ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

****

Cap. cxxix.

An Act to enable the *Dundee and Arbroath* Railway Company to make a Junction Line of Railway into the Royal Burgh of *Dundee*.

[14th *August* 1848.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making and maintaining a Railway from the Royal Burgh of* Dundee *in the County of* Forfar *to the Royal Burgh of* Arbroath *in the same County*, whereby a Company was incorporated by the Name of the "*Dundee and Arbroath* Railway Company," with Power to make a Railway from *Dundee* to *Arbroath:* And whereas another Act was passed in the Fifth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for enabling the* Dundee and Arbroath *Railway Company to raise a further Sum of Money, and to amend the Provisions of the Act relating to the said Railway:* And whereas another Act was passed in the Ninth and Tenth Years of the Reign of Her said present Majesty, intituled "The *Dundee and Arbroath* Railway (Extensions) Act, 1846," whereby the same Company was empowered to make a Branch Railway from their Main Line at *Broughty* to *Broughty Ferry Castle*, and another Branch Railway from their said Main Line at *Geordies Burn* to join the *Arbroath and Forfar* Railway at *Almeriecloss:* And whereas it would be of public Advantage if the said Company were authorized to make a

6 & 7 W. 4. c. 32.

5 & 6 Vict. c. 83.

9 & 10 Vict. c. 133.

Junction Line of Railway into the Royal Burgh of *Dundee* from their Main Line near to the Lands of *Craigie* in the Parish of *Dundee*, to connect their Undertaking with an Undertaking of the *Dundee and Perth* Railway Company, with proper Stations and other Works and Conveniences in connexion therewith: And whereas the said *Dundee and Arbroath* Railway Company are desirous of carrying into effect the said Objects, if authorized by 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, That all the Powers, Provisions, Matters, and Things contained in the said recited Acts with regard to the Use of the Railways thereby authorized to be made, and the demanding, levying, and recovering of Tolls thereon, the raising of Money by Shares, or Mortgage or Bond, and all others the Powers, Provisions, Matters, and Things contained in the said recited Acts, so far as the same are now in force, and (except such of them as are by this Act repealed, altered, or otherwise provided for,) shall extend to this Act, and to the Use and Protection of the Railway and Works hereby authorized to be made, and the demanding, levying, and recovering of Tolls in respect thereof, and to the raising of Money by Shares, or Mortgage or Bond, for the same, and generally shall operate and be in force in reference thereto, and shall be applied and applicable to and may be exercised by the said *Dundee and Arbroath* Railway Company, their Officers, Agents, and Servants, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act, and had specific Reference thereto, and to the said *Dundee and Arbroath* Railway Company.

Extending Provisions of former Acts to this Act.

Incorporation of 8 & 9 Vict. c. 33.;

II. And be it enacted, That the "Railways Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act.

and of 8 & 9 Vict. c. 19.

III. And be it enacted, That the "Lands Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act.

Short Title.

IV. And be it enacted, That in citing the said Acts herein-before first and second recited in other Acts of Parliament, and in legal Instruments, Parliamentary Notices, or other Documents, it shall be sufficient to use the Expression "The *Dundee and Arbroath* Railway Act," with the Year of the passing of such Acts respectively; and in citing this Act in any such Acts, Instruments, Notices, or Documents it shall be sufficient to use the Expression "The *Dundee and Arbroath* Railway (*Dundee* Junction) Act, 1848."

Power to raise 66,700*l.* in Shares.

V. And for the Purpose of providing Funds for carrying into effect the Undertaking contemplated by this Act, be it enacted, That it shall be lawful for the said *Dundee and Arbroath* Railway Company to raise by Shares a further Sum of Sixty-six thousand seven hundred Pounds, in addition to the Monies which they are by virtue of the said recited Acts authorized to raise.

Company to issue Shares.

