



ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. lxxv.

An Act for making a Railway from and out of the
Great North of Scotland Railway in the Parish of
Inverury to the Town of *Old Meldrum*, all in the
County of *Aberdeen*; and for other Purposes.

[15th June 1855.]

WHEREAS the making of a Railway from and out of the
Great North of Scotland Railway in the Parish of
Inverury to the Town of *Old Meldrum*, all in the County
of *Aberdeen*, would be of public and local Advantage: And whereas
the Persons herein-after named, with others, are willing, at their own
Expense, to carry such Undertaking into execution, but the same
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:

I. That the several Acts of Parliament following, (that is to say,) 8 & 9 Vict.
"The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The cc. 17. 19. &
Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The 33. incor-
Railways Clauses Consolidation (*Scotland*) Act, 1845," shall be incor-
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porated with and form Part of this Act, and with the same shall be construed as One Act.

Short Title. II. That in citing this Act for any Purpose whatever it shall be sufficient to use the Expression "*The Inverury and Old Meldrum Junction Railway Act, 1855.*"

Subscribers incorporated. III. That *Beauchamp Colclough Urquhart* of *Meldrum* and *Byth*, *John Manson* of *Fingask*, *James Manson*, Banker, *Old Medrum*, *Charles Chalmers* of *Monkshill*, Advocate in *Aberdeen*, *Anthony Adrian Blaikie*, Advocate in *Aberdeen*, *William Frederick Ogg*, Advocate in *Aberdeen*, *John Bruce*, Farmer, *Lighnot*, *Alexander Gray*, Farmer, *Mains of Tulloch*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway and Works herein-after mentioned, and for such Purpose shall be incorporated by the Name of "*The Inverury and Old Meldrum Junction Railway Company*," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the said incorporated Acts contained.

Capital. IV. That the Share Capital of the Company shall be Twenty-two thousand Pounds, and all and every Part of the Money so to be raised shall be applied only in carrying into execution the Objects and Purposes of this Act.

Number and Amount of Shares. V. That the Number of Shares into which the said Capital shall be divided shall be Two thousand two hundred, and the Amount of each Share shall be Ten Pounds.

Calls. VI. That Three Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at least shall be the Interval between successive Calls.

Interest not to be paid on Calls paid up. VII. That it shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of 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 Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount

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Amount of the Calls actually made as shall be in conformity with the Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in that Behalf contained.

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

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

IX. That it shall be lawful for the Company to borrow on Mortgage or Bond any Sum not exceeding in the whole the Sum of Seven thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Twenty-two thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up, and all and every Part of the Moneys so to be borrowed on Mortgage or Bond shall be applied only in carrying into execution the Objects and Purposes of this Act.

Power to borrow on Mortgage.

X. Provided always, That in the event of the Company, under the Powers of this Act herein-after contained, or of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," incorporated herewith, agreeing with any Persons for the Purchase of Land for the Purposes of the Railway in consideration of an annual Feu Duty or Ground Annual, the Capital of the Company to be raised by Mortgage or Bond shall be reduced by an Amount equal to Twenty-five Years Purchase of the Feu Duty or Ground Annual to be thereafter payable by the Company in respect of the Land so purchased: Provided always, that nothing herein contained shall prejudice or affect any Mortgages or Bonds granted by the Company before the granting of any such Feu Duties or Ground Annuals.

Amount authorized to be borrowed reduced if Lands purchased by way of Feu.

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

Power for Great North of Scotland Railway Company to subscribe.

XII. That the said last-mentioned Railway Company may from Time to Time, so long as they remain Subscribers to the Undertaking, appoint

Power for Great North of Scotland

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Railway
Company to
appoint a
Representa-
tive at Meet-
ings of the
Company.

appoint under their Seal, or under the Hand of the Chairman for the Time being of their Directors, some One or more Person or Persons, whether Shareholders or not in the Undertaking hereby authorized, to vote in their Behalf at any Meeting of the Company by this Act incorporated; and the Person or Persons so appointed shall have the same Right of voting at such Meetings as the *Great North of Scotland* Railway Company.

First and
other Meet-
ings.

XIII. That the First Ordinary Meeting of the Company shall be held within Three 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 *October* or *November*, as the Directors may appoint; and all Meetings, whether ordinary or extraordinary, shall be held in *Aberdeen* or *Old Meldrum*.

