ANNO VICESIMO OCTAVO & VICESIMO NONO

# VICTORIÆ REGINÆ.

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## *Cap.* ccxciv.

## An Act for making a Railway from the Town of *Crieff* to *Comrie*, with a Railway connecting said Railway with the authorized *Crieff and Methven Junction* Railway; and for other Purposes.

[5th *July* 1865.]

WHEREAS the making of a Railway from the Town of *Crieff* to *Comrie*, and a Railway connecting said Railway with the authorized *Crieff and Methven Junction* Railway, as herein-after described, would be of great public and local Advantage: And whereas the Persons herein-after named, together with others, are willing at their own Expense to carry such Undertaking into execution, and it is expedient that they should be incorporated for that Purpose: And whereas it is expedient that such Arrangements be authorized and such Powers conferred with reference to the Company and the Undertaking, and to other Companies and Undertakings, as are herein-after expressed: And whereas the *Scottish Central* Railway Company are willing, and it is expedient that they should be authorized, to contribute towards the Undertaking, and to take and hold Shares therein; but these Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the

Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

**1.** In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Crieff and Comrie* Railway Act, 1865."

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

**2.** The several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," and Parts I. and III. of "The Companies Clauses Act, 1863," and Part I., excepting Sections 13 to 19, both inclusive, and Part III. of "The Railways Clauses Act, 1863," save as otherwise provided by or inconsistent with this Act, are hereby incorporated with and shall form Part of this Act.

Interpretation of Terms.

**3.** In construing for the Purposes of this Act the Acts wholly and partly incorporated herewith, and in construing this Act, the Expression "the Company" shall denote the Company incorporated by this Act, except in so far as the Provision in which it occurs is applicable to the additional Capital which the *Scottish Central* Railway Company are by this Act authorized to issue, in which Case it shall likewise include and mean the *Scottish Central* Railway Company; and the Expression "the Railway" shall mean the Railway and connecting Railway and Works comprised in the Undertaking of the Company, as herein-after defined, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Same Meaning of Words in this Act as in incorporated Acts.

**4.** The several Words and Expressions to which by any Acts incorporated with this Act in whole or in part Meanings are assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Subscribers incorporated.

**5.** Sir *Patrick Keith Murray* Baronet, *George Charnley Dewhurst*, *Peter Drummond*, *Allan Cunningham Pagan*, *Archibald Ballantine*, *John Cameron*, and *Archibald Stewart*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assignees respectively, shall be and hereby are united into a Company for the Purpose of making and maintaining the Railway, and for all other the Purposes of this Act and the Acts wholly and partly incorporated herewith, and for such Purposes shall be and hereby

hereby are incorporated by the Name of "The *Crieff and Comrie* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase, take, acquire, hold, sell, and dispose of Lands for the Purposes of the Undertaking, within the Restrictions herein and in the said Acts contained.

Capital.

**6.** The Share Capital of the Company shall be Forty thousand Pounds.

Number and Amount of Shares.

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

Calls.

**8.** 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 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 in the whole.

Shares not to issue until One Fifth paid up.

**9.** It shall not be lawful for the Company to issue any Share, nor shall any Share vest in the Person accepting the same, unless and until a Sum not less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Votes of Share-holders.

**10.** At all Meetings of the Company every Shareholder in the Company shall have One Vote in respect of each Share in the Capital of the Company which shall be held by him.

Power to issue Debenture Stock.

**11.** It shall be lawful for the Company from Time to Time, when and as they are entitled to borrow, to raise all or any Part of the Money which they shall for the Time being have raised, or be authorized to raise, by Mortgage, by the Creation and Issue of Debenture Stock at a Rate of Interest not exceeding Five Pounds *per Centum per Annum*.

Power to borrow on Mortgage.

**12.** It shall be lawful for the Company to borrow on Mortgage any Sums not exceeding in the whole the Sum of Thirteen thousand three hundred Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital of Forty thousand Pounds shall have been subscribed for *bonâ fide* and issued, and One Half thereof shall have been actually paid up, and until the Company shall have proved to the Sheriff who is to certify under the Provisions contained in the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," before he so certifies, that the whole of the said Capital has been subscribed for *bonâ fide* and issued, and

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One Half of such Capital has been paid up, and that not less than One Fifth of the Amount of each Share has been paid on Issue of the same, and that such Shares are held by the Subscribers or their Executors, Administrators, or Assignees, and for which such Subscribers or their Executors, Administrators, or Assignees are legally liable, of which Proof having been given the Certificate of the Sheriff under that Section shall be sufficient Evidence.

Arrears may be enforced by Appointment of a Judicial Factor.

