ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. lvii.

An Act for making a Railway from the *Great North of Scotland* Railway to *Turriff* in the County of *Aberdeen.* [15th *June* 1855.]

WHEREAS the Construction of a Railway from the *Great North of Scotland* Railway to *Turriff* in the County of *Aberdeen* would afford Railway Accommodation to an important District having at present no such Convenience: And whereas a Plan and Section of the Railway, showing the Line and Levels thereof, with a Book of Reference to the Plan, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of the Lands through which the said Railway will pass, have been deposited with the Principal Sheriff Clerk for the said County: And whereas the Persons herein-after named, with others, are willing, at their own Expense, to construct the said Railway; but they cannot do so 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,

Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

8 & 9 Vict. cc. 16. 17. and 33. incorporated.

I. "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act.

"The Company."

II. Where in this Act the Words "the Company" occur, the same shall mean the Company incorporated by this Act.

Subscribers incorporated.

III. Sir *James Dalrymple Horn Elphinstone* Baronet, *John Blaikie*, *Newell Burnett*, *John Duguid Milne*, *Alexander Jopp*, *James Crombie*, *Edward Mortimer*, *Robert Duncan*, *John Stewart*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway hereby authorized; and such Company shall be incorporated by the Name of "The *Banff, Macduff, and Turriff Junction* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the said Acts contained.

Capital.

IV. And whereas the estimated Cost of the Railway is One hundred and twenty thousand Pounds: The Capital of the Company shall be One hundred and twenty thousand Pounds.

Shares.

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

Calls.

VI. Three Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at the least shall be the Interval between successive Calls, and Two Third Parts of the Amount of a Share shall be the utmost aggregate Amount of Calls to be made in any One Year upon any Share.

Power to borrow on Mortgage.

VII. The Company may borrow on Mortgage any Sums not exceeding in the whole the Sum of Forty thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of One hundred and twenty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

VIII. The

Application of Capital.

VIII. The Monies by this Act authorized to be raised, whether by Shares or Mortgage, shall be applied only in carrying into execution the Objects and Purposes of this Act.

Power for Great North of Scotland Railway Company to subscribe.

IX. The *Great North of Scotland* Railway Company may subscribe towards and become Shareholders in the Undertaking to any Extent not exceeding Forty thousand Pounds, and they may pay the said Sum or any Part thereof by and out of any of the Monies by "The *Great North of Scotland* Railway Amendment Act, 1851," authorized to be raised, and which may not be required by the *Great North of Scotland* Railway Company for any other Purpose.

Nominee of that Company to vote for them.

X. The said last-mentioned Railway Company may from Time to Time, so long as they remain Subscribers to the Undertaking, appoint under their Seal, or under the Hand of the Chairman for the Time being of their Directors, some Person (whether a Shareholder or not in the Undertaking hereby authorized) to vote on their Behalf at any Meeting of the Company by this Act incorporated; and the Person so appointed shall have the same Right of voting at such Meeting as the *Great North of Scotland* Railway Company.

Interest not to be paid on Calls paid up.

XI. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in that Behalf contained.

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

XII. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

First and other Meetings.

XIII. The First Ordinary Meeting of the Company shall be held within Three Months after the passing of the Act, and the subsequent Ordinary Meetings of the Company shall be held once in every Year, in the Month of *October* or *November*, as the Directors may appoint; and

and all Meetings, whether ordinary or extraordinary, shall be held in *Aberdeen*.

Newspaper for Advertisements.

XIV. The Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper published in *Aberdeen*.

Number and Qualification of Directors.

XV. Subject to the Provisions herein contained for reducing their Number, the Number of Directors shall be Nine, and the Qualification of a Director shall be the Possession in his own Right of Ten Shares in the Undertaking.

Power to reduce the Number of Directors.

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

First Directors of Company.

XVII. Sir *James Dalrymple Horn Elphinstone* Baronet, *John Blaikie*, *Newell Burnett*, *John Duguid Milne*, *Alexander Jopp*, *James Crombie*, *Edward Mortimer*, *Robert Duncan*, and *John Stewart* shall be the First Directors of the Company.

Such Directors to continue in Office until First Meeting after passing of Act.

XVIII. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

As to Election of future Directors.

XIX. At the Ordinary Meeting to be held in every Year thereafter, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," and in this Act contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by "The Companies Clauses Consolidation (*Scotland*) Act, 1845," and by this Act, or either of them.

Scale of voting.

