ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. clxxxix.

An Act for making a Railway from the Town of *Crieff* to the *Perth, Almond Valley, and Methven* Railway near *Methven*; and for other Purposes.

[14th *July* 1864.]

WHEREAS the making of a Railway from the Town of *Crieff* to the *Perth, Almond Valley, and Methven* Railway, with a Branch Railway in connexion therewith, 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 the Railway when made may be beneficially worked in connexion with the *Scottish North-eastern* Railway; and the *Scottish North-eastern* Railway Company are willing and it is expedient that they should be authorized to contribute towards the Undertaking, and take and hold Shares therein, and to enter into Contracts with the Company incorporated by this Act for working the Railway, and for the Interchange of Traffic, and the Use of the Railways, Stations, and other Works belonging to them respectively or under their Power or Control; 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:

Short Title.

1. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Crieff and Methven Junction* Railway Act, 1864."

8 & 9 Vict. cc. 17., 19., & 33., and 23 & 24 Vict. c. 106. 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," shall be incorporated with and form Part of this Act.

Interpretation of Terms.

3. In this Act the Expression "the Company" shall denote the Company incorporated by this Act, and the Expression "the Railway" shall mean the Railway and Branch Railway and Works comprised in the Undertaking of the Company as herein-after defined.

Subscribers incorporated.

4. Sir *Patrick Keith Murray* Baronet, Sir *David Dundas* Baronet, *Charles Home Drummond Moray*, *James Maxtone Graham*, and *William Brown*, 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 united into a Company for the Purpose of making and maintaining the Railway and other Works herein-after mentioned, and for such Purpose shall be incorporated by the Name of "The *Crieff and Methven Junction* Railway Company," and by that Name shall be a Body Corporate with perpetual Succession and a Common Seal, and shall have Power to purchase, hold, sell, and dispose of Lands for the Purposes of the Undertaking within the Restrictions herein and in the said Acts contained.

Capital.

5 The Share Capital of the Company shall be Fifty thousand Pounds.

Number and Amount of Shares.

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

Shares not to issue until One Fifth paid up.

7. 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.

8. Thirty

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.

Power to borrow on Mortgage.

9. It shall be lawful for the Company to borrow on Mortgage any Sums not exceeding in the whole the Sum of Sixteen thousand six hundred Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital of Fifty 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 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 Justice under that Section shall be sufficient Evidence.

Application of Share Capital, &c.

10. The said Share Capital and the Sums to be borrowed as aforesaid shall be applied solely to the Purposes of this Act.

Arrears may be enforced by Appointment of a Judicial Factor.

11. 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.

Interest not to be paid on Calls paid up.

12. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount 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.

13. It

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

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

First and subsequent General Meetings.

14. 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.

Quorum of General Meetings.

15. 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.

16. The Number of Directors shall be Seven, and the Qualification of a Director shall be the Possession in his own Right of not less than Thirty Shares in the Capital of the Company.

Power to reduce the Number of Directors.

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

First Directors.

18. Sir *Patrick Keith Murray* Baronet, Sir *David Dundas* Baronet, *Charles Home Drummond Moray*, *James Maxtone Graham*, *Isaac Anderson Henry*, *John Stirling*, and *William Lowson* shall be the First Directors of the Company.

First Election of Directors.

19. 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, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

20. At

Future Directors.

20. 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 last-mentioned Act.

Quorum of Directors.

21. The Quorum of a Meeting of Directors shall be Three, and when the Number of Directors is reduced to Three the Quorum shall be Two.

Power to make Railway according to deposited Plans, &c.

22. 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 Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same is 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 and the recited Acts contained, to make and maintain the Railway and Branch Railway and Works herein-after described 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: Provided always, that it shall not be lawful for the Company to enter upon, take, or interfere with any Lands or Property belonging to the *Crieff Junction* Railway Company without the Consent in Writing of that Company first had and obtained.

Description of Railway.