**13.** 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 Two thousand Pounds in the whole.

Application of Monies.

**14.** The said Share Capital, and the Sums to be raised or borrowed as aforesaid, shall be applied solely to the Purposes of this Act.

First and subsequent Ordinary Meetings.

**15.** The First Ordinary Meeting of the Company shall be held within Six Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly 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 *Crieff*, or in such other Place as the Directors may fix from Time to Time.

Quorum of General Meetings.

**16.** The Quorum of General Meetings of the Company shall be Six Shareholders present personally or by proxy, holding in the aggregate not less than One thousand Pounds in the Capital of the Company.

Number and Qualification of Directors.

**17.** The Number of Directors shall be Six, and the Qualification of a Director appointed by the Shareholders shall be the Possession in his own Right of not less than Twenty-five Shares in the Capital of the Company, and the Qualification of a Director appointed by the Directors of the *Scottish Central* Railway Company shall be the Possession in his own Right of not less than Twenty-five Shares in the Capital of the Company, or of not less than Two hundred and fifty Pounds in the Capital of the *Scottish Central* Railway Company.

Power to reduce the Number of Directors.

**18.** It shall be lawful for the Company to reduce the Number of Directors from Six to Four.

Quorum of Directors.

**19.** The Quorum of a Meeting of Directors shall be Three.

**20.** Sir

**20.** Sir *Patrick Keith Murray* Baronet, *Peter Drummond*, *Allan Cunningham Pagan*, *Alexander Macduff*, Sir *Alexander Charles Gibson Maitland* Baronet, and *James Falshaw* shall be the First Directors of the Company. First Directors.

**21.** 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 shall elect such Number of Directors as, with the Directors to be elected by the Directors of the *Scottish Central* Railway Company, shall together make up the Number of Directors of the Company provided for by this Act, any of the Directors appointed by this Act being capable of Election; and at the Ordinary Meetings of the Company held in the Month of *September* or *October* in the Year One thousand eight hundred and sixty-six, and in every succeeding Year, 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, 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 others are elected in their Stead in manner provided by the said last-mentioned Act. Provision for Directors retiring and for future Elections.

**22.** Whereas Plans and Sections of the Railways showing the Lines and Levels thereof, together with a Book of Reference to the said Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same are intended to pass, have been deposited in the Offices at *Perth* and *Dunblane* of the Principal Sheriff Clerk of the County of *Perth*: It shall be lawful for the Company, subject to the Provisions in this Act and in the Acts wholly and partly incorporated herewith, to enter upon, take, and use such of the Lands delineated on the said deposited Plans and described in the deposited Book of Reference as they may find necessary for the Purposes of the Undertaking. Power to take Lands.

**23.** 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. Powers for compulsory Purchases limited.

**24.** The Quantity of Land to be purchased by the Company by Agreement for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," incorporated herewith, shall not exceed Two Acres. Lands for extraordinary Purposes.

Power to construct Works.

**25.** With the Powers of Deviation and other Powers and subject to the Provisions contained in this Act and the Acts wholly and partly herewith incorporated, the Company may make and maintain the Railways herein-after described with all proper Approaches, Stations, and other Works and Conveniences connected therewith, in the Lines and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections.

Description of Works.

**26.** The Railway and connecting Railway to be made and maintained under the Authority of this Act shall be the following; (that is to say,)

First, a Railway (herein-after referred to as Railway No. 1) commencing by a Junction with the *Crieff Junction* Railway at a Point thereon in the Parish of *Crieff* and County of *Perth* Three hundred and twenty-five Yards or thereabouts to the South-eastward of the Passenger Booking Office at the *Crieff* Station of the *Crieff Junction* Railway Company, and terminating at or near the East End of the Village of *Comrie* at a Point in the united Parishes of *Monzievaird* and *Strowan* and County of *Perth* in a Field belonging to *David Robertson Williamson* of *Lawers*, said Point being Thirty Yards or thereabouts to the South-east of the East End of the South Parapet Wall of the Bridge carrying the Turnpike Road over the River *Lednock* at the East End of the Village of *Comrie*;

And, second, a Railway (herein-after referred to as Railway No. 2) commencing by a Junction with Railway No. 1 at a Point thereon in the Parish of *Crieff* and County of *Perth* in a Field occupied by *John Wilson*, *Isabella Wilson*, and *Christian Wilson*, all residing in *Crieff*, or One or more of them, said Point being Sixty-five Yards or thereabouts Northwards of the Northernmost Part of the Goods Shed at the *Crieff* Station of the *Crieff Junction* Railway Company, and terminating by a Junction with the Line of the authorized *Crieff and Methven Junction* Railway at a Point in the Parish of *Crieff* and County of *Perth* in a Field belonging to *Alexander Monteath* of *Broich*, and presently occupied by *Duncan Forbes*, Flesher, *Crieff*, the said Point being Three hundred and twenty-five Yards or thereabouts South-eastward of the Passenger Booking Office at the *Crieff* Station of the *Crieff Junction* Railway Company.

