



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. clxxvi.

An Act for making a Railway from the Town of
Inverness to the Town of *Nairn*.

[24th *July* 1854.]

WHEREAS the making of a Railway leading from the Town of *Inverness* in the County of *Inverness* to the Town of *Nairn* in the County of *Nairn* would be of great local and public Advantage: And whereas the Persons herein-after named, with others, are willing at their own Expense to carry such Undertaking into execution, but 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,—

I. The several Acts of Parliament following, (that is to say,) “The Companies Clauses Consolidation (*Scotland*) Act, 1845,” “The Lands Clauses Consolidation (*Scotland*) Act, 1845,” and “The Railways Clauses Consolidation (*Scotland*) Act, 1845,” shall be incorporated with and form Part of this Act. 8 & 9 Vict.
cc. 17. 19 &
33. incorpo-
rated.

[*Local.*]

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II. In

The Inverness and Nairn Railway Act, 1854.

Short Title. II. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Inverness and Nairn* Railway Act, 1854."

Subscribers incorporated. III. *Ewen Mac Pherson of Cluny Mac Pherson, Eneas William Mackintosh*, Lieutenant Colonel *Alexander Findlay*, Captain *William Fraser Tytler*, *Robert Fraser*, *Alexander Matheson*, *Thomas Ogilvy*, *Charles Stewart*, *Henry William White*, *Alexander Smyth*, *John Dunbar*, *Alexander Forbes*, *Niel Maclean*, *Colin Lyon Mackenzie*, Lieutenant Colonel *Hugh Inglis*, 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 herein-after particularly described, with all proper Works and Conveniences belonging thereto, according to the Provisions of the said incorporated Acts and of this Act, and for the other Purposes herein and in the said incorporated Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Inverness and Nairn* 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 for the Purposes of the Undertaking, within the Restrictions herein and in the said Acts contained.

Capital. IV. The Capital of the Company shall be Eighty thousand Pounds Sterling, and the whole thereof, when raised, shall be applicable only to the Purposes authorized by this Act.

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

Calls. VI. Thirty Shillings *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 the aggregate Amount of Calls to be made on any One Share in any One Year shall not exceed Eight Pounds Ten Shillings in the whole.

Interest not to be paid on Calls paid up. VII. It shall not be lawful for the said 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 said Company from paying to any Shareholder

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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.

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

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

IX. Subject to the Provision herein-after contained, it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole One Third Part of the Capital of the Company, but no Part of such Sums shall be borrowed until the whole of the said Capital of Eighty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up: Provided always, that the Sums to be borrowed as aforesaid shall be applied solely to the Purposes authorized by this Act.

Power to borrow on Mortgage.

X. It shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any 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 such Judicial Factor shall be made shall not be less than Twelve hundred Pounds on the whole.

Arrears may be enforced by Appointment of a Judicial Factor.

XI. The First Ordinary Meeting of the Company shall be held within Two Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held twice in every Year, in the Months of *March* or *April*, and *September* or *October*, as the Directors may appoint; and all Ordinary Meetings shall be held in the Town of *Inverness*.

First and subsequent General Meetings.

XII. The Quorum of General Meetings of the Company shall be Ten Shareholders, present personally or by Proxy, holding in the aggregate not less than Four thousand Pounds in the Capital of the Company.

Quorum of General Meetings.

XIII. At all General Meetings of the Company the Scale according to which the Shareholders may vote in respect of their Shares shall be as follows; (that is to say,) for Two Shares or more, but not exceeding

Votes of Shareholders.

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exceeding Ten Shares, One Vote; for more than Ten Shares, an additional Vote for every Ten Shares to the Extent of One hundred Shares; for more than One hundred Shares an additional Vote for every Twenty Shares over and above the said One hundred Shares: Provided always, that no Shareholder shall be entitled to vote at any Meeting unless he shall have paid up all the Calls then payable upon the Shares held by him.

Number and
Qualification
of Directors.

XIV. The Number of Directors shall be Twelve, and the Qualification of a Director shall be the Possession in his own Right of Twenty-five Shares in the Capital of the Company.

Power to
vary the
Number of
Directors.

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

First
Directors.