Number and
Qualification
of Directors.

XIV. That the Number of Directors shall be Nine, and the Qualification of a Director shall be the Possession in his own Right of Ten Shares in the Undertaking.

Power to re-
duce the
Number of
Directors.

XV. That it shall be lawful for the Company from Time to Time to reduce the Number of Directors, provided that the reduced Number be not less than Six.

First
Directors.

XVI. That the before-named *Beauchamp Colclough Urquhart, John Manson, James Manson, Charles Chalmers, Anthony Adrian Blaikie, John Bruce, William Frederick Ogg, Alexander Gray, and Alexander Anderson*, Advocate in *Aberdeen*, shall be the First Directors of the Company.

Election of
Directors at
Firstordi-
nary Meet-
ing.

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

Subsequent
Election of
Directors.

XVIII. That at the First Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors
until

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until others are elected in their Stead, in manner provided by the said last-mentioned Act.

XIX. That the Quorum of a Meeting of Directors shall be Three. Quorum.

XX. That the Number of Directors of which Committees appointed by the Directors shall consist shall be not more than Three, and the Quorum of such Committee shall be Two. Committees of Directors.

XXI. That the Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper published in the County of *Aberdeen*. Newspaper for Advertisements.

XXII. That it shall be lawful for the Company to make and maintain the Railway and Works herein-after mentioned, with all proper Stations, Approaches, Works, and Conveniences connected therewith; (that is to say,) Line of Railway.

A Railway commencing by a Junction with the Main Line of the *Great North of Scotland* Railway at a Point on the said Railway distant about Three hundred Yards North from the Point where the said Railway crosses the *Forgue* or *Inverury* and *Forgue* Turnpike Road in the Parish of *Inverury* in the County of *Aberdeen*, and proceeding thence in, through, and into the several Parishes and Places following, or some of them, (that is to say,) the united Parishes of *Keith-hall* and *Kinkell*, the Parishes of *Chapel of Garioch*, *Bourtie*, *Daviot*, and *Meldrum*, all in the County of *Aberdeen*, and terminating in or near a Field numbered 50 in the Parish of *Old Meldrum* upon the Plans deposited as herein-after mentioned, belonging to *Beauchamp Colclough Urquhart* of *Meldrum* and *Byth*, Esquire, in the Occupation of *John Webster* and *James Webster*, or One of them, and situate at or near the *Strathmeldrum* Toll Bar upon the *Sheelagreen* Turnpike Road in the said Parish of *Meldrum*.

XXIII. And whereas Plans and Sections of the intended Railway and Works, showing the Line and Levels thereof, and also Books of Reference, containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same is intended to pass, or which may be required for the Purposes of the Undertaking, have been deposited with the Principal Sheriff Clerk of the County of *Aberdeen*: Be it enacted, That, subject to the Provisions in this and the said Acts incorporated herewith contained, it shall be lawful for the Company to make and maintain the said Railway and Works in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined

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on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Lands for
extraordi-
nary Pur-
poses.

XXIV. That the prescribed Quantity of Land which the Company may purchase for the extraordinary Purposes connected with the Railway Undertaking mentioned in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall not exceed Three Acres.

Power to
Parties hav-
ing limited
Interests, &c.
to convey
Lands by Feu
Right.

XXV. That it shall be lawful for all Parties having a limited Right or Interest in any Lands required to be taken for the Purposes of this Act, or being under any Disability or Incapacity to sell or convey, within the Meaning of Section Seven of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," incorporated herewith, and being only entitled to sell or convey such Lands, or any Right or Interest therein, under the Powers by this Act and the said Consolidation Act granted, to sell and convey to the Company such Lands or any Part thereof, or any Right or Interest therein, in consideration of an annual Feu Duty or Ground Annual payable by the Company to such Parties and their Successors in the Lands, or in the Right or Interest therein so conveyed, and that in the Form prescribed by the said Consolidation Act with respect to Conveyances by Feu by Parties entitled absolutely to dispose of Lands.

Grassums
not to be
taken by
such Parties.