VI. And be it enacted, That for the Purpose of raising the said additional Capital Sum of Sixty-six thousand seven hundred Pounds it shall be lawful for the said *Dundee and Arbroath* Railway Company to issue such and so many distinct Shares, of such Amount, and to be appropriated and disposed of in such Manner, and for such Prices, and on such Terms, and by such Ways and Means, as by the Order of any General or Special General Meeting of the said Company shall have been or may be determined: Provided always, that it shall not be lawful for the Company to guarantee any Rate of Interest or Dividend exceeding Ten Pounds *per Centum* on such new Shares or Stock.

New Capital to be considered same as original Capital.

VII. And be it enacted, That the said additional Capital shall be considered as forming Part of the general Capital of the said *Dundee and Arbroath* Railway Company; and all the Provisions contained in the several Acts passed relating to the same Railway, with regard to the Capital and Shares thereby created, and to the Proprietors thereof, shall in all respects (except as herein otherwise provided) be applicable to the Capital and Shares hereby authorized to be created, and to the Proprietors thereof: Provided always, that no Proprietor of any new Share hereby created shall be entitled to any further or greater Dividend therein than in respect of and in proportion to the Amount which may from Time to Time have been paid up upon such Share.

Amount of Calls.

VIII. Provided always, and be it enacted, That Three Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on any Shares to be created under the Powers of this Act; and there shall be an Interval of Two Calendar Months at least between the Time fixed for the Payment of one Call and the Time fixed for the Payment of the next succeeding Call.

Shares may be consolidated into Stock.

IX. And be it enacted, That all the Provisions and Regulations contained in any of the said Acts relating to the said *Dundee and Arbroath* Railway Company, giving Power to the said Company to consolidate into a general Capital Stock the Shares in the Capital of the same Company, or in anywise relating thereto, shall be applicable and extend in all respects to the Shares hereby authorized to be issued as aforesaid.

Power to raise Money on Mortgage.

X. And be it enacted, That after the whole of the Amount of Capital by the said recited Acts and by this Act authorized to be raised by Shares shall have been subscribed, and One Half thereof shall have been actually paid up, it shall be lawful for the said *Dundee and Arbroath* Railway Company, from Time to Time, by an Order of any General or Special General Meeting of the same Company, to borrow on Mortgage such Sums of Money as they may think fit, and to secure the Repayment thereof, with Interest, in like Manner as the Monies authorized to be raised by Mortgage by the several Acts relating to the said *Dundee and Arbroath* Railway: Provided always, that the Sum borrowed on Mortgage and owing by the Company shall not at any one Time exceed One Third Part of the said Capital authorized to be created by this and the said recited Acts.

XI. And

Evidence of Authority for borrowing.

XI. And be it enacted, That a Certificate of any Two Justices of the Peace for the County of *Forfar*, that One Half of the Capital by this Act and the said recited Acts authorized to be raised has been paid up, which Certificate such Justices are hereby authorized and required to grant, on Application to them by the said *Dundee and Arbroath* Railway Company, and on such Proof of the Fact as they may require, and a Copy of the Order of any General or Special General Meeting of the said *Dundee and Arbroath* Railway Company authorizing the borrowing of any Money, certified by One of the Directors or by the Clerk or Secretary of the said Company, shall respectively and for all Purposes whatsoever be conclusive Evidence of the Fact of One Half of the Capital required to be paid up as aforesaid having been so paid up, and of the Fact of the Order for borrowing Money having been made.

Application of Capital, and Sums to be borrowed.

XII. Provided always, and be it enacted, That all and every Part of the Monies hereby authorized to be raised or borrowed shall when so raised or borrowed be applicable only to the Objects and Purposes by this Act authorized.

Former Mortgages to have Priority.

XIII. Provided always, and be it enacted, That all Mortgages or Bonds, or Guarantees of Interest or Dividends on Shares or Stock, made or granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgages or Bonds, or Guarantees of Interest or Dividends on such new Shares or Stock respectively, to be made or granted by virtue of this Act.

Mortgages and Transfers, &c. to be stamped.