XVI. *Ewen Mac Pherson of Cluny Mac Pherson, Eneas William Mackintosh, Lieutenant Colonel Alexander Findlay, Captain William Fraser Tytler, Henry William White, Charles Stewart, John Dunbar, Alexander Forbes, Colin Lyon Mackenzie, Robert Fraser, Alexander Smyth, and Lieutenant Colonel Hugh Inglis, shall be the First Directors of the Company.*

First Elec-
tion of
Directors.

XVII. 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 a new Body of 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.

Future
Directors.

XVIII. 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 said "Companies Clauses Consolidation (*Scotland*) Act;" contained and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the said "Companies Clauses Consolidation (*Scotland*) Act."

Quorum of
Directors.

XIX. The Quorum of a Meeting of Directors shall be Three.

Power to
make Rail-
way accord-
ing to

XX. And whereas Plans and Sections of the Railway showing the Lines and Levels thereof, together with a Book of Reference to the said Plans, containing the Names of the Owners, Lessees, and Occu-
piers,

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piers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited in the Offices in the Town of *Inverness* and the Town of *Nairn* respectively of the Principal Sheriff Clerks of the Counties of *Inverness* and *Nairn* respectively: Be it enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the Company to make and maintain the said Railway and Works in the Lines and upon the Lands delineated on the said Plans, and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

deposited
Plans, &c.

XXI. The said Railway shall commence at a Point at or near *Academy Street*, and near the *Royal Academy*, and also at another Point at or near the Old Quay or Harbour of *Inverness*, both in the Royal Burgh of *Inverness*, and terminate at a Point at or near to the District Road from *Nairn* to *Howford* and *Cawdor*, on the South-western Side of the Royal Burgh of *Nairn*, and in the Parish and County of *Nairn*, and at the Distance of Four hundred Yards, or thereabout, from the Point adjoining the Parish Schoolhouse of *Nairn* where the said last-named Road and the District Road from *Nairn* to *Clephanton* diverge; and the said Railway and Works, and the several Approaches, Stations, and Conveniences to be connected therewith, will be situate in, or pass from, through, or into the several Parishes, Townships, Burghs, and Places following, or some of them; that is to say, the Parishes of *Inverness*, *Petty*, or the united Parishes of *Petty* and *Breacholy*, *Croy*, and *Nairn*, the Royal Burgh of *Inverness*, and the Royal Burgh of *Nairn*, all in the Counties of *Inverness* and *Nairn*, or either of them.

Line of
Railway.

XXII. Subject to the Provisions in this Act and in "The Railways Clauses Consolidation Act, 1845," contained, it shall be lawful for the Company in the Construction of the Railway to carry the same across and upon the Level of the several Turnpike and public Roads numbered on the Plans deposited as aforesaid as follows; (that is to say,)

Level
Crossings.

No. on Plan.	Parish.	Description of Roads.
92	Inverness - - -	Public Road.
153	Petty & Breacholy - -	Turnpike Road.
47 a	Nairn - - -	Public Road.
60	Ditto - - -	Public Road.

XXIII. For the Security of the Public, the Company shall erect and maintain either a Station or Lodge at the Place where the Railway shall cross the before-mentioned Roads on the Level, and the said Company shall be subject to and shall abide by all such Rules and

Lodges or
Stations may
be made at
level
Crossings.

[Local.]

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Regulations

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

Board of Trade may require Bridges to be erected in lieu of level Crossings.

XXIV. 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 Railway hereby authorized to be carried across the said Roads on the Level shall have been completed and opened for public Traffic, to require the Company, within such Time as the Board shall direct, and at the Expense of the Company, to carry the hereinbefore mentioned Roads either over or under the Railway by means of Bridges or Arches, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade best adapted for removing or diminishing the Danger arising from such level Crossings: Provided always, that when any such Roads shall be so carried either under or over the Railway, it shall not be necessary for the Company to erect or maintain any Stations or Lodges at the Points where such Roads may be crossed, or to appoint any Person to watch or superintend the Crossing thereat, nor shall they be liable to any of the aforesaid Penalties for doing so.

Regulating Inclinations of certain Roads.

XXV. It shall be lawful for the Company to construct the Approaches to the Bridges, Arches, or level Crossings, for carrying the Roads, numbered as after-mentioned on the said deposited Plans, over, under, or across the Railway hereby authorized, as also to make and construct the proposed Diversions of the Roads numbered as after-mentioned on the said deposited Plans, with such Inclinations as they think fit, not steeper than the following; (that is to say,)

In the Case of the Road numbered 110, in the Parish of *Inverness*, not steeper than 1 in 14:

In the Case of the Road numbered 39, in the Parish of *Petty*, not steeper than 1 in 19.

