



# Railways Clauses Consolidation (Scotland) Act 1845

1845 CHAPTER 33

*Collection Tolls*

## **LXXXVIII** list of Tolls to be exhibited on a Board.

A List of all the Tolls authorized by the special Act to be taken, and which shall be exacted by the Company, shall be published by the same being painted upon One Toll Board or more in distinct Black Letters on a White Ground, or White Letters on a Black Ground, or by the same being printed in legible Characters on Paper affixed to such Board, and by such Board being exhibited in some conspicuous Place on the Stations or Places where such Tolls shall be made payable.

## **LXXXIX** Milestones.

The Company shall cause the Length of the Railway to be measured, and Posts or other conspicuous Objects to be set Up and maintained along the whole Line thereof, at the Distance of One Quarter of a Mile from each other, with Numbers or Marks inscribed thereon denoting such Distances.

## **LXXXX** Tolls to be taken only whilst Board exhibited and Milestones set up.

No Tolls shall be demanded or taken by the Company for the Use of the Railway during any Time at which the Boards herein-before directed to be exhibited shall not be so exhibited, or at which the Milestones herein-before directed to be set up and maintained shall not be so set up and maintained ; and if any Person wilfully pull down, deface, or destroy any such Board or Milestone he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

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**LXXXIX Tolls to be paid as directed by the Company.**

The Tolls shall be paid to such Persons, and at such Places upon or near to the Railway, and in such Manner and under such Regulations, as the Company shall, by Notice to be annexed to the List of Tolls, appoint.

**XC In default of Payment of Tolls, Goods, &c. may be detained and sold.**

If, on demand, any Person fail to pay the Tolls due in respect of any Carriage or Goods, it shall be lawful for the Company to detain and sell such Carriage, or all or any Part of such Goods, or, if the same shall have been removed from the Premises of the Company, to detain and sell any other Carriages or Goods within such Premises belonging to the Party liable to pay such Tolls, and out of the Monies arising from such Sale to retain the Tolls payable as aforesaid, and all Charges and Expences of such Detention and Sale, rendering the Overplus, if any, of the Monies arising by such Sale, and such of the Carriages or Goods as shall remain unsold, to the Person entitled thereto, or it shall be lawful for the Company to recover any such Tolls by Action at Law.

**XCI Account of Lading, &c. to be given.**

Every Person being the Owner or having the Care of any Carriage or Goods passing or being upon the Railway shall, on demand, give to the Collector of Tolls, at the Places where he attends for the Purpose of receiving Goods or of collecting Tolls for the Part of the Railway on which such Carriage or Goods may have travelled or be about to travel, an exact Account in Writing signed by him of the Number or Quantity of Goods conveyed by any such Carriage; and of the Point on the Railway from which such Carriage or Goods have set out or are about to set out, and at what Point the same are intended to be unloaded or taken off the Railway; and if the Goods conveyed by any such Carriage, or brought for Conveyance as aforesaid, be liable to the Payment of different Tolls, then such Owner or other Person shall specify the respective Numbers or Quantities thereof liable to each or any of such Tolls.

**XCII Penalty for not giving Account of Lading.**

If any such Owner or other such Person fail to give such Account, or to produce his Way-bill or Bill of Lading, to such Collector or other Officer or Servant of the Company demanding the same, or if he give a false Account, or if he unload or take off any Part of his Lading or Goods at any other Place than shall be mentioned in such Account, with Intent to avoid the Payment of any Tolls payable in respect thereof, he shall for every such Offence forfeit to the Company a Sum not exceeding Ten Pounds for every Ton of Goods, or for any Parcel not exceeding One Hundred Weight, and so in proportion for any less Quantity of Goods than One Ton, or for any Parcel exceeding One Hundred Weight, (as the Case may be,) which shall be upon any such Carriage; and such Penalty shall be in addition to the Toll to which such Goods may be liable.

**XCIII Disputes as to Amount of Tolls chargeable.**

If any Dispute arise concerning the Amount of the Tolls due to the Company, or concerning the Charges occasioned by any Detention or Sale thereof under the Provisions herein or in the special Act contained, the same shall be settled by the

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Sheriff or by Two Justices; and it shall be lawful for the Company in the meanwhile to detain the Goods, or (if the Case so require) the Proceeds of the Sale thereof.