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

First. A Railway commencing by a Junction with the *Perth, Almond Valley, and Methven* Railway at a Point in the Parish of *Methven* and County of *Perth* Seven hundred and fifty Yards or thereby Eastward of the Farmsteading of *Moss-side*, and terminating in the Parish of *Crieff* and County aforesaid at a Point in a Field adjoining the Terminus at *Crieff* of the *Crieff Junction* Railway, and situated on the North or North-east Side of the said Terminus at or near to the Town of *Crieff*:

Second. A Branch Railway commencing out of the first-mentioned Railway at a Point in the said Parish of *Methven* and County of *Perth* Two hundred Yards or thereby Eastward of the Farmsteading of *Moss-side*, and terminating by a Junction with the *Perth Almond Valley and Methven* Railway in the Parish of *Methven* and County of *Perth* at a Point Three hundred and fifty Yards or thereby North-east of the said Farmsteading of *Moss-side*.

Certain Clauses of 26 & 27 Vict. c. 92. incorporated.

24. The following Clauses and Provisions of "The Railways Clauses Act, 1863," shall be incorporated with and form Part of this Act; (that is to say,) Part I., relating to Construction of a Railway, excepting Clauses from 13 to 19 inclusive, relating to the Protection of Navigation.

Junction with the Perth, Almond Valley, and Methven Railway.

25. Subject to the Provisions in this and the incorporated Acts contained, the Railway hereby authorized shall join and communicate with the Line and Rails of the *Perth*, *Almond Valley*, *and Methven* Railway in the Manner shown upon the Plans deposited as aforesaid.

Level Crossings.

26. It shall be lawful for the Company to carry the Railway, so long as the Line remains a single Line of Railway, by not more than One Line of Rails, and if and when the Line shall be doubled then by not more than Two Lines of Rails, across and on the Level of the following Roads, marked on the said deposited Plans as follows; (that is to say,)

RAILWAY No. 1.

The Roads marked Nos. 26—26 and 32—32 in the Parish of *Crieff*:

The Road marked No. 3 in the Parish of *Tippermuir*:

The Road marked No. 31 in the Parish of *Methven*:

Provided always, that inasmuch as the said Roads in the Parish of *Crieff* marked respectively 26—26, 32—32 are already crossed on the Level by the *Crieff Junction* Railway at Points contiguous to the level Crossings hereby authorized, if at any Time the Board of Trade shall require the said Roads 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 either over or under the Railway 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 certain Roads.

27. It shall be lawful for the Company to make the Turnpike Roads numbered as after-mentioned on the said deposited Plans, when altered

altered for the Purposes of this Act, of any Rate of Inclination not steeper than as herein-after mentioned:

No. on Plan.	Parish.	Description of Road.	Inclination of Road.
		RAILWAY No. 1.	
54	Crieff -	Turnpike Road -	1 in 24 on one Side and level on the other Side.
14	Maderty -	Turnpike Road -	1 in 20 on one Side and level on the other Side.
26	Maderty -	Statute Labour Road	1 in 18 on one Side and level on the other Side.

Lands for extraordinary Purposes.

28. 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 Three Acres.

Powers for compulsory Purchases limited.

29. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

30. 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.

Tolls.

31. 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,)

First. In respect of all Articles conveyed upon the Railways or any Part thereof, as follows:

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

For all Stones for building, pitching, and paving, Bricks, Tiles, Slates, Clay, Sand, Ironstone, Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron, and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per* Ton *per* Mile One Penny Halfpenny; and if conveyed in or upon Carriages belonging to

or

or provided by the Company an additional Sum *per* Ton *per* Mile of One Halfpenny:

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 Carriages belonging to or provided by the Company an additional Sum *per* Ton *per* Mile of One Penny:

For all Cotton and other Wools, Drugs, Fish, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, and Things (except small Packages and single Articles of great Weight, as herein-after defined), *per* Ton *per* Mile Threepence; and if conveyed in or upon Carriages belonging to or provided by the Company an additional Sum *per* Ton *per* Mile of One Penny:

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

For Passengers and Cattle.

Second. In respect of Passengers and Animals conveyed upon the Railway or any Part thereof, as follows:

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

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

For every Ox, Cow, Bull, or Neat Cattle, *per* Mile Twopence; and if conveyed in or upon any Carriage belonging to or provided by the Company an additional Sum *per* Mile of Twopence:

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

Tolls for small Parcels and single Articles of great Weight.