Certain Lands only of Crieff Junction and Crieff and Methven Junction

**27.** The Company shall not enter upon, take, or use for the Purposes of the Railway any of the Lands already acquired by the *Crieff Junction* Railway Company and *Crieff and Methven Junction* Railway Company respectively, or which they or either of them are authorized to acquire, without the previous Consent in Writing of the said

said Companies respectively under their respective Common Seals, excepting always the Strip or Portion of Ground lying immediately alongside the Northern Boundary of the *Crieff Junction* Railway Company's Property at *Crieff*, between the Roads marked Nos. 18 and 10 on the deposited Plans of Railways No. 1 and No. 2, said Portion or Strip of Ground being of the following Breadth, *viz.*, Fifteen Feet broad for a Length of Four hundred Feet, measuring Eastward from the Road marked No. 18 on the deposited Plans, and thence to the Eastward, gradually widening to Twenty-seven Feet at the Road marked No. 10 on said deposited Plans, and saving and excepting also so far as the Company may require to purchase an Easement or Right of using the Lands of the said Companies, or either of them, for the Purpose of forming Junctions with the *Crieff Junction* Railway at *Crieff* and *Methven Junction* Railway respectively as shown on the deposited Plans, in accordance with the Provisions of this Act and of "The Railways Clauses Act, 1863," partly incorporated herewith. Railway Companies to be taken.

**28.** The Company shall carry Railway No. 1 through the Lands of Lord *Abercromby* the whole Distance between the Point marked Two Miles Six Furlongs and the Point marked Two Miles Seven Furlongs on the deposited Plans in a Tunnel to be made in the centre Line delineated on the said Plans, or within Ten Yards on either Side thereof; and, except with the Consent in Writing of Lord *Abercromby*, or his Successor for the Time being in the said Lands, the Company shall not be entitled to avail themselves of any Powers that may be contained in any Act of Parliament passed or that may be hereafter passed having relation to Railways, under which they would be enabled, but for this Provision, to substitute an open Cutting for said Tunnel, nor shall, except with Consent foresaid, enter upon any Lands belonging to Lord *Abercromby* in the united Parishes of *Monzievaird* and *Strowan* for the Purpose of taking Earth or Soil by Side Cuttings therefrom, or of depositing Spoil thereon. As to Lord Abercromby's Lands.

**29.** It shall be lawful for the Company to carry the Railways, so long as the Lines remain respectively single Lines of Railway, by not more than One Line of Rails respectively, and if and when the Lines shall respectively be doubled, then by not more than Two Lines of Rails respectively, across and on the Level of the following Road numbered on the said deposited Plans as follows; (that is to say,) Level Crossings.

RAILWAY No. 1.

The Statute Labour Road, marked No. 10, in the Parish of *Crieff*.

RAILWAY No. 2.

The Statute Labour Road, marked No. 10, in the Parish of *Crieff*:

Provided

Provided always, that inasmuch as the said Road is already crossed on the Level by the *Crieff Junction* Railway at Points contiguous to the level Crossings hereby authorized, the Company shall be bound and they are hereby required, Three Months at least previous to their Interference with the said Road with a view to the Formation of the said level Crossings, to give Notice, with special Reference to this Provision, to the Board of Trade of their Intention to make said level Crossings; and if the Board of Trade thereupon or at any Time thereafter shall require the said Road to be carried either over or under the *Crieff Junction* Railway by a Bridge or Arch, then the same shall be in like Manner carried by the Company either over or under the Railways by this Act authorized, but with a Gradient not steeper than One in Fifteen on the one Side and level on the other.

Inclination of a certain Road.

**30.** It shall be lawful for the Company to make the Turnpike Road numbered on the deposited Plans 47 of Railway No. 1 in the united Parishes of *Monzievaird* and *Strowan*, when altered for the Purposes of this Act, of any Rate of Inclination they may think fit, not steeper than One in Twenty-two on the one Side and level on the other.

Dimensions of Arch.

**31.** It shall be lawful for the Company to make the Arch of the Bridge for carrying the said Railway No. 1 over the said Turnpike Road of such Dimensions as they may think fit, not being less than Fifteen Feet in Height and Twenty-five Feet in Span.

As to Junctions with Railways herein named.

