ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. lxxxix.

An Act to enable the *Dundee and Perth* Railway Company to alter and extend their Line near to *Perth*, and to make Branches therefrom to *Inchture, Polgavie,* and *Inchmichael.*

[2d *July* 1847.]

WHEREAS an Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty Queen *Victoria*, intituled "The *Dundee and Perth* Railway Act, 1845," whereby a Company was incorporated by the Name of "The *Dundee and Perth* Railway Company," with Power to make a Railway from *Dundee* to *Perth:* And whereas another Act was passed in the last Session of Parliament, intituled "The *Dundee and Perth* Railway (Amendment) Act, 1846," whereby the said Company were authorized to make an Alteration of their Line at *Inchyra* and *Lairwell:* And whereas it is expedient that the said Line should be further altered between *Moncrief Island* and the City of *Perth*, and that the same should be extended so as to form a Junction with the Line of the *Scottish Central* Railway near to *St. Leonards Farm:* And whereas it is farther expedient that the following Branch Railways should be authorized to be made from the Main Line of the said *Dundee and Perth* Railway; *viz.* a Branch Railway from the said Main Line

8 & 9 Vict. c. 157.

9 & 10 Vict. c. 228.

near to *Polgavie* School to *North Mains*, another Branch Railway from the said Main Line near to *Polgavie* School to *Polgavie* Harbour, and another Branch Railway from the said Main Line near to *Errol* to *Flawcraig*: And whereas the said *Dundee and Perth* Railway Company are desirous of carrying into effect the several Objects aforesaid, if authorized by 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, That all the Provisions, Matters, and Things contained in or incorporated with "The *Dundee and Perth* Railway Act, 1845," and "The *Dundee and Perth* Railway (Amendment) Act, 1846," so far as the same are not inconsistent or incompatible with or altered by the Provisions of this Act, shall extend to the several Purposes and Things hereby authorized to be done, as fully and effectually as if the same several Provisions, Matters, and Things were repeated and re-enacted in this Act with reference to such Purposes and Things, and the Works authorized to be constructed by this Act shall be considered in all respects as forming a Part of the Undertaking of the *Dundee and Perth* Railway Company.

Powers of Acts relating to the Dundee and Perth Railway extended to this Act.

Short Title.

II. And be it enacted That in citing this Act in other Acts of Parliament and in legal Instruments, and in Parliamentary Notices and other Documents, it shall be sufficient to use the Expression "The *Dundee* and *Perth* Railway (Alteration and Extension) Act, 1847."

Power to make Alteration, Junction Railway and Branches according to deposited Plans.

III. And whereas Plans and Sections of the Alteration of the said Railway, and of the Railway for effecting the said Junction, and of the said Branches, showing the Lines and Levels thereof, and also Books of Reference containing the Names of the Owners and Lessees or reputed Owners and Lessees and Occupiers of the Lands through which the same are intended to pass, have been deposited in the Office of the Principal Sheriff Clerk of the County of *Perth*; be it enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the said Company to make and maintain the said Alteration, and the said Junction Railway and the said several Branches and Works, in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose: Provided always, that it shall be lawful for the said Company in constructing the said Railways and Works to deviate from the Lines and Levels and other engineering Works thereof described in the said Plans and Sections, to the Extent authorized by the "Railways Clauses Consolidation (*Scotland*) Act, 1845."

Line and Situation of Alteration, Junction Railway, and Branches to be made.

IV. And be it enacted, That the Alteration of the said Railway and the Junction Line and Branches to be made and maintained under the Authority of this Act shall be the following; (that is to say,)

An Alteration of the Main Line of the said *Dundee and Perth* Railway, or a Deviation therefrom, commencing at a Point thereon at or near to *Moncrief Island*, where the same is authorized to cross the said Island, and passing over the Main Branch

and

and Stream of the River *Tay*, terminating at or near to *Princes Street* in the City or Royal Burgh of *Perth*;