32. Provided always, That with respect to small Packages and single Articles of great Weight conveyed upon 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 the Carriage of small Parcels (that is to say, Parcels not exceeding Five Hundredweight each), as follows:

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

For

For any Parcel exceeding Seven Pounds in Weight 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 in Weight but not exceeding Fifty-six Pounds in Weight, Ninepence;

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

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

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall 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; and if such Weight shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Tolls for propelling Power.

33. The Toll which the Company may demand and recover for the Use of Engines for drawing or propelling Carriages shall not exceed 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.

Limiting Charge for Conveyance of Passengers.

34. It shall not be lawful for the Company to demand any greater Sum in respect of the Carriage of Passengers conveyed on the Railway than Threepence *per* Passenger *per* Mile in respect of any Passenger travelling in a First-class Carriage, Twopence *per* Passenger *per* Mile in respect of any Passenger travelling in a Second-class Carriage, and One Penny Halfpenny *per* Passenger *per* Mile in respect of any Passenger travelling in a Third-class Carriage, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance, unless in the Case of Passengers travelling by Special Trains.

Passengers Luggage.

35. 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.

Limiting Charge for the Conveyance of Goods, &c. and Animals.

36. It shall not be lawful for the Company to demand in respect of the several Articles and of the several Descriptions of Animals herein-after mentioned conveyed on the Railway any greater Sum, including the Charges for the Use 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,) than the several Sums herein-after mentioned; (that is to say,)

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

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

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 for every additional Quarter of a Ton which such Carriage may weigh:

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

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

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

Company may take increased Charges by Agreement.

37. 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.

Regulations as to Tolls.

38. 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, and Articles conveyed on the Railways for a less Distance than Four Miles, the Company may demand and recover Tolls and Charges as for Four entire Miles:

For

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, Minerals, and 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, the same shall be conveyed at the Option of the Company either by Avoirdupois Weight or by Measurement, as follows, (that is to say,) 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 or greater Quantity.

Terminal Station.

39. 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.

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

40. It shall be lawful for the *Scottish North-eastern* Railway Company to use, with their Engines and Carriages of every Description, the Railway by this Act authorized, with all Stations, Booking Offices, Sidings, Watering Places, and other Conveniences connected with the Railway, and the Payments 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 and the *Scottish North-eastern* Railway Company, or as, in case of Difference, shall be determined or prescribed by the Board of Trade or by an Arbiter appointed by that Board.

Power to Scottish North-eastern Railway Company to contribute towards the Undertaking.

41. It shall be lawful for the *Scottish North-eastern* Railway Company, and they are hereby required, on obtaining the Consent as herein-after mentioned, to contribute to the Extent of Twenty-five thousand Pounds towards the Undertaking, and to take and hold a corresponding Number of Shares in the Company, and, subject to the Provisions in this Act, they shall in respect of such Shares have all the Powers, Rights, and Privileges, and be subject to the Obligations

Obligations and Liabilities of Proprietors of Shares in the Company: Provided always, that the Shares so held by the *Scottish North-eastern* Railway Company shall not be transferable by them.

Power to Scottish North-eastern Company to raise and apply Monies for the Purposes of the Undertaking.

42. For the Purposes of such Contribution the *Scottish North-eastern* Railway Company may apply any Monies now or hereafter belonging to them or under their Control, and which are not by any Act or Acts relating to them expressly appropriated for any particular Purpose, or which, if so appropriated, are not required for that Purpose, and may raise any Monies by the Creation and Issue of new Shares or Stock, either ordinary or preferential, but if preferential the Dividend thereon shall not exceed the Rate of Five Pounds *per Centum per Annum*.

As to preferential Dividends on new Shares or Stock of Scottish North-eastern Company.

