking if constituted as aforesaid and they and any committees appointed by them for the purposes of that undertaking shall subject to the provisions of this Act have and exercise all such and the same powers with respect thereto as they have or might have or exercise with respect to the rest of the undertaking of the Company.

Prescribing how terms to be settled.

34. The terms and conditions upon which such separate undertaking shall be worked and managed by the Company and the

dividends or annual or other sums to be paid to or upon the shares or stock constituting the said separate capital out of the gross receipts arising from the traffic of the separate undertaking and from traffic passing over both the separate undertaking and any other railway of the Company and the payments to be made in respect of the use of such separate undertaking for the general traffic of the Company shall be such as shall be defined and settled by an extraordinary general meeting of the Company duly convened with notice of the object and by such votes as aforesaid Or the Company may by any resolution passed at any such meeting with such notice and by such votes as aforesaid determine that the profits of the Company after paying all charges thereon and the dividend on the preference capital of the Company shall be applied in payment of dividend upon the separate capital to an amount not exceeding five per centum per annum before any dividend is paid thereout upon the ordinary shares or stock of the Company.

And the substance of the terms and conditions upon which the shares or stock constituting the separate capital of such separate undertaking are created and issued shall be endorsed upon the certificates thereof and the Company may out of any money not required for any other purpose contribute to such separate undertaking and hold shares in such separate capital.

Votes of holders of separate capital.

35. In the event of the said capital being constituted a separate capital then unless it be otherwise provided by the resolution creating the same the holders thereof shall not be entitled to vote at meetings of the Company.

As to mortgages affecting separate undertaking.

36. In the event of the railway being constituted a separate undertaking in manner aforesaid any money borrowed for the purpose thereof under the powers of this Act shall be charged on the separate undertaking only and the Company shall not pay interest thereon or repay the principal thereof except out of money arising from or charged upon the separate undertaking and the separate undertaking and the revenue arising therefrom shall not be liable for any mortgage or debenture debt or other charge upon any other part of the undertaking of the Company or for the payment of interest thereon.

Separate undertaking to be worked in an efficient manner.

37. After the opening of the said separate undertaking for public traffic the Company shall work the same and convey traffic thereon in a proper manner and so as fairly to accommodate and develop the traffic of the district to be served by the said undertaking. In case any difference shall arise between the Company and any of the holders of stock or shares in the separate capital with respect to the

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working or insufficient working by the Company of the said undertaking or otherwise in relation thereto whereby the holders of such shares or stock deem themselves to be injuriously affected such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application either of such holders of stock or shares in the separate capital or of the Company and such arbitrator shall have full power to settle and determine any such difference and to order the Company to do or to abstain from doing all such acts matters and things as he shall think fit and to make such order with respect to the costs of such arbitration as he shall think just. In case the Company make default in complying with any such order within the time thereby prescribed then and in every such case the Company shall for every such default be liable to a penalty not exceeding fifty pounds and to a further penalty not exceeding fifty pounds for every day after the first during which such default shall continue.

Powers as to Buckie Harbour.

38. The Company may run over and use with their engines waggons and carriages and for all purposes of traffic any rails tramways sidings and turntables laid down or to be laid down at the harbour of Buckie and the quays piers jetties and other works at the said harbour.

Power to levy a toll at Buckie Harbour.

39. If and so long as under the provisions of this Act the Company shall be required to make to the Buckie Harbour Authority any payment in respect of the use of any rails tramways sidings and turntables on or along the quays piers and other works at Buckie (Cluny) Harbour the Company may demand and take in respect of such use for animals and goods conveyed by them over the same tolls not exceeding for every animal twopence and for all goods articles and things twopence per ton.

And to charge for services.

40. The Company may also make for the use of waggons supplied by them for use on any rails at the said harbour and for any other service which may be rendered by the Company in connexion therewith such reasonable charge as they may think proper and as may be agreed upon between the Company and the Buckie Harbour Authority.

Contribution by Buckie Harbour Authority.

41. The Buckie Harbour Authority may contribute to the capital required for the railway and works by this Act authorised a sum not exceeding thirty thousand pounds.

Agreements with Buckie Harbour Authority.

42. The Company on the one hand and the Buckie Harbour Authority on the other hand may from time to time enter into and carry into effect agreements with reference to the use by the Company of any rails tramways sidings or turntables at the said

harbour the performance of services at and in connexion with the said harbour and the charges to be made by the Company for the same. Provided that as between the Company and the Highland Railway Company the traffic of the Highland Railway Company at the said harbour worked by the Company shall as regards any such agreement be on an equal footing with the traffic of the Company.

Terms upon which running powers are to be exercised.