XX. The Scale according to which the Shareholders may vote in respect of their Shares shall be in proportion to the Number held by them respectively, each Share counting One Vote.

Quorum.

XXI. A Quorum of a Meeting of Directors shall be Three.

XXII. The

Period for balancing Books and for Inspection.

XXII. The Period at which the Books of the Company shall be brought to a Balance shall be the Thirty-first Day of *August* in each Year, and the Period at which the Shareholders and Loan Creditors of the Company shall be entitled to inspect the Company's Books shall be Eight Days before and Eight Days after the Ordinary Meetings of the Company.

Power to make Railway according to deposited Plans.

XXIII. It shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, to make and maintain the Railway herein-after described, with all proper Works, Approaches, and Stations, in the Line and upon the Lands delineated on the said Plan and described in the said Book of Reference, and according to the Levels described on the said Section; and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Railway through the Lands of R. Leslie to be constructed in the Line shown on deposited Plans.

XXIV. Provided always, That the Company, in constructing the said Railway between the Point Seven Miles Four Furlongs and the Point Eight Miles Two Furlongs through the Plantation and Lands of *Robert Leslie* of *Rothie* in the Parish of *Fyvie* in the County of *Aberdeen*, as shown on the said deposited Plan, shall not, under the Powers of lateral Deviation contained in the "Railways Clauses Consolidation (*Scotland*) Act, 1845," incorporated herewith, deviate from the centre Line of the said Railway as shown on the said Plan, except with the Consent in Writing of the said *Robert Leslie*, his Heirs or Assigns, for that Purpose first had and obtained.

Company not to deviate to the East of Centre Line of Railway near Mr. Duff's Park.

XXV. Provided also, That the Company shall not deviate to the Eastward of the centre Line of Railway as shown on the said Plan, in constructing so much of the Railway in the Parish of *Turriff* as lies between the Point measuring Fifteen Miles One Furlong and One hundred and twenty Yards and the Point measuring Sixteen Miles and Fifty-four Yards upon the said Plan, to a greater Extent than Six Yards, and in no Case to interfere with the Park Wall enclosing the Grounds of *Hatton Castle* along the Line of the present Turnpike Road between the above-named Points.

Describing the Lines of Railway.

XXVI. The Railway shall commence by a Junction with the *Great North of Scotland* Railway in the Parish of *Chapel of Garioch*, pass through or into the said Parish, and the Parishes of *Daviot*, *Rayne*, *Fyvie*, *Auchterless*, and *Turriff*, all in the County of *Aberdeen*, and terminate at or near the Town or Burgh of Barony of *Turriff*.

Level Crossings.

XXVII. Subject to the Provisions in this Act, and in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," contained, it shall be lawful for the Company, in the Construction of the Railway, to

carry the same across and upon the Level of the several Turnpike and public Roads numbered on the Plans deposited as aforesaid as follows; (that is to say,)

No. on Plan.	Parish.
87	Chapel of Garioch.
163	Ditto.
54	Rayne.
23	Fyvie.
105	Ditto.
17	Turriff.
73	Ditto.

Company to erect Station or Lodge where Roads crossed on the Level.

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

Board of Trade may require Bridges instead of level Crossings.

XXIX. The Board of Trade (if it shall appear to them necessary for the public Safety or Convenience, at any Time, either before or after the Railway hereby authorized to be made shall have been completed and opened for public Traffic,) may require the Company, within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry any or either of the herein-before mentioned Roads either under or over the Railway by means of a Bridge or Arch, instead of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from any such level Crossing.

Regulating Inclinations of certain Roads.

XXX. It shall be lawful for the Company to construct the Approaches to the Bridges, Arches, or level Crossings for carrying the Roads numbered as after mentioned on the said deposited Plan over, under, or across the Railway, as also to make and construct the proposed Diversions of the Roads numbered as after mentioned on the said

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

No. on Plan.	Parish.	Rate of Inclination.
112	Chapel of Garioch -	Not steeper than 1 in 10.
80	Rayne - -	Ditto 1 in 18.
58	Fyvie - -	Ditto 1 in 8.
327	Ditto - -	Ditto 1 in 16.
141	Ditto - -	Ditto 1 in 14.
8	Turriff - -	Ditto 1 in 23.

Height of Bridge for carrying Road under Railway in the Parish of Chapel of Garioch.

