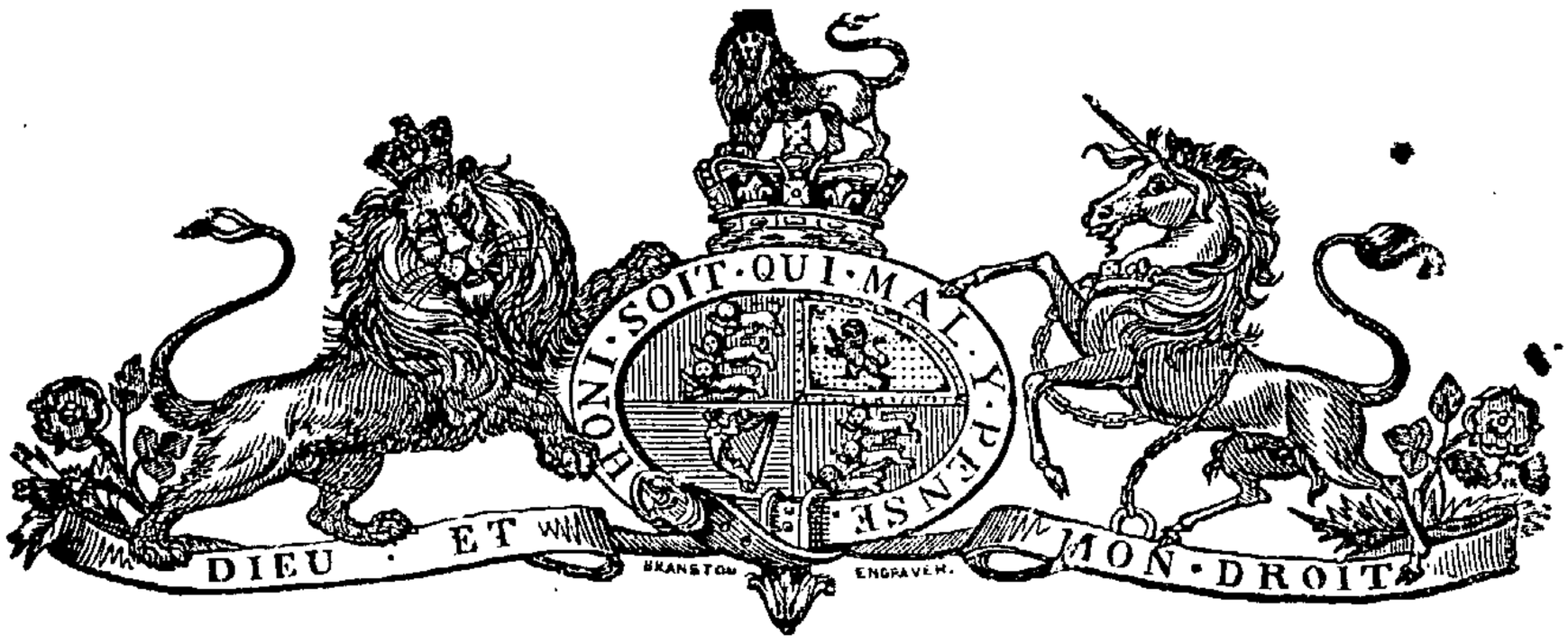


ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

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and Aberdeen Junction Railway Company should be authorized: And whereas the Purposes aforesaid 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; (that is to say,)

Short Title.

1. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Sutherland* Railway Act, 1865."

8 & 9 Vict. cc. 17., 19., & 33., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. & 118. incorporated.

2. "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Railways Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," Parts First, Second, and Third of "The Companies Clauses Act, 1863," and Parts First and Third of "The Railways Clauses Act, 1863," shall, so far as the same are not hereby expressly varied, be incorporated with and form Part of this Act.

Subscribers incorporated.

3. His Grace the Duke of *Sutherland*, the Earl of *Caithness*, *George Loch*, the Honourable *Thomas Charles Bruce*, *Alexander Matheson*, and all other Persons and Corporations who have already subscribed or who 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 herein-after described, with all proper Works and Conveniences connected therewith, and for that Purpose such Company shall be incorporated by the Name of "The *Sutherland* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands and Heritages for the Purposes of the Undertaking, subject to the Provisions of this Act and the Acts incorporated herewith.