43. The terms conditions and regulations for the use of the said rails tramways sidings or turntables to which the Company shall be subject and the tolls or other consideration (if any) to be paid by them in respect thereof shall if not agreed upon between the Buckie Harbour Authority and the Company be from time to time determined by an arbitrator to be appointed on the application of either party by the Board of Trade and the decisions of such arbitrator shall be binding and conclusive on all the parties in difference and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct and either party who shall refuse or neglect to perform observe and conform to any decision given or regulation made by any such arbitrator in the premises shall forfeit and pay as the arbitrator shall determine any sum not exceeding fifty pounds for every such offence and twenty pounds for every day during which such offence shall continue.

Mutual running powers and interchange of traffic.

44. The Highland Railway Company may run over work and use with their engines carriages waggons officers and servants and for the purposes of their traffic of every description the railway by this Act authorised and so much of the Lossiemouth Branch of the Company as will give access to the Elgin Station of the Highland Railway Company together with all stations platforms points signals watering-places standing-room for engines booking and other offices sidings junctions works and conveniences connected with the said railway. Provided that they shall not be entitled to exercise the said powers or any part of them unless they shall permit the Company to run over and use in like manner in all respects so much of the railway of the Highland Company as extends from Elgin to Forres including the stations at those places and all other stations platforms points signals watering-places standing-room for engines booking and other offices sidings junctions works and conveniences connected therewith respectively and each Company respectively shall upon the said respective railways provide and afford full and proper facilities for the interchange and accommodation of traffic of the other of them.

Terms of such use.

45. The terms conditions and regulations to be observed and fulfilled by the Company exercising the said running powers and the tolls charges or other consideration to be paid by them for and

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in respect of the use of the portion of railway stations works and conveniences used by them respectively shall be such as are from time to time agreed upon between the said respective companies or as failing agreement may from time to time be determined by a single arbitrator to be appointed by the Board of Trade on the application of either company and the costs of any such arbitration shall be in the discretion of the arbitrator and his decision shall be final and binding.

As to arrangements at Portessie and Buckie (Cluny) Harbour. 45 & 46 Vict. c. cxxiv.

46. The following provisions with reference to the construction of the railway authorised by this Act and the railway authorised by the Highland Railway Act 1882 at Portessie Station and as to arrangements there and at Buckie (Cluny) Harbour shall apply and have effect viz.:—

(1) Instead of constructing an independent station at Portessie in connexion with their railway from Keith to Portessie (herein-after called the Keith and Portessie Railway) the Highland Railway Company (herein-after called the Highland Company) may exercise at a station to be provided by the Company in connexion with the railway authorised by this Act such rights and privileges as are herein-after conferred upon them.

(2) The said station at Portessie shall be constructed according to a plan bearing date the 19th day of June 1882 and signed by the engineers of the Company and the Highland Company respectively.

(3) The Keith and Portessie Railway shall be constructed wholly on the south side of the railway authorised by this Act.

(4) The Company shall make at Portessie connecting lines and junctions between the Keith and Portessie Railway and the railway by this Act authorised at the point shown upon the said plan and the Company shall also provide at the said station such sidings as are shown thereupon for the interchange of goods mineral live stock and fish traffic and shall also provide maintain and work at the said station all necessary platforms offices signals and other accommodation for the traffic of the Highland Company of all descriptions passing to or from or over any portion of the Keith and Portessie Railway and shall work and conduct such traffic thereat for the Highland Company as effectually regularly and expeditiously as if the same were their own proper traffic.

(5) The Highland Company shall in respect of the use of the said station connecting lines junctions and sidings at Portessie and the other matters and services herein-before mentioned pay to the Company such annual or other sums of money and

be subject to such terms and conditions as if not agreed upon shall be from time to time determined by arbitration.

(6) The Company shall at their Buckie (Cluny) Harbour Station work and conduct traffic of all descriptions (except passenger traffic) passing to or from or over any portion of the Keith and Portessie Railway and perform all necessary services at the said station in connexion therewith as effectually regularly and expeditiously as if the same were the Company's own proper traffic.

(7) The Highland Company shall be entitled to fix their rates in respect of all traffic other than coaching traffic conveyed by them between any station on their railway and Buckie (Cluny) Harbour Station and they shall also be entitled to fix the fares and rates for traffic of every description conveyed by them to and from Portessie from or to any station on their railway.