XIV. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Mortgage, Bond, or other Security for Money, to be granted or made by virtue of the said recited Acts or this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be duly stated, anything herein or in the said Acts contained to the contrary notwithstanding.

Interest not to be paid on Calls paid up.

XV. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said 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.

XVI. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter

after 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 said Company to construct any other Railway or execute any other Work or Undertaking.

Line of Railway and Works.

XVII. And be it enacted, That the Railway and Works to be made under the Authority of this Act shall be the following; (that is to say,) a Railway commencing by a Junction with the Main Line of the *Dundee and Arbroath* Railway at or near to the Lands of *Craigie*, and at or near to the Distance Posts upon the said Railway marked as One Mile and One Half Mile from the *Dundee* Station of the said Railway and Fifteen and One Quarter Miles from the *Arbroath* Station of the said Railway in the Parish of *Dundee* and County of *Forfar*, and terminating in the unembanked Area or Space of the Bed of the River *Tay* cut off from the said River by *Dock Street* of *Dundee* and the *Dundee and Arbroath* Railway and the Docks of *Dundee*, at or about Two hundred and ninety Yards Eastward from the Lane or Street called *Trades Lane* of *Dundee*, and at or about Fifty Yards Northward from *Dock Street* of *Dundee*, in the Parish of *Dundee*, together with all proper Stations, Depôts, Sheds, Warehouses, and other Works and Conveniences connected therewith.

Power to make the Railway and Works according to deposited Plans.

XVIII. And whereas Plans and Sections of the Railway and Works by this Act authorized, showing the Lines and Levels thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass or be made, have been deposited in the Offices of the Principal Sheriff Clerk of the County of *Forfar* at *Forfar* and at *Dundee*: Be it enacted, That, with the Powers and subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the Company to make and maintain the said Railway and Works on 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, and to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes of the said Railway and Works.

Railway not to encroach on Dock Street.

6 & 7 W. 4. c. 61.

XIX. And be it enacted, That in executing the said Railway the Company shall be bound to carry the same to the North of *Dock Street* as the said Street is delineated on the Plan referred to in an Act passed in the Sixth and Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to alter, amend, and extend the Powers of an Act passed in the Eleventh Year of the Reign of His late Majesty, for more effectually maintaining, improving, and extending the Harbour of* Dundee *in the County of* Forfar, and to leave the said Street free and unencroached upon, anything in this Act or in the Plans therein referred to to the contrary notwithstanding.

Company to embank Ground in passing through the Alveus of

XX. And whereas the Works hereby authorized are intended in part to pass and to be made over and upon certain Spaces or Areas of the Bed or Shore of the River *Tay* which have been cut off from the said River, and from the Stagnation of Water within Portions of the said Spaces

the Tay &c., as shall be required by the Commissioners of Woods &c.

Spaces or Areas, and other Causes, the same have become injurious to the public Health, and it is expedient that they should be filled up and embanked in such a Manner as to remove or abate the said Nuisance: Be it enacted, That the Company shall and they are hereby required, at their own Costs and Charges, and within Three Years from the passing of this Act, to fill up and embank all such Portions of the Spaces or Areas aforesaid to such a Level or Height, and also to construct and maintain all such Drains and Sewers through or under the same, to be connected with the Main Sewer in *Dock Street*, all in such Manner and upon and subject to such Conditions and Stipulations as the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall from Time to Time think necessary and direct, and generally to the Satisfaction and Approval of Her Majesty's said Commissioners.

Company to form Roads, &c.

XXI. And be it enacted, That the Company shall within Three Years from the passing of this Act construct and maintain a good and sufficient Carriage Road of not less than Thirty Feet in Breadth, together with a convenient Footpath by the Side thereof, upon and along the North Side of the Railway and Works hereby authorized, such Road and Footpath to extend in an Easterly Direction from the Terminus of the Railway hereby authorized near to *Trades Lane* to *Carolina Port* near *Dundee*, and to be constructed at such Level below the Level of *Dock Street* aforesaid and generally in such Line and Manner as the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall fix and direct.