First and subsequent General Meetings.

4. The First Ordinary Meeting of the Company shall be held within Four Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held once in every Year in the Month of *September* or *October*; and all Meetings of the Company, whether ordinary or extraordinary, shall be held in the Town of *Inverness*, or such other Place as the Directors may appoint.

Domicile of the Company.

5. The Domicile of the Company with reference to all judicial Proceedings or Actions at Law shall be held to be in the Town of *Inverness*.

Quorum of General Meetings.

6. The Quorum of every General Meeting of the Company shall be Five Shareholders present personally or by proxy, holding in the aggregate not less than One thousand Pounds in the Capital of the Company.

7. The

Number and Qualification of Directors.

7. The Number of Directors shall be Five, and the Qualification of a Director, other than the Directors to be appointed by the subscribing Companies, shall be the Possession in his own Right of Fifty Shares in the Capital of the Company.

Quorum of Directors.

8. The Quorum of a Meeting of Directors shall be Two.

First Directors.

9. His Grace the Duke of *Sutherland*, the Earl of *Caithness*, *George Loch*, the Honourable *Thomas Charles Bruce*, and *Alexander Matheson* shall be the First Directors of the Company, the said *Thomas Charles Bruce* being the Director appointed to represent the *Inverness and Perth Junction* Railway Company, and the said *Alexander Matheson* being the Director appointed to represent the *Inverness and Aberdeen Junction* Railway Company: Provided, that in the event of the subscribing Companies being amalgamated by any Act passed in the present Session of Parliament, and whether before or after the passing of this Act, the said Two last-mentioned Directors shall represent such amalgamated Company.

First Election of Directors.

10. The Directors hereby appointed 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 any others to supply the Places of those not continued in Office, any of the Directors appointed by this Act being eligible.

Future Directors.

11. At the Ordinary Meeting of the Company held in the Month of *September* or *October* in the Year Eighteen hundred and sixty-six, and in every Year thereafter, the Shareholders present, personally or by proxy, shall elect a Person or Persons to supply the Places of the Director or Directors then retiring from Office agreeably to the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," contained; and the Person or Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be a Director or Directors until another or others be elected in his or their Stead in manner provided by such Act.

Power to subscribing Companies to appoint Directors.

12. It shall be lawful for the Directors of each of the subscribing Companies to nominate annually out of their Body, at some Meeting of the said Directors to be held in the Month of *September* or *October* in every Year, One of the Directors of the Company, and from Time to Time to remove any Director appointed under this present Power, and to appoint another Person from their own Body in the Stead of any Director who shall be so removed, or shall die, resign, or become incapable of acting, or disqualified by ceasing to be a Director of the subscribing Companies respectively; and it shall not be necessary for the Directors so to be appointed by or on behalf of the subscribing Companies

Companies respectively to hold any Shares in the Undertaking hereby authorized; and those Directors shall not go out of Office in the Manner provided for with respect to Directors appointed by the Shareholders of the Company, but shall every Year retire from Office at such Time in the Month of *September* or *October* next succeeding their Appointment as may from Time to Time be fixed by the Directors of the subscribing Companies respectively; and the Directors so retiring, or either of them, shall be re-eligible forthwith or in any subsequent Year whilst they remain Directors of the subscribing Companies respectively, and in all other respects they shall have the same Powers, and be subject to the same Regulations and Provisions, as the other Directors of the Company: Provided, that every Appointment of those Directors by the subscribing Companies respectively shall be authenticated by the Common Seal or by the Signature of the Chairman of the Directors of the subscribing Companies respectively; and the Deposit of the Appointment, authenticated as aforesaid, with the Secretary of the Company, shall entitle the Director therein mentioned to act as such, without other Proof of his Appointment.

Power to subscribing Companies to appoint Persons to vote on their Behalf.