A Junction Railway, commencing at *Princes Street* aforesaid, at the Termination of the said last-mentioned Alteration, and terminating by a Junction with the *Scottish Central* Railway as authorized to be made at or near to *St. Leonards Farm* in the *East Church* Parish of *Perth* and the *West Church* Parish of *Perth*, or one of them, or the Parish of *Perth* and County of *Perth*;

A Branch Railway commencing at or diverging from or out of the Main Line of the said *Dundee and Perth* Railway at a Point thereon at or near to the *Polgavie* School in the Parish of *Inchture* and County of *Perth*, and terminating at or near to *Northmains* in the Parish of *Inchture* and County of *Perth*;

A Branch Railway commencing at or diverging from or out of the Main Line of the said *Dundee and Perth* Railway at a Point thereon at or near to *Polgavie* School in the Parish of *Inchture* and County of *Perth*, and terminating at or near to *Polgavie* Harbour in the said Parish of *Inchture* and County of *Perth*; and

A Branch Railway commencing at or diverging from or out of the Main Line of the said *Dundee and Perth* Railway at a Point thereon at or near to where the same crosses the public Road leading by *East Inchmichael* to the Village of *Errol* in the Parish of *Errol* and County of *Perth*, and terminating in a Field on the Farm of *Flawcraig* immediately to the West of the North Lodge of *Fingask Castle* in the Parish of *Kilspindie* and County of *Perth*.

Regulating the Mode of crossing the River at Perth.

V. And be it enacted, That in making the Alteration of the said Railway the same shall be constructed so as to cross the Western or navigable Channel of the River *Tay* at Right Angles to the Stream thereof, or as near thereto as shall under the Circumstances be practicable, or as shall be sanctioned by the Commissioners for executing the Office of Lord High Admiral of the United Kingdom; but the first Arch of the Bridge on the West Side of the said River shall be at Right Angles to the Shore, and, unless the Admiralty and the *Perth* Harbour Commissioners dispense therewith, such first Arch shall be a well-constructed Swing Bridge of Fifty Feet Span, and the under Side of the said Bridge shall be Five Feet at least above the Level of the highest known Flood Tide, to be determined by some definite Beach Mark, and the Piers of the Bridge which shall cross the Eastern Channel of the River shall be at the same Distance asunder as those of the Western Bridge, and the Piers of both the Western and Eastern Bridges shall be sunk to such a Depth as to admit of the Bed of the said River being at any Time considerably deepened, and shall be so sunk as that the deepening of the River shall not affect the Stability of the Bridge, and also that the said Company shall permanently maintain and support the said Bridges when constructed, under the Superintendence of the Harbour Commissioners of *Perth*; and before any Part of the said Works are commenced, working Plans and Specifications shall be deposited at the Admiralty, and shall be subject to

to the Approbation of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom.

Previous to Construction of Bridge, Plan to be lodged.

VI. And be it enacted, That before commencing any of the said Works over or adjoining the said River *Tay* the said Company shall at their own Expence prepare an accurate Plan of the said River *Tay* from *Perth Bridge* to Five hundred Yards below the intended Viaduct for carrying the said Railway over the said River, with correct Soundings of the bottom and cross Sections of the River at One hundred Yards distant, such Soundings and Levels of the Sections to have reference to one common Datum referable to One or more permanent well-marked Objects or Beach Marks; and the said Plans, certified by the Engineers of the said Railway and the River *Tay* Commissioners, or, in case of Refusal by the River Commissioners Engineer, then by an Engineer apppointed by the Admiralty, shall be lodged by the Company at the Admiralty Office before the Commencement of any of the said Works.

As to the Removal of Sand Banks.

VII. And whereas the said Bridge when erected may be the Means of raising Banks and other Obstructions at or about the same, by which the Navigation of the River will be impeded; be it therefore enacted, That the said Company shall be bound and obliged to reimburse the *Perth* Harbour Commissioners the Expences that may be incurred by them from Time to Time, in removing such Banks or other Obstructions as may be formed within a Distance of Two hundred Yards above the said Bridge, or Five hundred Yards below it, provided such Banks or Obstructions be caused by the Bridge; and should any Dispute rise as to whether any new Bank or Obstruction was caused by the Bridge, and if so caused whether it be detrimental to Navigation or not, the same shall be decided by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, (at the Cost of the Company or *Perth* Harbour Commissioners, whichever the Commissioners of the Admiralty shall deem to be in the wrong,) the Decision being signified by Writing under the Hand of the Secretary of the Admiralty before the new Bank or Obstruction be removed.