**32.** Subject to the Provisions in this and the incorporated Acts contained, the Railways hereby authorized shall respectively join and communicate with the Lines and Rails of the *Crieff Junction* Railway and the authorized *Crieff and Methven Junction* Railway respectively in the Manner shown upon the Plans deposited as aforesaid.

Period for Completion of Works.

**33.** The Railway shall be completed within Four 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.

Security for Completion of Line within Time limited.

**34.** 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 Three thousand two hundred Pounds, being a Sum not less than Eight *per Centum* on the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been

been deposited in the Bank 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 Three thousand two hundred Pounds so deposited as aforesaid in respect of the Application for this Act, and the Interest for the said Sum of Three thousand two hundred Pounds, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid 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 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 Three thousand two hundred Pounds deposited as aforesaid, and the Interest thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid by the Officer or Person in whose Name the said Sum and Interest shall then be deposited 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 Three thousand two hundred 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 Three thousand two hundred 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 thereof, shall be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest 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 had been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Tolls.

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

For Passengers.

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

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

For Animals.

Secondly, in respect of Animals conveyed upon the Railway, or any Part thereof, as follows:

Class 1. For every Horse, Mule, Ass, or other Beast of Draught or Burden, Threepence *per* Mile; and if conveyed in or upon a Carriage belonging to or provided by the Company, an additional Sum of One Penny *per* Mile:

Class 2. For every Ox, Cow, Bull, or Head of Neat Cattle, Twopence *per* Mile; and if conveyed in or upon a Carriage belonging to or provided by the Company, an additional Sum of One Penny *per* Mile:

Class 3. For every Calf, Sheep, Pig, Lamb, or other small Animal, One Penny *per* Mile; and if conveyed in or upon a Carriage belonging to or provided by the Company, an additional Sum of One Halfpenny *per* Mile.

For Goods, Articles of Merchandise, &c.

Thirdly, in respect of Goods and all other Articles, except small Packages and single Articles of great Weight as herein-after defined, conveyed upon the Railway, or any Part thereof, as follows:

Class 4. For all Dung, Compost, unpacked Manure, Lime, Limestone, and undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile Five Farthings; and if conveyed in or upon a Carriage belonging to or provided by the Company, an additional Sum *per* Ton *per* Mile of One Farthing:

Class

Class 5. For all Coal, Cinders, Cannel, Coke, Culm, Charcoal, Stones for building, pitching, and paving, Bricks, Tiles, Slates, Clay, Sand, Chalk, Salt, Slag, 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 One Penny Halfpenny; and if conveyed in or upon a Carriage belonging to or provided by the Company, an additional Sum *per* Ton *per* Mile of One Penny:

Class 6. For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Twopence; and if conveyed in or upon a Carriage belonging to or provided by the Company, an additional Sum *per* Ton *per* Mile of One Penny:

Class 7. For all Cotton and other Wools, Drugs, Fish, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, or Things not enumerated in any other Class (except small Packages and single Articles of great Weight as herein-after defined), *per* Ton *per* Mile Threepence; and if conveyed in or upon a Carriage belonging to or provided by the Company, an additional Sum *per* Ton *per* Mile of One Penny:

Class 8. 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 or provided by the Company, Sixpence *per* Mile; and a Sum of One Penny Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh.

Fourthly, in respect of small Packages and single Articles of great Weight, as herein-after defined, conveyed upon the Railway, or any Part thereof, any Tolls not exceeding the maximum Tolls herein-after authorized in respect of such small Packages and single Articles respectively.

For small Packages and single Articles of great Weight.

**36.** The Company may demand and recover for the Use of Engines for drawing or propelling Carriages on the Railway any Sum not exceeding One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods, Minerals, or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Tolls for propelling Power.

**37.** The maximum Rates of Charge to be made by the Company for the Conveyance of Passengers along the Railway, including the Tolls for the Use of the Railway and of Carriages and for locomotive Power,

Maximum Rate of Charge for Passengers.

Power, and every other Expense incidental to such Conveyance, shall not exceed the following Sums; (that is to say,)

For every Passenger conveyed in a First-class Carriage, Threepence *per* Mile:

For every Passenger conveyed in a Second-class Carriage, Twopence *per* Mile:

For every Passenger conveyed in a Third-class Carriage, One Penny Halfpenny *per* Mile.

Restrictions as to Charges not to apply to Special Trains.

**38.** The Restrictions as to the Charges to be made for Passengers do not extend to any Special Train that may be required to run on the Railway, but apply only to the Ordinary and Express Trains from Time to Time appointed by the Company for the Conveyance of Passengers on the Railway.

Passengers Luggage.

**39.** Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight if a First-class Passenger, One hundred Pounds in Weight if a Second-class Passenger, and Sixty Pounds in Weight if a Third-class Passenger, without any Charge being made for the Carriage thereof.