Lands for extraordinary Purposes.

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

Power to purchase Lands on Feu Duties.

XXVII. That it shall be lawful for all Persons owning or entitled to any Lands or other Property authorized or required to be taken for
any

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any of the Purposes of this Act, whether such Persons shall hold or be entitled to dispose of such Lands or other Property absolutely, or being under any legal Disability or Incapacity within the Meaning of Section Seven of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," incorporated with this Act, shall be only able to sell or convey the same under the Powers of this Act and of the said "Lands Clauses Consolidation (*Scotland*) Act, 1845," to agree with the Company to sell and convey such Lands and other Property or any Part thereof, unto the Company, in consideration of an annual Feu Duty or Ground Annual to be paid by the Company.

XXVIII. 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 Right or Interest 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.

Grassums
not to be
taken.

XXIX. Provided also, in the event of the Company 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 under the Powers of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," or of this Act, the Capital of the Company to be raised by Mortgage or Bond shall be restricted, in respect of the Land so purchased, to an Amount equal to Twenty Years Purchase of the said Feu Duty or Ground Annual.

Provisions
for Limita-
tion of
Capital.

XXX. That all Feu Duties or Ground Annuals for any Lands or any Right or Interest therein required for the Purposes of the Railway, and made payable by any Conveyance under this Act and the said last-named 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 unpaid for Thirty Days after they respectively become payable, it shall be lawful to 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 *Inverness*

Provision
for Recovery
of Feu
Duties.

or

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or the County of *Nairn*, in whichever of the said Counties the Lands may be situate, or summarily by pointing and Sale of the Goods and Effects of the Company, on Application by Petition to the Sheriff of the County, whose Decision in either Case shall be final, and shall not be subject to Review in any Manner whatsoever; 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.

Powers for compulsory Purchases limited.

XXXI. 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 Three Years from the passing of this Act.

Period for Completion of Works.

XXXII. The Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said Acts 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.

Tolls.

XXXIII. 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,)

Tonnage on Articles of Merchandise.

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

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

For all Coal, Coke, Culm, Charcoal, and Cinders, 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* not exceeding Twopence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Mile* not exceeding One Penny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, 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 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

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per Ton per Mile not exceeding Fourpence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding Twopence:

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

And a like Sum of Sixpence *per Mile* for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, which any such Carriage may weigh, and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per Mile* not exceeding Sixpence:

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

Tolls for
Passengers
or Cattle.

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 the Company, an additional Sum not exceeding One Penny *per Mile*:

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

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

For the Use of Stations, and such like Accommodation, such a reasonable Sum, in addition to the above-mentioned Rates, as to the Company shall seem just: Provided always, that any Party feeling dissatisfied with such additional Sum charged or proposed to be charged by the Company in respect of Stations and such like Accommodations may complain thereof in a summary Way to the Sheriff of the County of *Inverness*, and the Sheriff shall summon the Company to appear before him, by their Manager or Secretary for the Time being, at a Time and Place mentioned in the said Summons; and upon the Appearance of the Company in manner aforesaid, or in their Absence, shall determine the Sum to be charged by the Company in respect of the Stations and such like Accommodations to which the Complaint shall relate, and every such Determination of the Sheriff shall be final.

Tolls for the
Use of Sta-
tions, &c.

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Tolls for
propelling
Power.

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

Limiting
Charges for
the Convey-
ance of Pas-
sengers.

XXXV. 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 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 Convey-
ance of
Goods.

XXXVI. 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, Waggons, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance, than the several Sums herein-after mentioned; (that is to say,)

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

For Coals, Coke, Culm, Charcoal, and Cinders, Stones for building, pitching, and paving, 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 Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Threepence:

For Cotton and other Wools, Drugs, manufactured Goods, and other Wares, Merchandise, Fish, Articles, Matters, and Things, *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 more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile Sixpence:

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

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

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

XXXVII. 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.

Restriction as to Charges not to apply to Special Trains.

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

Company may take increased Charges by Agreement.

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

Regulations as to the Tolls.

For Articles or Persons conveyed on the Railway for a less Distance than the entire Length of the Line, the Company may demand as for Six entire Miles; and, in addition to the prescribed Tolls for Conveyance, a reasonable Charge for the Expense of loading and unloading:

For a fractional Part of a Mile beyond Six Miles, the Company may demand Tolls 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 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 or 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.