Commissioners of Woods, &c. may make Agreements.

XXII. And be it enacted, That it shall be lawful for the said Commissioners, with the Consent of the Lord High Treasurer or the Commissioners for executing the Office of Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, or any Three of them, and for the Company, to enter into and execute any Agreement in relation to the aforesaid Spaces or Areas of the Bed or Shore of the River *Tay*, and the same when so entered into and executed shall be binding and obligatory on the Parties thereto for the Purposes which may be therein expressed: Provided always, that such Agreement shall not be inconsistent with or repugnant to the Provisions of this Act.

Saving Rights of Owners of Spaces in the Tay.

XXIII. And be it enacted, That nothing herein contained shall prejudice or affect the Rights and Titles (if any) of any Party or Parties in or to the Spaces or Areas of the Bed or Shore of the River *Tay* so to be filled up and embanked as aforesaid: Provided always, that the Party having Right to the same shall only be entitled to obtain Possession of such Portions thereof as the Company may have filled up and embanked, and as shall not be required for the Railway and Works, upon repaying to the said Company the Sums expended by them in filling the Portions of which such Party shall obtain Possession, together with a reasonable Allowance in respect of the Benefit of Drainage as the said Sums and Allowance shall be fixed and determined by the said Commissioners, and the Party or Parties shall be bound to institute proper Proceedings for establishing their Right and Title within the Space of Twelve

Twelve Months from the Date of the passing of this Act; reserving always the Rights, if any, of all Parties under "The Lands Clauses Consolidation (*Scotland*) Act, 1845," to Compensation in respect of the Operations authorized by this Act.

Company to provide under Crossing near Dundee Foundry.

XXIV. And be it enacted, That in constructing the said Railway at or near the Property of the *Dundee* Foundry the said Company shall form an under Crossing of not less than Twenty-five Feet in Width and Fourteen Feet in Height, by lowering the Ground thereunder, and raising the Rails Two Feet.

Company to provide an over Crossing at East End of Dock Street, and a level Crossing.

XXV. And be it enacted, That if during the Construction of the said Railway, or at any Time after the Completion thereof, it should, in the Opinion of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, be deemed necessary to give an over Crossing at the East End of *Dock Street*, then the said Company shall, if and when required by the said Lord High Admiral or the said Commissioners, construct such over Crossing; and the said Company shall also, whenever and so soon as required by the said Lord High Admiral or the said Commissioners, make a level Crossing on the said Railway at a Point which the said Lord High Admiral or the said Commissioners may fix upon, such over Crossing and level Crossing to be made to his or their Satisfaction.

Company to construct a Foot Bridge.

XXVI. And be it enacted, That the said Company shall construct a Foot Bridge over the Railway at a Point to be fixed upon by the Trustees of the Harbour of *Dundee*.

Provisions as to Locomotives on a Part of the Line.

XXVII. And be it enacted, That the Company shall not be entitled to use locomotive Power on the present Line of Railway to the West of *Carolina Port* after the Completion of the Line to be constructed in pursuance of this Act, unless with the Consent of the Trustees of the Harbour of *Dundee*.

Power to enter into Contracts with the Dundee and Perth Railway Company.

XXVIII. And be it enacted, That it shall be lawful for the Company and the *Dundee and Perth* Railway Company to make and enter into Contracts or Agreements with reference to the Mode of constructing the several Stations and Accommodation Works to be made under the Authority of this Act, and as to the Regulation, Management, and joint Use and Occupation of the same, or any Part or Parts thereof respectively, by the said Companies or any of them, or for the Maintenance and Repair thereof, or any Part or Parts thereof respectively, as they the said Companies may respectively deem advisable; and every such Contract or Agreement may contain such Covenants, Clauses, Powers, Provisions, and Conditions as may be mutually agreed on between the said Companies.

Power to purchase Lands for extraordinary Purposes.