Maximum Rate of Charge for Animals, Goods, &c.

**40.** And with respect to the Conveyance of Animals, Goods, and other Articles, except small Packages and single Articles of great Weight as herein-after defined, the Company may lawfully demand and receive a maximum Rate of Carriage for the Conveyance thereof along the Railway, including the Charges for the Use of the Railway and of Carriages and for locomotive Power, and all other Charges incidental to such Conveyance (except a reasonable Sum for loading, covering, and unloading of Goods or Minerals at any Terminal Station of such Goods or Minerals, and for Delivery or Collection, and any other Services incidental to the Business or Duty of a Carrier, where such Services, or any of them, are or is performed by the Company), not exceeding the Rates or Sums following; (that is to say,)

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

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

For every Calf, Sheep, Pig, Lamb, or other small Animal, *per* Mile One Penny Halfpenny:

For Dung and other Articles herein-before classed therewith, *per* Ton *per* Mile One Penny Halfpenny:

For Coal and other Articles herein-before classed therewith, *per* Ton *per* Mile Twopence:

For

For Sugar and other Articles herein-before classed therewith, *per* Ton *per* Mile Threepence:

For Cotton and other Articles herein-before classed therewith, *per* Ton *per* Mile Fourpence:

And for every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform belonging to or provided by the Company, *per* Mile Sixpence; and One Penny Halfpenny *per* Mile for every additional Quarter of a Ton or Fraction of a Quarter of a Ton which such Carriage may weigh.

Regulations as to Tolls and Charges.

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

For Passengers, Animals, Goods, and other Articles conveyed on the Railway for a less Distance than Four Miles the Company may demand and recover Tolls and Charges as for Four entire Miles:

For a Fraction of a Mile beyond Four Miles, or beyond any greater Number of Miles, the Company may demand and recover Tolls and Charges in respect of Passengers as for an entire Mile, and in respect of Animals, Goods, and other Articles, according to the Number of Quarters of a Mile contained in such Fraction, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile:

For a Fraction of a Ton the Company may demand and recover Tolls and Charges 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 Matters and Things (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, Larch, or Ash, and Fifty Cubic Feet of any other Timber, shall be One Ton Weight, and so in proportion for any smaller Quantity.

Maximum Rates for small Parcels and single Articles of great Weight.

**42.** And with respect to small Packages (that is to say, Packages not exceeding Five hundred Pounds Weight each,) and single Articles of great Weight (that is to say, the Weight of which, including the Carriage, shall exceed Four Tons,) conveyed on the Railway, or any Part thereof, it shall be lawful for the Company to demand and recover the Tolls following; (that is to say,)

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

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

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

For any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, Ninepence:

And for any Parcel exceeding Fifty-six Pounds the Company may demand any Sum which they may think fit:

Provided always, that Articles sent in large aggregate Quantities, although made up in 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 Sixpence *per* Ton *per* Mile:

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, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Terminal Station.

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

Company may take increased Charges by Agreement.

**44.** Nothing in this Act contained shall prevent the Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Articles of any Description, or of Animals, by Agreement with the Owners or Persons in charge thereof, either in respect of the Conveyance thereof (except small Parcels) by Passenger or Express Trains, or by reason of any other special Service performed by the Company in relation thereto.

Company not bound to carry Manure, &c.

**45.** Nothing herein contained shall render it compulsory on the Company to carry on the Railway any Nightsoil, Dung, Manure, Compost, or other offensive Matter.

User of the Railway by the Scottish North-eastern Company.

**46.** It shall be lawful for the *Scottish North-eastern* Railway Company to run over and use with their Engines and Carriages of every Description the Railways by this Act authorized, and also to use all Stations, Booking Offices, Sidings, Watering Places, Water, and

and other Conveniences and Station Accommodation connected with the Railways and Stations respectively; and the Payments by way of Tolls and otherwise to be made by the *Scottish North-eastern* Railway Company for such User, and the Terms thereof, shall be such as shall from Time to Time be agreed upon between the Company with Consent of the *Scottish Central* Railway Company and the *Scottish North-eastern* Railway Company, or as, in case of Difference, shall be determined by Arbitration between the Company and the *Scottish Central* Railway Company on the one Part, and the *Scottish North-eastern* Railway Company on the other Part, in the Manner prescribed by "The Railways Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Settlement of Disputes by Arbitration.

Confirming Agreement with the Scottish Central Railway Company.