43. The preferential Dividend payable in respect of the new Preference Shares or Stock created by the *Scottish North-eastern* Railway Company under this Act shall rank *pari passu* with the Dividends on any other Preference Shares or Stock to be created by that Company under any other Act or Acts relating to that Company passed or to be passed in the present Session of Parliament, but after all Dividends payable in respect of any Preference Shares or Stock already issued or hereafter to be issued by the said Company under the Authority of any existing Act or Acts, whether payable out of the Revenue of the Company or out of the Proportions of the Revenue thereof appropriated to any of the several Classes of Stock of which the Capital of the Company now consists.

Sanction of Meeting of Shareholders.

44. No such Contribution shall be made, nor shall any Share or Stock be created as aforesaid by the *Scottish North-eastern* Railway Company, without the Sanction of at least Three Fifths of the Votes of the Shareholders voting, in person or by proxy, at a General Meeting specially convened for the Purpose.

Application of Money.

45. Every Part of the Monies to be raised by the *Scottish North-eastern* Railway Company under this Act shall be applied only in carrying into execution the Powers of this Act.

Certain Provisions of 8 & 9 Vict. c. 17. and 26 & 27 Vict. c. 118. incorporated.

46. All the Clauses and Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the following Matters; (that is to say,)

With respect to the Construction of the Act and of other Acts to be incorporated therewith;

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer or Transmission of Shares;

With

With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares from Nonpayment of Calls;

With respect to the Remedies of Creditors of the Company against the Shareholders;

With respect to the Consolidation of Shares into Stock;

With respect to the Powers of the Directors, and the Powers of the Company to be exercised only in General Meeting;

With respect to the giving of Notices; and

With respect to the Provision to be made for affording Access to the Special Act by all Parties interested;

and Part II. of "The Companies Clauses Act, 1863," namely, relating to Additional Capital, shall, so far as the same respectively are not varied by the Provisions of this Act, be incorporated with and form Part of this Act, and shall apply to the *Scottish North-eastern* Company, and to the Shareholders thereof, and to the Share Capital authorized and Notices required by this Act, and to the several other Matters and Things relating thereto respectively provided for by such Clauses, Provisions, and Parts of Acts respectively.

Power to Company and Scottish North-eastern Company to enter into Traffic Arrangements.

47. The Company and the *Scottish North-eastern* Railway Company 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 North-eastern* Railway Company of the Railway and of the Works connected therewith, or any of them:

The Use and working by the *Scottish North-eastern* Railway Company of the Railway 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 Railway.

Certain Clauses of 26 & 27 Vict. c. 92. incorporated.

48. The following Clauses and Provisions of "The Railways Clauses Act, 1863," shall be incorporated with and form Part of this Act; (that is to say,) Part III. relating to Working Agreements.

While Railway used or worked by Scottish North-eastern Company, only One Short-distance Charge to be made.

49. While and so long as the Railway shall be used or worked by the *Scottish North-eastern* Railway Company under this Act or any Agreement made thereunder, in estimating the Amount of Toll or Charge in respect of Traffic conveyed partly on the Railway and partly on any Railway then belonging to or worked or used by the *Scottish North-eastern* Railway Company for a less Distance than Four Miles, Tolls and Charges may be taken as for Four Miles; and the Two Railways so used or worked by the *Scottish North-eastern*

Railway Company shall be deemed One Railway, and no other Short-distance Charge than that for Four Miles shall be made in respect of Traffic conveyed as aforesaid over Parts of both.

Security for Completion of Line within Time limited.

50. Whereas, pursuant to the Standing Orders of the Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Four thousand Pounds, being a Sum not less than Eight *per Centum* on Amount of the Estimate of the Expense, has 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 Four thousand Pounds so deposited aforesaid in respect of the Application for this Act, and the Interest of the said Sum of Four thousand 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 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 Four thousand 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 Four thousand 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 Four thousand 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.

Saving Rights of Perth, Almond Valley, and Methven Railway and Scottish North-eastern Railway Companies.

51. 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 *Perth, Almond Valley, and Methven* Railway Company or the *Scottish North-eastern* Railway Company by virtue of the Acts relating to such Companies, or either of them, except as is by this Act expressly provided and declared.

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

52. Nothing in this Act contained shall be held to exempt the Railway from the Provision 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 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.

53. 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.

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