XL. 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 single Articles of great Weight.

For the Carriage of small Parcels on the Railway, as follows:

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

For any Parcel not exceeding Fourteen Pounds in Weight, Eightpence:

For

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For any Parcel not exceeding Twenty-eight Pounds in Weight, One Shilling and Fourpence :

For any Parcel not exceeding Fifty-six Pounds in Weight, Two Shillings :

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

That Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages :

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Twelvepence *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.

Passengers
Luggage.

XLI. 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.

Power to
agree as to
Petty Cus-
toms with
Magistrates
and Town
Council of
Inverness.

XLII. And whereas the Magistrates and Town Council of the Burgh of *Inverness* have from Time immemorial been in the Practice of levying and collecting certain Rates and Dues denominated Petty Customs on all Goods, Cattle, Articles, Effects, and Commodities of every Description brought into the ancient and formerly extended Royalty of the Burgh, for Sale, Storeage, Manufacture, Use, or Consumption ; and by "The *Inverness* Burgh Act, 1847," they are authorized to collect, sue for, and recover the Petty Customs, Imposts, Rates, and Duties expressed and contained in a Schedule to the said Act annexed, and to prevent the said Goods, Cattle, Articles, Effects, and Commodities from entering the Burgh until such Customs and Imposts are so paid ; and the said Magistrates and Town Council are by the said Act authorized to let the Right of collecting and levying the said Customs and Imposts to Tenants, and to make such Rules and Regulations for the Collection of the same as to them may appear proper ; and it is by the said Act provided that for any Goods and Commodities for which Shore Dues may have been paid at the Port of *Inverness*,

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Inverness, or at those Parts of the *Caledonian Canal* below *Muirton Locks*, no Petty Customs shall be eligible, and that Goods, Commodities and Effects passing through the Town and destined for Places beyond the said Boundaries shall not be liable in the Payment of Petty Customs: And whereas the Railway hereby authorized will pass within the Boundaries of the said Burgh, and it would be attended with great Delay and Inconvenience if the said Rates and Dues were levied by the said Magistrates and Town Council on Goods, Cattle, Articles, Effects, and Commodities carried by or for the Company, or upon the said Railway: And whereas it is expedient that Provision should be made for obviating such Inconvenience and Delay by enabling the Company to collect the said Customs, Rates, and Dues, and to account for the same to the said Magistrates and Town Council, or to compensate them for their Interest in the same: Be it enacted, That it shall be lawful for the Company, with the Concurrence and Authority of the said Magistrates and Town Council, to levy, collect, receive, and discharge the said Customs, Rates, and Dues, in so far as the same can be legally demanded in respect of all Goods, Cattle, Articles, Effects, and Commodities carried by or for the Company upon the said Railway, and brought within the ancient and formerly extended Royalty of the said Burgh for Sale, Storeage, Manufacture, Use, or Consumption, and to account to the said Magistrates and Town Council for the same, or to make such Compensation in respect thereof as shall from Time to Time be mutually agreed on; and it shall be lawful for the said Magistrates and Town Council and for the Company from Time to Time to make and enter into such Agreements, Leases, or other Contracts as to them may seem expedient and proper in reference to the said Matters, or any of them; and such Agreements, Leases, or Contracts may contain such Covenants and Conditions as may be mutually agreed upon between the Parties.

XLIII. 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 Six thousand one hundred and ninety-one Pounds, being upwards of 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 to the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Six thousand one hundred and ninety-one 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 under 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

Providing
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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 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 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 Six thousand one hundred and ninety-one 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 Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Six thousand one hundred and ninety-one 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

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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.

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

Railway to be subject to Provisions of 1 & 2 Vict. c. 98. 3 & 4 Vict. c. 97. 5 & 6 Vict. c. 55. 7 & 8 Vict. c. 85. 9 & 10 Vict. cc. 105, 57. and 14 & 15 Vict. c. 64.

XLV. Nothing herein contained shall be deemed or construed to exempt the Railway hereby authorized to be made from the Provisions of any General Act relating to this Act, or of any General Act relating to Railways, or to the better and more impartial Audit of the Railway Accounts, which may pass during the present Session 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.

Railway not exempt from Provisions of future General Acts.

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

Expenses of Act.

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