13. The subscribing Companies or the Directors of those Companies respectively may from Time to Time appoint some Person, whether a Proprietor of Shares in the Undertaking or not, to vote on their Behalf respectively at any Meeting of the Company, and may from Time to Time revoke that Appointment, and appoint another Person in that Behalf; and the Persons so for the Time being appointed shall, except as herein-after provided, during their Appointment, have the same Right of voting at any Meeting as they would have had if the Shares in the Undertaking for the Time being held by the subscribing Companies respectively were held by those Persons in their own Right: Provided, that each Appointment or Revocation shall be in Writing, and shall be under the Seal or under the Hand of the Chairman for the Time being of the Company making the Appointment or Revocation, and shall be deposited with the Secretary of the Company.

Power to the Duke of Sutherland to appoint Directors.

14. It shall be lawful for the Duke of *Sutherland* (who and whose Heirs, Executors, Administrators, and Assigns is and are included in the Expression "the Duke of *Sutherland*" wherever employed or referred to in this and the Twenty-eighth Sections), so long as the Duke of *Sutherland* shall continue to hold Shares or Stock in the Undertaking to an Extent corresponding to Thirty thousand Pounds, to nominate Two of the Directors of the Company, and from Time to Time to remove any Director appointed under this present Power, and to appoint another Person in the Stead of the Director who shall be so removed, or shall die, resign, or become incapable of acting respectively; and it shall not be necessary for the Directors so to be appointed to hold any Shares in the Undertaking hereby authorized, and those Directors shall not go out of Office in the Manner provided for with respect to Directors appointed by the Shareholders of the Company,

Company, and in all respects they shall have the same Powers, and be subject to the same Regulations and Provisions, as the other Directors of the Company: Provided, that if the Duke of *Sutherland* shall at any Time cease to hold Shares or Stock in the Undertaking to such an Extent as aforesaid, the Duke of *Sutherland* shall forfeit the Right of appointing Directors of the Company, and in the event aforesaid the Directors who may have been appointed by the Duke of *Sutherland* shall forthwith cease to be Directors of the Company: Provided also, that during the Existence of such Right as aforesaid the Duke of *Sutherland* shall not be entitled to vote for Directors as an ordinary Shareholder in respect of the Amount of Shares or Stock qualifying him to appoint Directors.

Capital.

15. The Capital of the Company shall be One hundred and eighty thousand Pounds, and shall be applied only to the Purposes authorized by this Act.

Number and Amount of Shares.

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

Shares not to be issued until One Fifth part is paid up.

17. It shall not be lawful for the Company or the subscribing Companies to issue any Share to be created under the Authority of this Act, nor shall any such Share vest in the Person 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 up in respect thereof.

Calls.

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

The subscribing Companies to contribute Funds and hold Shares.

19. It shall be lawful for the subscribing Companies respectively, by and with the Sanction of Three Fifths of the Votes of their respective Shareholders voting personally or by proxy at Meetings specially convened for the Purpose, to contribute and apply their Funds towards the Undertaking to the Amount of Fifteen thousand Pounds, and respectively to take and hold Shares in the Company to an Extent corresponding to that Amount; and, except as herein-after expressly provided, the subscribing Companies shall in respect of such Shares have all the Powers, Rights, and Privileges, and be subject to all the Obligations and Liabilities, of Proprietors of Shares in the Company: Provided, that the Shares so held by the subscribing Companies shall not be transferable by them, and that they shall not vote in respect of such Shares in relation to the Election of Directors by the Shareholders of the Company, or in relation to the Approval or Assent of the Company to any Agreement or Arrangement which, in pursuance of the

The Sutherland Railway Act, 1865.

Provisions herein-after contained, may be entered into with the *Inverness and Aberdeen Junction* Railway Company.

Power to subscribing Companies to raise additional Capital.

20. Each of the subscribing Companies may from Time to Time raise for the Purposes of this Act, by the Creation of new Shares or Stock in their Undertaking, any Sums not exceeding in the whole Fifteen thousand Pounds, and may create and issue such Shares or Stock either wholly or partially as ordinary or wholly or partially as preferential Shares or Stock, as they may think fit.

Dividends on preferential Shares to be paid out of Profits of each Year.

21. The Holders of any preferential Shares or Stock which may be created and issued by the subscribing Companies, or either of them, under the Authority of this Act, shall be entitled to the preferential Dividend or Interest assigned thereto out of the Profits of each Year ending on the Thirty-first Day of *January*.