Penalty on Company for causing Vessels to be detained longer than necessary.

VIII. And be it enacted, That it shall not be lawful for the Company, or any Person or Persons acting under them, to detain any Vessel, Barge, or Boat navigating the said River for a larger Space of Time than may be sufficient to admit of any Carriages or Trains regularly traversing the said Railway and approaching the said Bridge to cross the said River, and for opening the said Bridge to admit such Vessel, Barge, or Boat to pass; and in case the Company, or any Person or Persons acting under them, shall detain any Vessel, Barge, or Boat, contrary to the Provisions of this Act, the Offender shall in every such Case forfeit and pay the Sum of Ten Pounds, but nothing in this Act contained shall prevent any Remedy for Damages which any Party may sustain in respect of any such Detention as aforesaid.

Navigation to be kept clear during Construction and repairing of Bridges.

IX. And be it enacted, That during such Time or Times as the Bridges intended to be constructed for carrying the said Railway over the River *Tay* shall be building or repairing the said Company or their Successors shall and they are hereby required to keep the Navigation of the said River at and about the said Bridges

Bridges free and clear, so that the Vessels navigating in and upon the said River may have sufficient and convenient Room to navigate and pass thereon; and that during the Construction and ever after the Completion of the said Bridges the said Company shall cause to be hung out or exhibited every Night, from Sunset to Sunrise, a sufficient Light, to be kept burning at the Company's Expence on such Bridge, for the Navigation and safe Guidance of Vessels; and in case the said Company shall neglect to exhibit and keep such Light burning as aforesaid, they shall be liable to forfeit and pay for every such Neglect the Sum of Twenty Pounds.

For Protection of Water Pipes and Conductors.

X. And whereas the Commissioners for carrying into execution the Powers of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for supplying the City of* Perth *and the Suburbs and Vicinity thereof with Water*, have, in pursuance of the Powers of their Act, constructed and laid down certain Pipes and Conductors under the Bed of the River *Tay*, near to the proposed Site of the foresaid Bridge over the Western or navigable Channel of the said River; be it therefore enacted, That the said Company shall, in constructing the said Bridge and Works connected therewith, be bound to execute and for ever maintain in a good and sufficient State of Repair such Works for the Protection of the said Pipes and Conductors as shall be directed by *David Stevenson* Esquire, Civil Engineer, *Edinburgh*, or any other Engineer to be named and appointed by the said last-mentioned Commissioners; and in the event of the said Pipes and Conductors, or any Part thereof, or Machinery connected therewith, being hereafter at any Time laid bare or exposed, or of their present Depth of Covering being in any way diminished, then and in that Case, and so often as such Injury shall arise or occur, the said last-mentioned Commissioners shall have Power, at the proper Costs and Charges of the Company, forthwith to execute such Works as may be directed by the said *David Stevenson*, or other Engineer to be named by the Commissioners as aforesaid, for repairing the Damage, and for securing, as far as possible, the sufficient Protection of the said Pipes and Conductors, from Time to Time; and if the said Company shall not make Payment of such Costs and Charges to the Commissioners within Fourteen Days after the Account thereof shall have been presented, and a Demand in Writing made to the Secretary or other acting Officer for the Company for Payment thereof, then the Company shall be liable for and shall pay to the Commissioners Double the Amount of such Costs and Charges.

Company not to obstruct more than One Half of any Street, or continue any Obstruction longer than Four Months.