(8) The Highland Company shall be entitled for the purposes of their traffic of all descriptions (except passenger traffic) passing to from or over the Keith and Portessie Railway or any part thereof to run over and use with their engines and waggons and officers and servants in charge thereof but subject to such reasonable rules and regulations as the Company may from time to time make so much of the railway of the Company as will be between the said station at Portessie and Buckie (Cluny) Harbour Station together with the last-mentioned station. Provided always that the exercise by the Highland Company of the powers granted by this section shall not be deemed to entitle the Company under any other provision of this Act to run over the railway of the Highland Company from Elgin to Forres.

(9) The Highland Company shall in respect of the said portion of railway run over and used as aforesaid and Buckie (Cluny) Harbour Station pay to the Company the usual clearing-house terminals on the traffic in respect of which the running powers are exercised and also the mileage proportions herein-after specified of the gross receipts from such traffic (after deducting therefrom the usual clearing-house terminals and also any paid ons and paid outs and proportions paid or due to other companies) and shall also pay to the Company the amount of any toll or charge payable by the Company to the Buckie Harbour Authority in respect of the use of the harbour rails or accommodation or a fair proportion of any commuted annual rent or sum paid by the Company to the said harbour authority in respect of the said harbour rails and accommodation and shall

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also pay to the Company the amount of any reasonable charge made for services (if any) rendered in respect of such traffic at the said harbour in accordance with this Act.

(10) The mileage proportion to be paid in respect of traffic passing to from or over any portion of the Keith and Portessie Railway between Buckie (Cluny) Harbour and any place within twenty-five miles thereof such distance being measured viâ Portessie and the Keith and Portessie Railway shall be calculated as if the portion of railway of the Company run over and used as aforesaid were three miles and the mileage proportion payable in respect of all traffic except as aforesaid shall be calculated as if the portion of railway of the Company run over were four miles out of the actual distance.

(11) In respect of any mineral or station to station traffic conveyed by the Highland Company between the station at Buckie (Cluny) Harbour and any place within twenty-five miles thereof viâ Portessie and the said Keith and Portessie Railway the Highland Company shall be entitled to one half of the said terminals arising at Buckie (Cluny) Harbour Station.

(12) Any difference which may from time to time arise between the Highland Company and the Company with reference to any matter provided for in this section shall be determined by a single arbitrator to be appointed by the Board of Trade on the application of either company.

(13) The Highland Company may at their own expense employ at the said Buckie (Cluny) Harbour Station a booking clerk and inspector and the Company shall at the expense of the Highland Company provide proper and sufficient accommodation for such booking clerk and inspector.

Tolls.

47. For purposes of tolls rates and charges the railway shall be deemed to form part of the undertaking of the Company and the Company may demand and take in respect thereof tolls rates and charges not exceeding those fixed and limited by the Great North of Scotland Railway (Consolidation) Act 1859.

Terminal station.

48. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

Foregoing charges not to apply to special trains.

49. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed

from time to time by the Company for the conveyance of passengers and goods upon the railway. A.D. 1882.

Classification table to be open to inspection. Copies to be sold.

50. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Terminal charges if any to be specified on application.

The Company shall within one week after application in writing made to the Secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges if any and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by section 14 of the Regulation of Railways Act 1873. 36 & 37 Vict. c. 48.

Company may take increased charges by agreement.

51. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance on the railway of animals or goods of any description by agreement with the owners or persons in charge thereof either by reason of any special service performed by the Company in relation thereto or in respect of the conveyance of animals or goods (other than small parcels) by passenger trains.

Interest not to be paid on calls paid up.

52. The Company shall not out of any money by this Act authorised to be raised pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845. 8 & 9 Vict. c. 16.

Deposit for future Bills not to be

53. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any

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paid out of capital.

standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

54. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or 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 or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels.

Costs of Act.

55. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULE referred to in the foregoing Act.

DESCRIBING Lands Buildings and Manufactories of which portions only are required by the Company.

Parish.	Number on deposited Plan.
Fordyce -	50, 51.
Cullen - -	57, 58, 84, 108, 115, 117.
Rathven -	298, 299, 373, 377, 381, 389, 391, 395, 398, 401, 404, 407, 445, 448, 450, 452, 454, 456, 610, 612, 613, 615, 618, 620, 712, 713, 714, 715, 716, 717, 718, 719, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 827, 828, 830, 833, 906, 908, 910, 912, 914, 915, 916, 918, 920, 921, 952, 996, 997, 998, 999, 1000, 1008, 1012, 1014, 1016, 1017, 1019, 1020, 1022, 1032, 1036, 1039, 1040, 1045, 1048, 1050, 1054, 1057, 1059, 1062, 1064, 1066, 1072, 1078, 1080, 1086, 1089, 1100, 1102, 1116, 1117, 1118, 1119, 1120, 1121, 1122.

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