XXXI. It shall not be necessary for the Company to make the Bridge or Arch for carrying the Road in the Parish of *Chapel of Garioch* numbered 27 on the before-mentioned Plan under the Railway of a greater Height than Twelve Feet, nor the Bridge or Arch for carrying the Road in the Parish of *Rayne*, numbered 67 on the said Plan, under the Railway, of a greater Height than Eleven Feet.

Land for extraordinary Purposes.

XXXII. The Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Twenty Acres.

Powers for compulsory Purchases limited.

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

Period for Completion of Works.

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

Money deposited in Bank to be forfeited to the Crown, in a certain Event.

XXXV. 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, the Sum of Nine thousand Pounds, being Ten *per Centum* upon Three Fourths of One hundred and twenty thousand Pounds, the estimated Cost of the Railway, has been deposited in the *Commercial* Bank of *Scotland*, in the Name and with the Privity of the Queen's Remembrancer of the Court of Exchequer in *Scotland*, in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Nine 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

suance 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, either open the 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 Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided, that at any Time after the passing of this Act if a Bond in twice the Amount of the said Sum of Nine 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 Nine thousand Pounds if the Company shall not within the Time limited for the Completion of the Railway either open the 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 recited Act to the contrary notwithstanding; and the Monies 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.

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

XXXVI. The Communication between the Railway hereby authorized and the *Great North of Scotland* Railway, and all such Openings in the Ledges or Flanches of such Railway as may be necessary or convenient for effecting such Communications, shall be made under the Direction and Superintendence of the Engineer for the Time being of the *Great North of Scotland* Railway Company; and in case of any Difference arising as to the Mode of effecting such Communication, then the same shall be determined by a Referee to be appointed, at the Cost of the Company, by the Board of Trade, on the Application of either Company.

Not to interfere with Works of Great North of Scotland Railway Company, without Consent.

XXXVII. Nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Company to take or enter upon any of the Lands belonging to the *Great North of Scotland* Railway Company, or to alter, vary, or interfere with their Railway, or any of the Works thereof, further or otherwise than is necessary for the convenient Junction and Intercommunication between the said Railway and the Railway hereby authorized, without the Consent in Writing of the said Company in every Instance for that Purpose first had and obtained.

Saving the Rights of that Company.

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

Company may contract with the Great North of Scotland Railway Company as to joint Use of Railway.

XXXIX. It shall be lawful for the Company from Time to Time to contract and agree with the *Great North of Scotland* Railway Company for or in respect of the working and the joint Use of the Railway hereby authorized, and for or in respect of the Interchange of Traffic, and the Division and Appropriation of the Tolls, Rates, and Charges in respect thereof, and any Matter incidental thereto: Provided always, that such Contract or Agreement shall be approved by the Board of Trade, and in the first instance shall not be in force for more than Ten Years, but on the Expiration of such Contract or Agreement, and also on the Expiration of any renewed Contract or Agreement, it shall be lawful for either Company, upon giving One Month's previous Notice of such Application in an *Edinburgh* and also in an *Aberdeenshire* Paper, to apply to the Board of Trade for their Consent to a Renewal of any such Contract or Agreement, and upon such Consent being obtained it shall be lawful for the Companies to

make and enter into any new Contract or Agreement for the Purposes aforesaid, subject nevertheless to such Terms and Conditions as may be prescribed by the Board of Trade: Provided always, that the Board of Trade shall not approve of any such renewed Contract or Agreement without being satisfied that the same has been assented to by the Votes of Three Fifths of the Shareholders of each of the said Companies in Special Meeting assembled for that Purpose; provided also, that no such Contract or Agreement shall empower either of the said Companies to take any higher Tolls than they would be empowered to take if there was no such Contract or Agreement.

During Agreement, Railways to be considered as One.

XL. In estimating the Toll or Charge to be paid in respect of Articles or Persons conveyed partly upon the *Great North of Scotland* Railway and partly upon the Railway by this Act authorized, during the Continuance in force of any such Contract or Agreement as aforesaid, the Distance traversed shall be reckoned continuously on both Railways, as if the said Railways were One Railway; and if the entire Distance traversed shall be less than Six Miles, the Railway by this Act authorized shall be considered as Part of the *Great North of Scotland* Railway; and during the Continuance in force of any such Contract or Agreement the Tolls hereby authorized to be taken in respect of small Parcels shall be reckoned as though the Railway by this Act authorized formed Part of the *Great North of Scotland* Railway.

Tolls.

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

Tonnage on Articles of Merchandise.