**47.** Whereas a Minute of Agreement bearing Date the Twenty-first and Twenty-second Days of *December* One thousand eight hundred and sixty-four, of which a Copy is contained in the Schedule to this Act, has been entered into between the *Scottish Central* Railway Company and the Promoters of the Undertaking in relation to the Sum to be contributed by that Company to the Undertaking, the Management and Maintenance of the Railway, the working of the Traffic thereon, the fixing, Collection, and Apportionment between the Company and the *Scottish Central* Railway Company of Tolls, Rates, and Charges, the Deduction from the gross Revenues of the Expense of Cartages of Goods, Delivery and Collection of Parcels, and other Matters in connexion therewith, and it is expedient that the said Agreement should be sanctioned: Therefore the said Minute of Agreement shall be and the same is hereby sanctioned and confirmed, subject to the Provisions of this Act, and it shall be lawful for the Company and the *Scottish Central* Railway Company respectively, and they are hereby required, to implement and fulfil all the Provisions and Stipulations in the said Agreement contained, subject as aforesaid; and the *Scottish Central* Railway Company may, subject to the Terms and Conditions of the said Agreement, exercise all the Powers of demanding and recovering Tolls, Rates, and Charges for the Use of the Railway and the Conveyance of Traffic thereon which are by this Act conferred on the Company.

Working and Traffic Arrangements between the Company and the Scottish Central Railway Company.

**48.** The Company on the one Part and the *Scottish Central* Railway Company on the other Part may from Time to Time make any Contracts and Agreements with respect to the following Purposes, or any of them; (that is to say,)

The Maintenance and Management by the *Scottish Central* Railway Company of the Railways and of the Works connected therewith, or any of them, or any Part thereof:

The

The Use and Working by the *Scottish Central* Railway Company of the Railways, or any Part thereof, and the Conveyance of Traffic thereon:

The fixing, collecting, and Apportionment of the Tolls, Rates, Charges, Receipts, and Revenues levied, taken, or arising in respect of Traffic upon the Railways.

Tolls on Railways partly of Company and partly of Scottish Central Railway Company.

**49.** In estimating the Tolls and Charges for Traffic conveyed by the *Scottish Central* Railway Company partly on the Railways belonging to, worked, or used by the said Company and partly on the Railways of the Company hereby incorporated for a less Distance than Four Miles, the Tolls and Charges shall be those authorized by this Act, and the Distance traversed shall be reckoned continuously as if the Railways of the Company and the Railways belonging to, worked, or used by the *Scottish Central* Railway Company were One continuous Railway; and the *Scottish Central* Railway Company shall be entitled to demand and recover for such less Distance Tolls and Charges as for Four Miles, and for a Fraction of a Mile beyond Four Miles the said Company may demand and recover Tolls and Charges in respect of Passengers as for an entire Mile, and in respect of Animals, Goods, and other Articles, according to the Number of Quarters of a Mile contained in such Fraction, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile, which Tolls and Charges shall be deemed the Short-distance Charge, and no Short-distance Charge other than such as is by this Act authorized shall be made by the *Scottish Central* Railway Company in working or using the Railways of the Company.

Scottish Central Railway Company to contribute to Undertaking.

**50.** It shall be lawful for the *Scottish Central* Railway Company and they are hereby required to contribute and apply their Funds towards the Undertaking to the Amount of Twenty thousand Pounds, and to take and hold Shares in the Company to an Extent corresponding to that Amount; and, except as herein-after expressly provided, they shall in respect of such Shares have all the Powers, Rights, and Privileges, and be subject to all the Obligations and Liabilities, of Proprietors of Shares in the Company; and at all Meetings of the Company the Chairman, or in his Absence the Deputy Chairman, of Directors of the *Scottish Central* Railway Company, or in the Absence of such Chairman and Deputy Chairman any Person appointed for the Purpose by a Writing under the Common Seal of that Company, may attend and vote in respect of the Shares in the Company held by the *Scottish Central* Railway Company, whether he be individually a Shareholder in the Company or not: Provided always, that the Shares so held by the *Scottish Central* Railway Company shall not be transferable by them, and that

that they shall not vote in respect of such Shares in relation to the Election of Directors by the Shareholders of the Company, or in relation to the Company's Approval of or Assent to any Agreement which, in pursuance of the Provisions herein-before contained, may be entered into with the *Scottish Central* Railway Company.

Power to Scottish Central Railway Company to raise Money for that Purpose.

**51.** It shall be lawful for the *Scottish Central* Railway Company, for the Purpose of the Contribution herein-before mentioned, from Time to Time to raise, in addition to the Sums which they are or may be authorized to raise by any other Act of Parliament, any further Sums of Money not exceeding in the whole the Sum of Twenty thousand Pounds by the Issue of new Ordinary Shares or new Ordinary Stock, or of new Preference Shares or new Preference Stock, or, at the Option of the said Company, by any of those Modes.