XI. And be it enacted, That in constructing the said Railway and Works by this Act authorized across, over, or along any of the Streets, Roads, and Thoroughfares of or in the Vicinity of the City of *Perth*, the Company shall not obstruct or prevent the Passage of the Public along more than One Half of the Breadth of any Street, Road, or Thoroughfare at One and the same Time, nor continue such limited Obstruction for a longer Period than Four Months, without the Consent of the Lord Provost, Magistrates, and Town Council of the said City; and if the Company shall obstruct or prevent the free Passage of the Public along any greater Space than One Half of the Breadth of any such

such Street, Road, or Thoroughfare at one and the same Time, or shall continue the Obstruction of any Portion of any Street, Road, or Thoroughfare for a longer Period than Four Months, without such Consent as aforesaid, they shall for every such Offence forfeit and pay the Sum of Ten Pounds for every Day during which such Obstruction shall exist, or (as the Case may be) shall be continued beyond the said Period of Four Months; and such Penalty shall be recoverable by the said Lord Provost, Magistrates, and Council, and be applied to any public Purpose to which they are in use to apply the ordinary Municipal Revenue or Common Good of the said City.

If impracticable to construct Railway across any Street without obstructing more than One Half thereof, Company may act accordingly, on certain Conditions.

XII. Provided always, and be it enacted, That if it shall be impracticable to construct the said Railway or Works across, over, or along any of the said Streets, Roads, or Thoroughfares, without stopping up more than One Half of the same, then it shall be lawful to the Company to take entire Possession of such Street, Road, or Thoroughfare, for the Purpose of constructing the said Railway and Works: Provided always, that in that Case they shall be bound to complete their Operations, so far as regards such Street, Road, or Thoroughfare, within the foresaid Period of Four Months, under the Penalty before specified, to be applied as aforesaid; and that nothing herein contained shall entitle the Company, under any Circumstances, to stop up more than One of the said Streets, Roads, or Thoroughfares to the Extent of more than the Half of the Breadth thereof at One and the same Time, without the Consent in Writing of the Lord Provost, Magistrates, and Town Council of *Perth* for the Time.

Construction of Railway across Streets, &c. in the City of Perth.

XIII. And be it enacted, That the Bridges or Arches to be erected by the Company for the Purpose of carrying the said Junction Railway over the several Streets, Roads, Footways, and Thoroughfares situate between the River *Tay* at the City of *Perth* and the Junction with the said *Scottish Central* Railway shall (excepting as herein-after provided) be built in conformity with the following Regulations; (that is to say,) the Bridges or Arches shall be constructed of Stone, Brick, or Iron, or some of those Materials; the Piers, Pillars, or Abutments and Foundations of every Bridge shall extend and be made below the Surface of the Ground to a Depth not exceeding Four Feet, or as much less as may be sufficient to allow the Magistrates and Town Council of the said City, or the Commissioners for carrying into effect the Powers and Provisions of any Act of Parliament relative to the Police of the said City, or the supplying the Inhabitants thereof with Water, to make and construct any Sinks, Drains, Sewers, or Watercourses, and to lay and deposit any Main or other Pipes, which, under or by virtue of any Act of Parliament or otherwise, they are authorized or entitled to make and construct, or lay down and deposit, in the Street, Road, Footway, or Thoroughfare over which such Bridge shall be made; the Inside of the Abutments of every Bridge shall be lineable with the Buildings on each Side of the Street, and if there be no Buildings then with the Side of the Street; the Centre of every Arch shall be over the Centre of the Street, Road, Footway, or Thoroughfare under the same, so as to give an equal Height or Headway on each Side of such Street, Road,