XXIX. And be it enacted, That the Quantity of Land which the Company may purchase for extraordinary Purposes in connexion with the Railway hereby authorized shall not exceed in all Thirty Acres.

XXX. And

Period for Purchase of Lands limited.

XXX. And be it enacted, That 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 Five Years from the passing of this Act.

Period for Completion of Works.

XXXI. And be it enacted, That the Railways and Works hereby authorized to be made shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Railways and Works as shall then be completed.

Saving the Harbour Trustees Claim to Compensation for Loss of Traffic.

XXXII. And whereas under the before-recited Act of the Sixth Year of the Reign of His late Majesty King *William* the Fourth Authority was given to the Trustees to construct the Line of Railway thereby authorized within the Precincts of the Harbour of *Dundee* as far as *Trades Lane*, and in the event of the said Trustees failing to construct such Portion the said Railway Company was empowered to make and construct the same; and it was also provided that the said Company should at all Times be entitled to the free Use of so much of the said Railway as should be situated within the said Harbour Works, paying for the Use of so much thereof as should be constructed or acquired by the said Trustees such Rates and Duties as might be agreed upon between the said Trustees and the said Company, not exceeding the Rates and Duties charged at the Time by the said Company for the same Description of Traffic for a similar Distance on other Parts of the Railway: And whereas in pursuance of the said Act a Line of Railway was constructed by or on behalf of the said Trustees within the said Precincts: Be it enacted, That the said Company shall compensate the said Trustees for the Loss of the Traffic which they may sustain in consequence of the said Railway Company not continuing to use the Portion of Railway so constructed by or on behalf of the said Trustees between *Carolina Port* and *Trades Lane* of *Dundee*, the same to be fixed by the said Sheriff.

How such Compensation is to be ascertained.

XXXIII. Provided always, and be it enacted, That in estimating the Amount of such Compensation the said Sheriff shall ascertain and determine the total Amount of the Rates and Duties paid to the Company in respect of the Traffic on so much of the Railway authorized by the said first herein-before recited Act as is situated between *Carolina Port* and *Trades Lane*, for the Period of Three Years immediately preceding the opening of the Railway by this Act authorized, and shall also ascertain the Amount of the said Rates and Duties for the Period of Three Years immediately succeeding the opening of the Railway by this Act authorized; and the Amount of Compensation to be annually paid by the Company shall be One Third Part of the Difference between the Amount of the said Rates and Duties due and payable to the said Trustees for the Use of the Portion of Railway situate as aforesaid during the said Two Periods of Three Years, if the Amount payable during the second Period of Three Years shall be less than the Amount payable during the first Period of Three Years, and such Difference shall be ascertained by the Sheriff.

XXXIV. Pro-

Company may compound with Trustees for Loss of Traffic.

XXXIV. Provided always, and be it enacted, That it shall be lawful for the Company and the said Trustees to compound and agree for a gross or annual Payment or other Consideration by the Company in full of all such Compensation for Loss of Traffic.

If Works across tidal Water are abandoned by the Company the Admiralty may remove them.

XXXV. And be it enacted, That if any Work to be constructed by the Company across any tidal Water or navigable River, or if any Portion of the proposed Railways which affects any such Water or River, or Access thereto, shall be abandoned by the Company, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly.

Tolls.

XXXVI. And be it enacted, That it shall be lawful for the Company to demand any Tolls for the Use of the Railways by this and the said recited Acts authorized, not exceeding the following; (that is to say,)

1. In respect of the Tonnage of all Articles conveyed upon the said Railways 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 Two-pence; and if conveyed in 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 Merchandize, *per* Ton *per* Mile not exceeding Two-pence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *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, and Chains, *per* Ton *per* Mile not exceeding Three-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny Halfpenny:

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

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 not belonging to the Company, *per* Mile not exceeding Sixpence:

And a 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

belonging to the Company, an additional Sum *per* Mile not exceeding Sixpence:

Tolls for Passengers and Cattle.