New Shares or Stock not to vest until One Fifth paid thereon.

**52.** It shall not be lawful for the *Scottish Central* Railway Company to issue any Share or Portion of Stock under the Powers of this Act, nor shall any such Share or Portion of Stock vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share or Portion of Stock shall be paid up in respect thereof.

Votes in respect of new Shares or Stock.

**53.** Each Holder of new Shares or Stock in the Capital by this Act authorized to be raised by the *Scottish Central* Railway Company shall be entitled to the same Number of Votes in respect thereof at all Meetings of that Company which the Possession of an equal nominal Amount of the Capital authorized by "The *Scottish Central* Railway Consolidation Act, 1859," would have conferred upon him.

Capital under several Acts of this Session may may be raised by Shares or Stock of One Class.

**54.** If by any other Act or Acts passed in the present Session of Parliament, whether before or after the passing of this Act, the *Scottish Central* Railway Company be authorized to raise any Capital by the Issue of new Shares or Stock (whether ordinary or preference), the said Company may, if they think fit, subject to the Provisions of such other Act or Acts and of this Act, raise by the Issue of Shares or Stock of one and the same Class, and entitled to the same Privileges, all or any Part or Parts of the aggregate Capital which they are by such other Act or Acts and this Act authorized to raise by the Issue of Shares or Stock.

Application of Monies.

**55.** All Monies raised by the *Scottish Central* Railway Company under the Powers of this Act shall be applied only towards Payment of the Contribution which they are herein-before empowered to make to the Undertaking by this Act authorized.

8 & 6 Vict. c. 17. and 26 & 27 Vict. c. 118. to apply to this Act as to additional Capital.

**56.** Subject to the Provisions of this Act, the Clauses and Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the following Matters, that is to say, the Distribution of the Capital of the Company into Shares, the Transfer or Transmission of Shares, the Payment of Subscriptions and the Means of enforcing the Payment of Calls, the Forfeiture of Shares for Nonpayment of Calls, the Remedies of Creditors of the Company against the Shareholders, the Consolidation of the Shares into Stock, the General Meetings of the Company and the Exercise of the Right of voting by the Shareholders, and the Provision to be made for affording Access to the Special Act by all Parties interested, and also Parts I. and II. of "The Companies Clauses Act, 1863," relating respectively to Cancellation and Surrender of Shares and to additional Capital, shall apply to the additional Capital which the *Scottish Central* Railway Company are by this Act authorized to issue; and all the Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," which relate to Stock into which Shares of the Capital of the Company have been converted or consolidated, shall apply to the Stock which the *Scottish Central* Railway Company are by this Act authorized to issue, and to the Holders thereof: Provided always, that the Holders of any Preference Shares or Stock which may be issued by the *Scottish Central* Railway Company under the Authority of this Act shall be entitled to the preferential Dividend or Interest assigned thereto only out of the Profits of each Half Year in priority to the ordinary Shares and Stock of that Company, and that if in any Half Year ending on the Thirty-first Day of *January* or the Thirty-first Day of *July* there are not Profits available for the Payment of the full Amount of such preferential Dividend or Interest for that Half Year, no Part of the Deficiency shall be made good out of the Profits of any subsequent Half Year, or out of any other Funds of the said Company.

Appointment of Directors by Scottish Central Railway Company.

**57.** It shall be lawful for the Directors of the *Scottish Central* Railway Company, on or after the Date of the First Ordinary Meeting of the Company held after the passing of this Act, to appoint a Number equal to One Half of the Directors of the Company, and the Directors so appointed shall remain in Office until they shall respectively die or resign or become disqualified, or until their respective Appointments be revoked as after mentioned; and the Directors of the *Scottish Central* Railway Company shall have Power from Time to Time to revoke any such Appointment, and to appoint a new Director of the Company in place of any Director appointed by them whose Appointment shall have been so revoked, or who shall have died, resigned, or become disqualified; and a Writing given under the Common Seal of the *Scottish Central* Railway Company, or under the Hands of their Chairman of Directors and Secretary, and deposited with

with the Secretary of the Company, shall be the Evidence of any such Appointment or Revocation: Provided always, that the Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Appointment and Rotation of Directors, shall not apply to the Directors appointed by the Directors of the *Scottish Central* Railway Company.

Saving Rights of Scottish North-eastern Railway Company and other Companies.

**58.** Nothing herein contained shall extend or be deemed or construed to extend to alter, vary, prejudice, or diminish any of the Rights, Powers, or Authorities vested in the *Scottish North-eastern* Railway Company, the *Scottish Central* Railway Company, the *Crieff Junction* Railway Company, or the *Crieff and Methven Junction* Railway Company, by virtue of the Acts relating to such Companies, or any One of them, except as by this Act is expressly provided and declared.