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

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

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per* Ton *per* Mile not exceeding Twopence Halfpenny; and if conveyed in a Carriage belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Stones, and Deals, Metals (except Iron), Nails, Anvils, Vices,

Vices, and Chains, *per* Ton *per* Mile not exceeding Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny Halfpenny:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Fourpence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Twopence:

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile not exceeding Sixpence; and a like Sum of Sixpence *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile not exceeding Sixpence:

Tolls for Passengers or Cattle.

2. In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows:

For any Person conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon Carriages belonging to the Company, an additional Sum not exceeding One Penny *per* Mile:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding Threepence *per* Mile:

For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Penny Halfpenny *per* Mile.

Tolls for propelling Power.

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

Regulations as to the Tolls.

XLIII. The following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles the Company may demand as for Six entire Miles:

For

For a Fraction of a Mile beyond Six Miles or beyond any greater Number of Miles the Company may demand Tolls on Merchandise for such Fraction in proportion to the Number of Quarters of a Mile contained therein; and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile:

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction; and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for small Parcels and Articles of great Weight.

XLIV. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage (over the whole or any Part of the Line) of small Parcels not exceeding Fourteen Pounds in Weight, Sixpence:

For the Carriage of any Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, One Shilling:

For the Carriage of any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, Two Shillings:

For the Carriage of any Parcel exceeding Fifty-six Pounds and not exceeding One hundred and twelve Pounds in Weight, Three Shillings:

For the Carriage of any Parcel exceeding One hundred and twelve Pounds and not exceeding Two hundred and twenty-four Pounds in Weight, Five Shillings and Sixpence:

For the Carriage of Parcels exceeding Two hundred and twenty-four Pounds and not exceeding Five hundred Pounds in Weight the Company may demand any Sum which they think fit: Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Stone or Timber, or other single Article,

Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding One Shilling *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Limiting Charges for Conveyance of Passengers.

XLV. It shall not be lawful for the Company to demand or receive any greater Sum in respect of the Carriage of Passengers conveyed on the Railway than Twopence *per* Passenger *per* Mile in respect of any Passenger travelling in a First-class Carriage, One Penny Halfpenny *per* Passenger *per* Mile in respect of any Passenger travelling in a Second-class Carriage, and One Penny *per* Passenger *per* Mile in respect of any Passenger travelling in a Third-class Carriage, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance, unless in the Case of Passengers travelling by Special Trains: Provided always, that in the Case of Trains travelling at a greater Rate of Speed than Twenty-five Miles *per* Hour it shall be lawful for the Company to demand and receive, in respect of Passengers travelling by such Trains in a First-class Carriage, any Sum not exceeding Twopence Three Farthings *per* Mile, and for Passengers travelling by such Trains in a Second-class Carriage any Sum not exceeding Twopence *per* Mile, and if travelling in a Third-class Carriage by such Trains any Sum not exceeding One Penny Halfpenny *per* Mile, including in such Charge the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance.

Limiting Charge for the Conveyance of Goods.

XLVI. It shall not be lawful for the Company to charge, in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals, herein-after mentioned, conveyed on the Railway, any greater Sum, including the Charges for the Use of Carriages, Waggons, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance, than the several Sums herein-after mentioned; (that is to say,)

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile One Penny Halfpenny:

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

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

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

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile Sevenpence:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, *per* Mile Fivepence:

For every Ox, Cow, Bull, or Neat Cattle, *per* Mile Twopence:

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

Provided always, that if any Passenger, Animals, or Goods be conveyed for a less Distance than Six Miles on the Railway the Company shall be entitled to demand and receive Tolls as and for Six entire Miles.

Passengers Luggage.

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

Restriction as to Charges not to apply to Special Trains.

XLVIII. The Restriction as to the Charges to be made for Passengers shall not extend to any Special Trains that may be required to run upon the Railway, but shall apply only to the Express and Ordinary Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railway.

Company may take increased Charges by Agreement.

XLIX. Nothing herein contained shall be held to prevent the Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance of such Goods, except small Parcels, by Passenger or other Trains, or by reason of any other special Service performed by the Company in relation to such Goods.

Railway not exempt from Provisions of present and

L. Nothing herein contained shall be deemed or construed to exempt the Railway from the Provisions of any General Act relating to this Act, or of any General Act relating to Railways,

or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act, or of the Rates for small Parcels. future General Acts.

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

LII. In citing this Act for any Purpose it shall be sufficient to use the Expression, "The *Banff, Macduff, and Turriff Junction* Railway Act, 1855." Short Title.

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