Power to borrow Money on Mortgage.

22. It shall be lawful for the Company from Time to Time to borrow on Mortgage, and if paid off to borrow again, any Sums not exceeding in the whole Sixty thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital of One hundred and eighty thousand Pounds shall have been subscribed and issued, and One Half thereof shall have been actually paid up, and until the Company shall have proved to the Sheriff who is to certify under the Provisions of the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," that the whole of the said Capital has been subscribed for *bonâ fide*, and that One Half thereof has been paid up, and that not less than Twenty *per Centum* on the Amount of each Share has been paid up on the Issue thereof, and that the whole of the said Capital is held by the Subscribers, or their Executors, Administrators, or Assignees, and that such Subscribers, or their Executors, Administrators, or Assignees, are legally liable for the same; Provided, that the Sums to be borrowed as aforesaid shall be applied only to the Purposes authorized by this Act.

Arrears may be enforced by Appointment of a Judicial Factor.

23. It shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on their respective Mortgages by the Appointment of a Judicial Factor, and in order to authorize the Appointment of such Judicial Factor in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for the Appointment of such Judicial Factor shall be made shall not be less than Two thousand Pounds in the whole.

Power to make Railway according to deposited Plans.

24. Whereas Plans and Sections describing the Lines and Levels of the Railway by this Act authorized, together with a Book of Reference to the said Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands in or through which the same is to be made, have been deposited in the Offices at *Dingwall*, *Tain*, and *Dornoch* respectively of the Principal Sheriff Clerks

Clerks of the Counties of *Ross* and *Sutherland* respectively: It shall be lawful for the Company, with the Powers of Deviation and other Powers and subject to the Provisions contained in this Act and in the Acts and Parts of Acts incorporated herewith, to make and maintain the Railway herein-after described, and all proper Works and Conveniences in connexion therewith, in the Lines and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, and for these Purposes to enter upon, take, and use such of the said Lands as shall be necessary.

Line of Railway.

25. The Railway shall commence by a Junction with the Extension Line of the *Inverness and Aberdeen Junction* Railway as authorized by "The *Inverness and Aberdeen Junction* Railway (*Bonar Bridge Extension*) Act, 1863," at or near the Station of such Railway called the *Bonar Bridge* Station at or near the Village of *Ardgay* in the Parish of *Kincardine* and County of *Ross*, and terminating at or near *Brora* in the Parish of *Clyne* and County of *Sutherland* in a Field situate on the West Side of *Gower Street*, and at or near a Point in the said Field adjoining the said Street One hundred and twenty-six Yards or thereabouts West of *Brora* Free Church, and in that Part of the said Field occupied by *George Alexander*, Plasterer in *Golspie*, and which Railway will be situate in, or pass from, through, or into, the Parish of *Kincardine* in the County of *Ross*, and the Parishes of *Creich*, *Lairg*, *Rogart*, *Dornoch*, *Golspie*, and *Clyne*, in the County of *Sutherland*.

Level Crossings.

26. Subject to the Provisions in this Act and in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," and in Part I. of "The Railways Clauses Act, 1863," contained, it shall be lawful for the Company in the Construction of the Railway to carry the same with not more than One Line of Rails so long as the Railway shall be a single Line, and with not more than Two Lines of Rails when the Railway shall be a double Line, across and on the Level of the public Roads numbered 349 in the Parish of *Rogart*, and 99 in the Parish of *Golspie*, on the Plans deposited as aforesaid.

Inclinations of Roads.

27. It shall be lawful for the Company, in carrying the Roads herein-after mentioned over or under the Railway, to make the Inclinations of the said Roads such as they may think fit, provided such Inclinations be not steeper than those herein-after specified; (that is to say,)

No on Plan.	Parish.	Inclination.	Description of Road.
76	Kincardine -	1 in 17 - -	Public Road.
49	Creich -	1 in 18 and level -	Public Road.
45	Lairg -	1 in 9 and level -	Public Road.
89	Lairg -	1 in 15 and level -	Public Road.
237	Rogart -	1 in 18 and 1 in 16 -	Public Road.