Footway,

Footway, or Thoroughfare; the Parapets of every Bridge shall be at least Four Feet in Height from the Surface of the Railway along each Side of the Bridge throughout the entire Crossing of the Street, and for the further Extent of Four Yards in Length at both Ends beyond the Opening of the Arch or Arches, and on each Side of the Railway; the Arches of every Bridge shall be made and maintained so as to be drop-dry at all Times, or as nearly so as may be; the Span or Width of each Arch, together with the Footpath, Arches, and Piers, shall be equal to the Width of the Street, Road, Footway, or Thoroughfare over which the same shall be made, and the clear Height of the lower Part of each Arch from the Crown of the Street, Road, Footway, or Thoroughfare under the same respectively shall be at not less than the following Heights; (namely,) the Arches of the Bridge over the Shore or Harbour Road, Fourteen Feet Six Inches; the Arches of the Bridge over *Princes Street*, Sixteen Feet; and the Arches of each of the Bridges over *Nelson Street*, *Scott Street*, *James Street*, and *King Street*, Fifteen Feet; and the Sides of the Arches, if constructed of Stone or Brick, shall be neatly faced with hewn or dressed Stones.

Pavement broken up by Company to be repaired at their Expence.

XIV. And be it enacted, That when and as often as the Carriageway or Footway of any of the said Streets, Roads, and Thoroughfares of the said City of *Perth* shall be broken up, taken up, removed, opened, or disturbed by the Company, the Ground so opened, unless permanently required and used for the Works of the Company, shall be refilled and rammed down, and the surplus Ground or Soil, if any, removed and carted away, by and at the Expence of the Company, under the Direction and to the Satisfaction of the Commissioners of Police for the City and Suburbs of *Perth*; and when and as soon as the same shall be refilled and rammed down as aforesaid it shall be lawful for the said Commissioners, or such Person as shall be employed by them for that Purpose, to substantially repave, in a good workmanlike Manner, with all necessary Stones and other Materials, all such Parts of such Street as shall have been so broken up or taken up, removed, opened, or disturbed by the Company, and not permanently used for the Works of the Company; and the Costs, Charges, and Expences of repaving such Street, or of making good such Parts thereof as shall have been broken up or taken up, removed, opened, or disturbed as aforesaid, and also the Costs, Charges, and Expences of relaying the Pavement, or of otherwise repaving the said Street, or so much and such Part thereof as within Twelve Months after the same shall have been so repaved by the said Commissioners may in any degree sink or give way so as to render it necessary to relay or repave the same, shall, except where such sinking or giving way shall have arisen from any Default of the Persons employed by the said Commissioners, who but for this Enactment would have been responsible therefor, be borne and paid by the Company to the said Commissioners, who shall, immediately after the Completion of such Repavement, and in like Manner after any such Repair, deliver to the Secretary or other principal Servant of the Company a Statement in Writing of the Amount of the Costs, Charges, and Expences incurred in repaving such Street, or in making good such Parts of the Pavement thereof as shall have been so broken up or taken up or disturbed, or, as the Case may be, the Costs, Charges, and Expences incurred in relaying or repaving

repaving such Parts of such Streets as may have sunk or given way; and in case any Difference shall arise between the said Commissioners and the Company in regard to the Works to be done in manner foresaid, or the Amount of the Costs thereof falling to be paid by the Company, then such Difference shall be determined by the Sheriff of the County of *Perth*, who shall have Power to decern for Payment of such Costs as he may find to be due by the Company.

Bridges over Streets, &c., to be built according to Plans to be agreed upon.

XV. And be it enacted, That the Bridges to be built by the Company for carrying the Railway over the Streets called *Princes Street* and *King Street* of *Perth*, and the Parapets and other Works connected therewith, shall be built according to Plans, Sections, and Specifications to be agreed upon between the Lord Provost, Magistrates, and Town Council of *Perth* and the Company, and in case of Difference, then according to Plans, Sections, and Specifications to be approved of by the Sheriff of *Perthshire*; and it shall be incumbent upon the Lord Provost, Magistrates, and Town Council to signify their Approval or Disapproval of the said Plans, Sections, and Specifications within One Month after the same shall have been delivered to them.

For protecting Drains, Sewers, &c.

XVI. And be it enacted, That in every Case where the said Railway and Works, or any Part thereof, shall cross or come in contact with any Drain or Common Sewer within the City of *Perth*, the Company shall at their own Expence construct and maintain a good and sufficient Culvert over such Drain or Common Sewer, so as to leave the same accessible for the Purposes of Cleansing and Repair.