XXVI. Provided always, That it shall not be lawful for the Company to pay, nor for any Party having a limited Interest in, or being under Disability or Incapacity to sell or convey, any Lands, or any Rights or Interests therein, as aforesaid, to receive or take any Grassum, Fine, or Premium, or any Consideration in the Nature thereof, for the Lands or Rights or Interests to be so conveyed, other than the annual Feu Duties or Ground Annuals made payable by such Conveyance; and the Amount of such Feu Duties or Ground Annuals shall, in case of Difference, be ascertained and settled by Valuers, in the Manner prescribed by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Valuation of Lands sold by Agreement by Parties under legal Disability or Incapacity to convey as aforesaid.

Provision for
recovering
all Feu
Duties.

XXVII. That all Feu Duties or Ground Annuals for any Lands, or any Right or Interest therein, required for the Purposes of the Railway or the Works connected therewith, and made payable by any Conveyance under this Act and the said Consolidation Act, shall be a First Charge on the Tolls and Rates leviable under this Act and other Revenues of the Company (anything in this Act, or in any of the Consolidation Acts herewith incorporated, to the contrary notwithstanding); and if at any Time any such Feu Duties or Ground Annuals remain

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remain unpaid for Thirty Days after they respectively become payable, it shall be lawful for the Person entitled for the Time being to Payment of such Feu Duties or Ground Annuals to recover the same from the Company, with Interest and Costs, by Action in the Sheriff Court of the County of *Aberdeen*, or summarily by Poinding and Sale of the Goods and Effects of the Company, on Application by Petition to the said Sheriff, whose Decision in either Case shall be final, and shall not be subject to Review in any Manner howsoever; and it shall not be lawful for any such Person to resume Possession of the Lands, or Rights or Interests therein, so conveyed, or to proceed by any Action of Declarator or Reduction, or by Real Diligence, or any other Process whatever, in respect thereto, or in respect to the said Feu Duties or Ground Annuals.

XXVIII. 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 Two Years from the passing of this Act.

Powers for compulsory Purchases limited.

XXIX. That the Railway shall be completed within Three Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said Acts incorporated herewith granted to the Company for executing 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.

Period for Completion of the Works limited.

XXX. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, a Sum of One thousand six hundred and fifty Pounds, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited in the *Commercial Bank of Scotland* in the Name and with the Privity of the Queen's Remembrancer of the Court of Exchequer in *Scotland*, in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of One thousand six hundred and fifty Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons, or the Majority of the Persons, named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the said Company shall, previously to the Expiration of the Period limited by this Act for 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

For securing the Completion of the Railway within the Time limited.

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Privy Council for Trade and Foreign Plantations that the said 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 said 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 they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided, that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of One thousand six hundred and fifty Pounds shall have been executed by the said 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 the Payment to Her Majesty, Her Heirs or Successors, of the said Sum of One thousand six hundred and fifty Pounds if the said Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the said Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Moneys 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 Fact so certified.

XXXI. That

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XXXI. That in constructing the Bridge for carrying the Road numbered 6 in the said Parish of *Keith-hall* and *Kinkell* on the said deposited Plans over the said Railway, the Rate of Inclination of such Road may be altered, so that the same when altered shall not exceed One in Ten.

As to the Rate of Inclination of a certain Road.

XXXII. That it shall be lawful for the Company to demand any Tolls for the Use of the Railway not exceeding the following; (that is to say,)

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

Tonnage on Articles of Merchandise.

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* not exceeding Twopence; and if conveyed in Carriages belonging to or provided by 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, Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* not exceeding Twopence Halfpenny; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* not exceeding 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* not exceeding Threepence; and if conveyed in Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* not exceeding One Penny Halfpenny:

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

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

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Tolls for
Passengers
and Animals.

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

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

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

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 or provided by the Company, an additional Sum *per* Mile not exceeding One Penny Halfpenny.

Tolls for
propelling
Power.

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

Regulations
as to Tolls.

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

For Articles or Persons conveyed on the Railway for a less Distance than Four Miles the Company may demand the Tolls and Charges by this Act prescribed as for Four Miles :

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

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

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

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

XXXV. And

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XXXV. 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,) Tolls for small Parcels and Articles of great Weight.