28. Not-

For the Protection of the Duke of Sutherland's Estate.

28. Notwithstanding anything in this Act contained, but subject and without Prejudice to the Admiralty Jurisdiction vested in the Board of Trade with respect to Works in, over, or affecting tidal Waters, the Company shall, in making the Railway between the Points marked respectively on the said Plans deposited as aforesaid Twenty-six Miles and Thirty Miles, do so in such Line or Direction within the Limits of Deviation shown on such Plans, and at such Level or Elevation, and shall construct such Fences, Sea Walls, and Works of any Description in connexion therewith, as shall be required by the Duke of *Sutherland* or his Engineer for the Time being; and the Company shall not purchase, acquire, enter upon, or use, either permanently or temporarily, any of the Lands of the Duke of *Sutherland* which extend between the Points above mentioned as marked on the said Plans without his Consent in Writing; and the level Crossings over the Railway of private Roads and Paths which may occur between the same Points shall be open and available at all Times to the Duke of *Sutherland*, subject only to the necessary and reasonable Control of the Company for securing the Safety of the Public, and the due carrying on of the Traffic of the Railway.

Powers for compulsory Purchases limited.

29. 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 Four Years from the passing of this Act.

Lands for extraordinary Purposes.

30. The Company may from Time to Time purchase by Agreement for extraordinary Purposes, as defined in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," any Quantity of Land not exceeding Ten Acres.

Period for Completion of Works.

31. 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 incorporated 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.

Providing for Completion of Railway.

32. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Thirteen thousand seven hundred and sixty Pounds, being Eight *per Centum* on One hundred and seventy-two thousand Pounds, the Estimate in respect of the Railway and other Works authorized by this Act, has been deposited in the Name of the Queen's Remembrancer of the Court of Exchequer in *Scotland* in respect to the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Thirteen thousand seven hundred and sixty 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,

mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for the Completion of the Railway hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the 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 it 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 Thirteen thousand seven hundred and sixty 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 Thirteen thousand seven hundred and sixty 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 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.

Tolls.

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

Tonnage of Articles of Merchandise.

First, in respect of the Tonnage of all Articles conveyed thereon, or on any Part thereof, as follows:

For all Coal, Cinders, Dung, Compost, and all Sorts of Manure, Lime, and Limestone, and all undressed Materials for the Repair of the public Roads or Highways, *per* Ton *per* Mile One Penny Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

For all Coke, Culm, and Charcoal, all Stones for building, pitching, and paving, all Bricks, Tiles, Slate, 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 Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

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 Threepence; 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, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile Fourpence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of 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 belonging to the Company, *per* Mile Sixpence; and for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh, a further Sum of One Penny Halfpenny *per* Mile.

Tolls for Cattle.

Second, in respect of Animals conveyed in Carriages upon the Railway, as follows:

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 Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum of Threepence *per* Mile:

For every Calf, Pig, Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, *per* Mile One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile of One Penny Halfpenny.

Third, in respect of Passengers conveyed in Carriages upon the Railway, as follows: Tolls for Passengers.

For every Person conveyed in or upon any such Carriage, *per* Mile Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile of One Penny.

34. 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, Matters, or Things of any kind whatever, in addition to the several other Tolls or Sums by this Act authorized to be taken. Tolls for propelling Power.

35. 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 Threepence *per* Passenger *per* Mile in respect of any Passenger travelling in a First-class Carriage, Twopence *per* Passenger *per* Mile in respect of any Passenger travelling in a Second-class Carriage, and One Penny Halfpenny *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. Limiting Charges for the Conveyance of Passengers.

36. It shall not be lawful for the Company to charge in respect of the Conveyance on the Railway of Animals, and of Articles, Matters, and Things, 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 (except a reasonable Sum for loading, covering, and unloading of Goods at any Terminal Station of such Goods, and for Delivery and Collection, and any other Services incidental to the Duty or Business of a Carrier, where such Services or any of them are or is performed by the Company,) than the several Sums herein-after mentioned; that is to say, Limiting Charges for the Conveyance of Goods.