#### **XCIV Differences as to Weights, &c.**

If any Difference arise between any Toll Collector or other Officer or Servant of the Company and any Owner of or Person having the Charge of any Carriage passing or being upon the Railway, or of any Goods conveyed or to be conveyed by such Carriage, respecting the Weight, Quantity, Quality, or Nature of such Goods, such Collector or other Officer may lawfully detain such Carriage or Goods, and examine, weigh, gauge, or otherwise measure the same; and if upon such measuring or Examination such Goods appear to be of greater Weight or Quantity or of other Nature than: shall have been stated in the Account given thereof, then the Person who shall have given such Account shall pay, and the Owner of such Carriage, or the respective Owners of such Goods, shall also, at the Option of the Company, be liable to pay the Costs of such measuring and examining; but if such Goods appear to be of the same or less Weight or Quantity than and of the same Nature as shall have been stated in such Account, then the Company shall pay such Costs, and they shall also pay to such Owner of or Person having Charge of such Carriage, and to the respective Owners of such Goods, such Damage (if any) as shall appear to the Sheriff or any Two Justices, on a summary Application to him or them for that Purpose, to have arisen from such Detention.

#### **XCv Toll Collector to be liable for wrongful Detention of Goods.**

If at any Time it be made to appear to any such Sheriff or Justices, upon the Complaint of the Company, that any such Detention, measuring, or examining of any Carriage or Goods, as herein-before mentioned, was without reasonable Ground, or that it was vexatious on the Part of such Collector or other Officer, then the Collector or other Officer shall himself pay the Costs of such Detention and measuring, and the Damage occasioned thereby; and in default of immediate Payment of any such Costs or Damage the same may be recovered by Pounding and Sale of the Goods of such Collector, and such Sheriff or Justices shall issue his or their Warrant accordingly.

#### **XCvI Penalty on Passengers practising Frauds on the Company.**

If any Person travel or attempt to travel in any Carriage of the Company, or of any other Company or Party using the Railway, without having previously paid his Fare, and with Intent to avoid Payment thereof, or if any Person, having paid his Fare for a certain Distance, knowingly and wilfully proceed in any such Carriage beyond such Distance without previously paying the additional Fare for the additional Distance, and with Intent to avoid Payment thereof, or if any Person knowingly and wilfully refuse or neglect, on arriving at the Point to which he has paid his Fare, to quit such Carriage, every such Person shall for every such Offence forfeit to the Company a Sum not exceeding Forty Shillings,

#### **XCvII Detention of Offenders.**

If any Person be discovered, either in or after committing or attempting to commit any such Offence as in the preceding Enactment mentioned, all Officers and Servants and other Persons on behalf of the Company, or such other Company or Party as aforesaid, and all Constables, Gaolers, and Peace Officers, may lawfully apprehend and detain

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such Person until he can conveniently: be taken before the Sheriff or some Justice, or until he be otherwise discharged by due Course of Law.

#### **XCVIII Penalty for bringing dangerous Goods on Railway.**

No Person shall be entitled to carry, or to require the Company to carry, upon the Railway, any Aquafortis, Oil of Vitriol, Gunpowder, Lucifer Matches, or any other Goods which in the Judgment of the Company may be of a dangerous Nature; and if any Person send by the Railway any such Goods without distinctly marking their Nature on the Outside of the Package containing the same, or otherwise giving Notice in Writing to the Book-keeper or other Servant of the Company with whom the same are left, at the Time of so sending, he shall forfeit to the Company Twenty Pounds for every such Offence ; and it shall be lawful for the Company to refuse to take any Parcel that they may suspect to contain Goods of a dangerous Nature, or require the same to be opened to ascertain the Fact.

#### **XCIX Delivery of Matters in possession or custody of Toll Collector at removal.**

If any Collector of Tolls or other Officer employed by the Company be discharged or suspended from his Office, or die, abscond, or absent himself, and if such Collector or other Officer, or the Wife, Widow, or any of the Family or Representatives of any such Collector or other Officer, refuse or neglect, after Seven Days Notice in Writing for that Purpose, to deliver up to the Company, or to any Person appointed by them for that Purpose, any Station, Dwelling House, Office, or other Building, with its Appurtenances, or any Books, Papers, or other Matters belonging to the Company in the Possession or Custody of any such Collector or Officer at the Occurrence of any such Event as aforesaid, then, upon Application being made by the Company to the Sheriff or to any Two Justices, it shall be lawful for such Sheriff or Justices to order any Constable, with proper Assistance, to enter upon such Station or other Building, and to remove any Person found therein, and to take possession thereof, and of any such Books, Papers, or other Matters, and to deliver the same to the Company, or any Person appointed by them for that Purpose.

#### **C Annual Account to be made up, and a Copy transmitted to the Sheriff Clerk.**

And be it enacted, That the Company shall every Year cause an annual Account in abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied by virtue of this or the special Act for the Year ending on the Thirty-first Day of December or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Directors or some of them, and by the Auditors, and shall, if required, transmit a Copy of the said Account, free of Charge, to the Sheriff Clerks of the Counties through which the Railway shall pass on or before the Thirty-first Day of January then next; and the Copy of such Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit to prepare or transmit such Account as aforesaid, if required so to do by any such Sheriff Clerk, they shall forfeit for every such Omission the Sum of Twenty Pounds.