Interest not to be paid on Calls paid up.

**59.** It shall not be lawful for the Company or the *Scottish Central* Railway Company, out of any Money by this Act or any other Act relating to the latter Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, or by creating and issuing Debenture Stock, 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 and the *Scottish Central* Railway Company, or either of them, from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845, in that Behalf contained.

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

**60.** It shall not be lawful for the Company or the *Scottish Central* Railway Company, out of any Money by this Act or any other Act relating to the latter Company authorized to be raised for the Purposes of such 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 Companies, or either of them, to construct any other Railway, or execute any other Work or Undertaking.

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

**61.** Nothing in this Act contained shall be deemed or construed to exempt the Railway from the Provisions 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 the present or any future Session of Parliament, or from any future

future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges and of the Rates for small Parcels authorized by this Act.

Expenses of Act.

**62.** All Costs, Charges, and Expenses connected with the passing of this Act, and in any way preparatory or incidental thereto, shall be paid by the Company hereby incorporated.

SCHE-

## SCHEDULE referred to in the foregoing Act.

MINUTE OF AGREEMENT between the SCOTTISH CENTRAL RAILWAY COMPANY of the First Part, and the Promoters of the CRIEFF AND COMRIE RAILWAY of the Second Part.

First. The said first-mentioned Party shall be joint Promoters of the Crieff and Comrie Line, and shall subscribe Twenty thousand Pounds of the Stock thereof, and be entitled to name and appoint Directors at the Board of the Crieff and Comrie Company in proportion to the Stock they subscribe in proportion with that subscribed by the other Shareholders.

Second. The Agents and Engineer presently connected with the Crieff and Comrie Line shall carry through the Bill during the next Session of Parliament, after which it is to be left to the future Directors to say who are to be employed in those Capacities.

Third. The first-mentioned Party shall supply Plant to work, and shall work, manage, and maintain, the Crieff and Comrie Line in perpetuity at Fifty per Cent. of the Receipts; to ascertain the said Receipts, Cartage, Delivery, and Collection of Parcels are first to be deducted from the gross Revenues, and Fifty per Cent. of the Balance then left is to be the Sum paid to the said First Party under this Head, and the remaining Fifty per Cent. shall be paid to the Crieff and Comrie Railway Company, who shall pay therefrom Rates, Taxes, annual Compensation to Tenants, Interest on borrowed Money, and directorial and secretarial and other Expenses.

Fourth. The first-mentioned Party is to have the fixing of all Through Rates and Fares for all Traffic between the Crieff and Comrie Line and their own Stations, and for all Traffic between the Crieff and Comrie Line and other Companies Systems, provided the First Party agree to such Through Rates, the Crieff and Comrie Company receiving the usual Terminals and Mileage Proportion of such Rates.

Fifth. A joint Committee of Two Members from each Board to fix all local Rates for all Descriptions of Traffic originating and terminating on the Crieff and Comrie Line.

In witness whereof these Presents written on this and the preceding Page by Andrew Mackinnon, Clerk to Mitchell, Allardice, and Mitchell, Writers in Glasgow, are (under the Declaration that the Word "supply" is interlined between the Fifteenth and Sixteenth Lines from the Top of Page First hereof), subscribed by the Parties hereto, and sealed with the Corporate Seal of the Scottish Central Railway Company as follows, viz., these Presents are subscribed by Sir Patrick Keith Murray, Baronet, of Ochertyre, as representing and taking Burden on him for the Promoters of the Crieff and Comrie Railway, at Ochertyre House, upon the Twenty-first Day of December Eighteen hundred and sixty-four, before these Witnesses, William Smith Neill Patrick, Clerk to the said

Mitchell, Allardice, and Mitchell, and Alexander Campbell, Clerk to John Ironside, Solicitor in Crieff; and these Presents are sealed with the Corporate Seal of the said Scottish Central Railway Company, and subscribed by Alexander Macduff, Esquire, of Bonhard, as representing and taking Burden on him for the said Company at Edinburgh, upon the Twenty-second Day of the said Month of December and Year last mentioned, before these Witnesses, Thomas McLeod, Waiter in the New Club, Edinburgh, and the said William Smith Neill Patrick.

Seal of the Scottish Central Railway Company.

(Signed) PATRICK KEITH MURRAY.
ALEX. MACDUFF.

W. S. N. PATRICK, Witness.
ALEX. CAMPBELL, Witness.
THOMAS MCLEOD, Witness.
W. S. N. PATRICK, Witness.

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