For the Carriage of small Parcels, (that is to say,) Parcels not exceeding Five hundred Pounds Weight each, on the Railway or any Part thereof, as follows:

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

For any Parcel exceeding Seven Pounds but not exceeding Fourteen Pounds in Weight, Sixpence:

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

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

And for any Parcel exceeding Fifty-six Pounds in Weight the Company may demand any Sum which they may 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 not exceed Four Tons, the Company may demand such Sum as they think fit, not exceeding Sixpence *per Ton per Mile*; and for any like Articles 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.

XXXVI. That 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 by this Act authorized than Twopence *per Passenger per Mile* in respect of any Passenger travelling in a First-class Carriage, One Penny Halfpenny *per Passenger per Mile* in respect of any Passenger travelling in a Second-class Carriage, and One Penny *per Passenger per Mile* in respect of any Passenger travelling in a Third-class Carriage, including the Charges for the Use of Carriages and Locomotive Power, and all other Charges incidental to such Conveyance, unless in the Case of Passengers travelling by Special Trains: Provided always, that in the Case of Trains travelling at a greater Rate of Speed than Twenty-five Miles *per* Limiting Charge for Conveyance of Passengers.

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per Hour it shall be lawful for the Company to demand and receive in respect of Passengers travelling by such Trains in a First-class Carriage any Sum not exceeding Twopence Three Farthings *per Mile*, and for Passengers travelling by such Trains in a Second-class Carriage any Sum not exceeding Twopence *per Mile*, and if travelling in a Third-class Carriage by such Trains any Sum not exceeding One Penny Halfpenny *per Mile*, including in such Charge the Charges for the Use of Carriages and Locomotive Power, and all other Charges incidental to such Conveyance.

Limiting
Charge for
the Convey-
ance of Goods
and Cattle.

XXXVII. 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 Railway by this Act authorized, any greater Sum, including the Charges for the Use of Carriages, Waggon, or Trucks, and for Locomotive Power, and all other Charges incidental to such Conveyance, than the several Sums herein-after mentioned; (that is to say,)

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

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

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

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, and Things, *per Ton per Mile* not exceeding Threepence Halfpenny :

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per Mile*, if having Four Wheels, not exceeding Sixpence, and if having only Two Wheels, not exceeding Fourpence :

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

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

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

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

XX XVIII. That

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

Passengers
Luggage.

XXXIX. That, notwithstanding anything in this Act contained, it be lawful for the Company and they are hereby authorized and empowered, by Agreement with the Owner or Owners of or Person or Persons in charge of Goods of any Description, to take and receive, and in such Case to demand and recover, either in respect of the Conveyance of such Goods, other than small Parcels by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto, any increased Rates or Charges over and above the Rates and Charges by this Act limited or authorized to be received and taken for and in respect of any such Goods.

Power to
charge extra
for Goods by
Agreement
with the
Owner.

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

Restriction
as to Charges
not to apply
to Special
Trains.

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

As to Junc-
tion with
Great North
of Scotland
Railway.

XLII. That the Company incorporated by this Act shall, at their sole Expense, maintain and keep in repair the Rails, Points, and Crossings connected with the said Junction, and they shall also, at their own Expense, provide and maintain, at or near the said Junction, such Signal Posts, Lamps, and other Apparatus as may be required for the Protection and Security of the Traffic passing upon the Railway hereby authorized, or on the said *Great North of Scotland* Railway; and the Company hereby incorporated shall, at their own Expense, and to the Satisfaction of the *Great North of Scotland* Railway Company, employ

Expense of
maintaining
Junction, and
of providing
Signals to be
borne by
Company.

[Local.]

10 I

proper

The Inverury and Old Meldrum Junction Railway Act, 1855.

proper and sufficient Persons at the said Junction to watch, light, and regulate the same.

Level Crossing of the Forgue Turnpike Road over the Great North of Scotland Railway to be removed at the Expense of Company under this Act.