For Coal, and the other Articles, Matters, and Things herein-before classed therewith, *per* Ton *per* Mile One Penny Halfpenny;

For Coke, and the other Articles, Matters, and Things herein-before classed therewith, *per* Ton *per* Mile Twopence Farthing for any Distance not exceeding Twenty Miles, and for any Distance exceeding Twenty Miles Twopence;

For Sugar, and the other Articles, Matters, and Things herein-before classed therewith, *per* Ton *per* Mile Threepence;

For Cotton, and the other Articles, Matters, and Things herein-before classed therewith, *per* Ton *per* Mile Fourpence;

And for every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing

weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile Sixpence; and for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which such Carriage may weigh, a further Sum of One Penny Halfpenny *per* Mile:

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

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

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

Special Trains.

37. The Restriction as to the Charges to be made for Passengers, Animals, or Goods shall extend to any Express and Ordinary Train, but not to any Special Train that may require to be run upon the Railway.

Company may take increased Charges by Agreement.

38. 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 or of Animals, by Agreement with the Owners or Persons in charge thereof, either in respect of the Conveyance of such Animals or Goods (except small Parcels) by Passenger or Express or Special Trains, or by reason of any other special Service performed by the Company in relation thereto.

Regulations as to Tolls.

39. The following Provisions and Regulations shall be applicable to the fixing of the Tolls and maximum Charges herein-before specified; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles the Company may demand Tolls and Charges as for Six entire Miles: Provided, that if the Railway hereby authorized shall be worked continuously with the *Inverness and Aberdeen Junction* Railway under the Powers to that Effect hereinafter contained, Articles or Persons conveyed continuously for a less Distance than Six Miles upon either of the said Railways so worked as aforesaid shall only be charged once as for Six entire Miles, in the same Manner as if the last-named Railway had formed Part of the Railway hereby authorized, anything in any of the Acts relating to the *Inverness and Aberdeen Junction* Railway to the contrary notwithstanding:

For a fractional Part of a Mile beyond Six Miles the Company may demand Tolls and Charges in respect of Goods and Minerals for each Fraction in proportion to the Number of Quarters of a Mile contained therein, and for this Purpose a Fraction of a Quarter of a Mile shall be deemed a Quarter of a Mile; and the Company may demand Tolls and Charges in respect of Passengers as for One 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 for this Purpose a Fraction of a Quarter of a Ton shall be deemed a Quarter of a Ton:

With respect to all Articles the Weight shall be determined according to the usual Avoirdupois Weight: Provided, that with respect to Stone and Timber the Weight may, in the Option of the Company, either be determined by the usual Avoirdupois Weight, or, if they so determine, 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:

No Station is to be considered a Terminal Station in regard to any Goods conveyed on the Railway which have not been received thereat direct from the Consignor of such Traffic, or are not directed to be delivered thereat to the Consignee.

Tolls for small Parcels and single Articles of great Weight.

40. And with respect to small Packages and single Articles of great Weight, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand Tolls not exceeding the Tolls following; (that is to say,)

For any Parcel not exceeding Seven Pounds in Weight, Fourpence:

For any Parcel exceeding Seven Pounds and not exceeding Fourteen Pounds, Eightpence:

For any Parcel exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds, One Shilling:

For any Parcel exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds, One Shilling and Sixpence:

And for Parcels exceeding Fifty-six Pounds but not exceeding Five hundred Pounds in Weight the Company may demand any Sum which they think fit:

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* 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.

Passengers Luggage.

41. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twenty

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.

Power to enter into Agreements with Inverness and Aberdeen Junction Railway Company as to Station at Ardgay.

42. The Company and the *Inverness and Aberdeen Junction* Railway Company may make and carry into effect all such Arrangements and Agreements as they may think fit for the Maintenance, Arrangement, Management, and joint Use of the Station at *Ardgay*, called the *Bonar Bridge* Station, for the Accommodation of the respective Traffic of the said Companies; and it shall be lawful for the said Companies to give effect to and from Time to Time to alter, vary, or renew such Arrangements and Agreements as may be made between them for the Regulation, Management, and Use of the said Station as to the said Companies shall seem meet for the public Accommodation, and to do or concur in all Acts necessary for the Purposes aforesaid; and it shall also be lawful for the said Companies to hold Lands for their joint Use and at their joint Disposal, and to appoint a joint Committee, composed of such Number of their Directors respectively as they think fit, for the Regulation and Management of the said Station, and to agree on Regulations as to the Appointment and Duties of such joint Committee, and to depute to such joint Committee Powers to agree to and from Time to Time to vary or rescind Regulations respecting the Management and Use of the said Station.