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

For any Person conveyed in or upon any such Carriage, *per* Mile not exceeding Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding Two-pence *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 Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding Three-pence *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.

XXXVII. And be it enacted, That the Toll which the Company may demand for the Use of Engines for propelling Carriages shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken, except when Passengers, Animals, Goods, or other Articles are sent by a Special Train, in which Cases the Company shall be entitled to charge any reasonable Sum, in their Discretion, beyond the Rates and Charges herein limited.

Regulations as to Tolls.

XXXVIII. And be it enacted, That the following Provisions and Reguations shall be applicable to the fixing of such Tolls; (that is to say,)

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

For a Fraction of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandize 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, Ash, or Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

XXXIX. And

Tolls for small Parcels and Articles of (great) Weights.

XXXIX. 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 of small Parcels (that is to say, Parcels not exceeding Five hundred Pounds Weight each), 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 Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding 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 Charge for the Conveyance of Passengers.

XL. And be it enacted, That it shall not be lawful for the said Company to demand or receive any greater Sum in respect of the Carriage of Passengers conveyed on the said Railways than Two-pence *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 and One Eighth of a 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 Two-pence Three Farthings *per* Mile, and for Passengers travelling by such Trains in a Second-class Carriage any Sum not exceeding Two-pence *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 Charges 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 and Cattle.

XLI. And be it enacted, That 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 said Railways, 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

For all Dung, Compost, and all Sorts of Manure, Lime and Lime-stone, 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, *per* Ton *per* Mile Three Halfpence:

For 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 Merchandize, *per* Ton *per* Mile Two-pence:

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 Two-pence Halfpenny:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Fish, Articles, Matters, and Things, *per* Ton *per* Mile Three-pence 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 Seven-pence:

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

For every Ox, Cow, Bull, or Neat Cattle, *per* Mile Two-pence:

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

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

Provision for running Second and Third Class Carriages.

XLII. And be it enacted, That Two Thirds in Number of the Company's regular Trains running each Day shall have Carriages attached for the Conveyance of Second and Third Class Passengers.

Passengers Luggage.

XLIII. And be it enacted, That every Passenger travelling upon the said Railways may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Regulating Tolls on Dundee and Perth Railway Traffic carried for short Distances.

XLIV. And be it enacted, That in the event of the Undertaking of the Company being leased by the *Dundee and Perth* Railway Company, the Provisions herein contained authorizing the Company to demand Tolls for a less Distance than Six Miles as for Six entire Miles shall not be applicable to Traffic passing continuously upon the Undertakings of the Company and of the *Dundee and Perth* Railway Company for Distances which together shall be less than Six Miles, excepting so far as to enable the Company to demand Tolls, Rates, and Charges in respect of such Traffic, which, together with the Tolls, Rates, and Charges charged under the Authority of the Acts relating to the *Dundee and Perth* Railway Company, shall amount to Tolls,

Rates,

Rates, and Charges as for Six entire Miles, the Intent and Meaning of this Enactment being, that the said Provisions shall, in the event of such Lease, be so construed that the Tolls on such Traffic shall be calculated and imposed by the Company at such Rates as if the Undertakings of the said Two Companies had originally formed One Line of Railway.

Expenses of Act.

XLV. And be it enacted, That all the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the Company, *pari passu* with the Costs, Charges, and Expenses of any other Act of Parliament to be passed in the present Session for which they may be liable, out of the first Monies which shall come to their Hands, and in preference to any other Payment whatsoever.

Saving Rights of the Crown.

XLVI. And be it enacted, That nothing contained in the said recited Acts or in this Act shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods and Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners or any Two of them are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs and Successors.

Railways to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict cc. 57. 105.

XLVII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and Two other Acts were passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the Railways by this Act authorized to be made, or the Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Company, so far as the same shall be applicable thereto.

Railways not exempt from Provisions of future general Acts.

XLVIII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Acts relating to Railways, now

now in force or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Tolls and Charges authorized to be levied by this Act.

Public Act. XLIX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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