XLIII. And whereas the *Great North of Scotland Railway Company* are authorized to construct and they have constructed their Railway in the Parish of *Inverury* across and upon the Level of the Turnpike Road commonly called "*The Forgue or Inverury and Forgue Turnpike Road*," and the said Company have erected a Lodge and Gates at such level Crossing: And whereas, according to the Plans of the Railway authorized by this Act, it is proposed to divert Part of the said Turnpike Road between the said level Crossing and the Bridge on the said Road over the River *Ury*, and to carry the said Road across the said *Great North of Scotland Railway* on the Level nearer to the said Bridge: And whereas the Diversion of the said Road will render the present Crossing thereof unnecessary: Be it therefore enacted, That the Removal of the Lodge, and of the Gates and Conveniences connected with the said existing level Crossing, and any Alteration of the *Great North of Scotland Railway* which may be necessary in consequence of the Diversion of the said Turnpike Road, and carrying it as aforesaid across the said Railway, shall be done under the Direction and Superintendence and to the Satisfaction of the Engineer for the Time being of the *Great North of Scotland Railway Company*, and at the Cost and Expense in all things of the Company incorporated by this Act; and if any Difference shall arise between the Companies or their Engineers in relation to any of the Matters aforesaid, the same shall be referred to and be settled by Arbitration, at the Costs of the Company, in the Manner provided by "*The Railways Clauses Consolidation (Scotland) Act, 1845*," for settling Disputes by Arbitration; and all the Provisions of the Acts relating to the *Great North of Scotland Railway* now in force relating to the said existing level Crossing of the said Railway over the *Inverury and Forgue Turnpike Road* shall apply to the new level Crossing to be made in lieu thereof under the Powers of this Act, and shall be performed and observed by the said *Great North of Scotland Railway Company* accordingly.

Board of Trade may require a Bridge to be erected in Lieu of level Crossing over the Great North of Scotland Railway.

XLIV. That it shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the Public Safety, at any Time, either before or after the existing level Crossing of the *Forgue and Inverury Turnpike Road* over the *Great North of Scotland Railway* shall be removed, and the new level Crossing shall be made, to require the Company hereby incorporated, within such Time as the Board of Trade shall direct, and at the Expense of the said Company, to carry the said diverted Line of Road over the *Great North of Scotland Railway* by a Bridge or Arch in lieu of crossing the same on the Level, and to execute such other Works as under the Circumstances of the Case shall appear to the Board of Trade the best

The Inverury and Old Meldrum Junction Railway Act, 1855.

best adapted for removing or diminishing the Danger arising from such level Crossing.

XLV. Provided always, That if it shall appear to the Company hereby incorporated to be more conducive to the Public Safety and Convenience, and to the Interests of the Company, it shall be lawful for the Company (but only on the Consent of the *Great North of Scotland* Railway Company, under their Common Seal, being first had and obtained,) to divert the *Inverury and Forgue* Turnpike Road, and carry it under the Line of the *Great North of Scotland* Railway at any Point within the Limits of Deviation shown on the said deposited Plans of the Railway authorized by this Act; provided that the clear Height of the Arch for carrying the Line of the *Great North of Scotland* Railway over the said Road shall not be less than Thirteen Feet from the Crown of the Road under such Arch.

Company, with Consent, may carry the *Inverury and Forgue* Road under said Railway.

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

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

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

Saving the Rights of that Company.

XLVIII. That it shall be lawful for the Company from Time to Time to contract and agree with the *Great North of Scotland* Railway Company for or in respect of the working or Use of the Railway hereby authorized, and for or in respect of the Interchange of Traffic, and the Division and Appropriation of the Tolls, Rates, and Charges in respect thereof, and any Matter incidental thereto: Provided always, that such Contract or Agreement shall be approved by the Board of Trade and that no such Contract or Agreement shall be in force for more than Ten Years; but on the Expiration of such Contract or Agreement, and also on the Expiration of any renewed Contract or Agreement, it shall be lawful for either Company, upon giving One Month's previous Notice of such Application in an *Edinburgh* and also in an *Aberdeenshire* Paper, to apply to the Board of Trade for their Consent to a Renewal of any such Contract or Agreement; and upon

Company may contract with the *Great North of Scotland* Railway Company as to Use and working of Railway.

The Inverury and Old Meldrum Junction Railway Act, 1855.

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

During
Agreement
Railways to
be considered
as One.

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

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

L. That nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made, or the Company, from the Provisions of any General Act relating to such Act, or of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force, or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Rates for small Parcels, or of the maximum Rates of Fares and Charges, authorized by this Act.

The Com-
pany.

LI. That in this Act the Expression "the Company" shall mean the Company incorporated by this Act.

Expenses of
Act.

LII. That all the Costs, Charges, and Expenses of and incidental to the applying for and obtaining of this Act, and preparatory thereto, shall be paid by the Company.

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