Arbitration as to Station at Ardgay.

43. If any Questions, Disputes, or Differences shall arise between the Company and the *Inverness and Aberdeen Junction* Railway Company in regard to the Arrangement, Management, or Use of the said Station at *Ardgay*, or in regard to any Agreement as to the Matters aforesaid, or any of them, or otherwise in relation thereto, the same shall from Time to Time, so often as they shall arise, be settled by Arbitration in the Manner provided by "The Railways Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Settlement of Disputes by Arbitration.

Power to make Traffic Arrangements with subscribing Companies.

44. The Company and the subscribing Companies may from Time to Time make any Contracts and Agreements with respect to the following Purposes, or any of them; (that is to say,)

(1.) The Use and Working by the subscribing Companies of all or any Part of the Railway hereby authorized, and the Stations, Sidings, Watering Places, and all other Works and Conveniences belonging thereto, and likewise the Use and Working by the Company of the Railways of the subscribing Companies, or either of them, or any Part thereof, and of the Stations, Sidings, Watering Places, and all other Works and Conveniences belonging to the said Railways respectively:

(2.) The Conveyance by the subscribing Companies of all or any Part of the Traffic passing upon or over the Railway hereby authorized,

authorized, or any Part thereof, and likewise the Conveyance by the Company over the Railways belonging to the subscribing Companies respectively, or any Part thereof, or over any Railway or Railways on and over which they may for the Time have Power, by Agreement or otherwise, to convey and carry forward Traffic, of all or any Part of the Traffic coming to or from the Railway hereby authorized:

(3.) The Supply of any Rolling or Working Stock to or by the Company:

(4.) The Accommodation, Booking, Conveyance, Forwarding, Interchange, and Management of Traffic on, to, from, and beyond the Railways of the said respective Companies, or any Part thereof respectively:

(5.) The Division between the Companies, Parties to any such Contracts and Agreements, of the Profits and Receipts arising from the Traffic upon their respective Railways, or any or either of them, or any Part thereof respectively:

(6.) The guaranteeing by the subscribing Companies of the Interest on the Debenture or Bond Debt of the Company:

(7.) The Tolls, Rates, Duties, and Charges, Rent or other Consideration, to be charged in respect of such Traffic, or to be paid in respect of such User, and the fixing and Apportionment of such Tolls, Rates, Duties, and Charges, Rent or other Consideration, or any of them.

Abolition of Right of Way.

45. Whereas a Right of Way is alleged to exist over certain Portions of the Ground which lies between the Sea and the high Road leading from *Brora* to *Golspie*: And whereas, in consequence of the Formation of the Railway through the same Ground, an Attempt to exercise such alleged Right of Way would be attended with Danger and Inconvenience: Be it enacted, That from and after the passing of this Act all such Right of Way (if any) shall be for ever extinguished.

Saving Rights of the Crown.

46. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorize the said Company to take, use, or in any manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, (if any such there be,) without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose, which Consent such Commissioners are hereby respectively authorized to give, or shall take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Interest not to be paid on Calls paid up.

47. It shall not be lawful for the Company, or for either of the subscribing Companies, out of any Money by this Act authorized to be raised

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 the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided, that nothing herein-before contained shall be deemed to prevent the said Companies respectively 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.

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

48. It shall not be lawful for the Company, or either of the subscribing Companies, out of any Money by this Act authorized to be raised for the Purposes thereof, 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 said Companies or any of them to construct any other Railway, or execute any other Work or Undertaking.

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

49. Nothing herein contained shall be deemed or construed to exempt the Railway or the Company from the Provisions of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may 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 Fares and Charges, or of the Rates and Charges for small Parcels, authorized by this Act.

Expenses of Act.

50. All Costs, Charges, and Expenses connected with the passing of this Act shall be paid by the Company.

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