Lands and Works of Scottish Central Railway Company not to be interfered with, without Consent, &c.

XVII. And be it enacted, That, excepting in so far as necessary for the Formation of the said Junction Railway, nothing herein contained shall authorize the Company to enter upon or acquire any Lands belonging to the *Scottish Central* Railway Company, without their previous Consent in Writing, nor to enter upon or acquire any Land between *King Street* and the proposed Junction of the said Railways, nor to alter the Line or Levels or Width of the *Scottish Central* Railway, nor in any Manner to interrupt the Traffic thereon; but it shall be lawful for the *Dundee and Perth* Railway Company to acquire such a Portion of Ground near to the Junction of the said Railways as may be required for the Accommodation of the Through Traffic, and for Goods Sheds and Sidings, provided that no greater Width of Land for the Railway, and for such Goods Sheds and Sidings, shall be taken than Fifty Feet at the Level of the Rails, and that no Land beyond what is necessary for Two Lines of Rails shall at any Point be taken by the said Company within the Distance of One hundred Yards from the Point at which the said Railway shall join the *Scottish Central* Railway; provided also, that such Goods Sheds and Sidings shall be constructed at the Sight and to the Satisfaction of an Engineer to be appointed by the Commissioners of Railways.

As to the Junction with the Scottish Central Railway.

XVIII. And be it enacted, That the Junction between the Junction Railway second above described and the *Scottish Central* Railway shall be made and for ever maintained and watched at the Expence of the *Dundee and Perth* Railway Company, and at the Sight and to the Satisfaction

Satisfaction of the Engineer for the Time being of the *Scottish Central* Railway Company.

Bridges abandoned by Company may be removed by the Admiralty at the Expence of the Company.

XIX. And be it enacted, That if any Bridge or Work to be constructed by the Company in or across any tidal Water or navigable River, or if any Portion of the Railway which affects any such Water or River, or Access thereto, shall be abandoned by the Company, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly.

Unnecessary Parts of the Railway to be abandoned.

XX. And be it enacted, That the said Company shall and they are hereby required to abandon such Parts of the said *Dundee and Perth* Railway as by reason of the Alteration by this Act authorized will be rendered useless and unnecessary; and all the Powers and Authorities which by the said Acts relating to the *Dundee and Perth* Railway are given for making and maintaining the respective Portions of the said original and amended Line of the said Railway and Works by this Act required to be abandoned, in lieu of which the said Alteration is to be made, shall, from and immediately after the passing of this Act, cease and determine.

Land for extraordinary Purposes.

XXI. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Twenty Acres.

Period within which Lands are to be purchased.

XXII. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

XXIII. And be it enacted, That the said Alteration, Junction Railway, and Branches shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the recited Acts granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Roads to be crossed on the Surface.

XXIV. And be it enacted, That it shall be lawful for the Company to carry the Lines of Railway by this Act authorized across the Surface of the following Roads numbered on the Plans deposited as after mentioned; (that is to say,)

In the Parish of *Inchture*, the Statute Labour Road numbered 26. and the Turnpike Road numbered 43:

In the Parish of *Errol*, the Turnpike Road numbered 29.

Company to erect Lodges at level Cross-

XXV. And be it enacted, That for the greater Convenience and Safety of the Public the said Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railways

ings, and to observe all Rules of the Commissioners of Railways.

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

Company take same Tolls as on Line of 1845.

XXVI. And be it enacted, That the Company may, subject to the Provisions in the recited Acts contained, lawfully demand and receive, in respect of the said new Portions of Railway and Branch Railways (excepting the Junction Line of Railway from *Princes Street* to *Saint Leonards Farm*) hereby authorized to be made, for the Tonnage of all Articles, Matters, and Things conveyed upon the same or any Part thereof respectively, and in respect of Passengers, Beasts, Cattle, and Animals conveyed in Carriages, and for Carriages conveyed in the same or any Part thereof respectively, and for and in respect of Locomotive Engines or other Power for drawing or propelling supplied by the Company, and for the Conveyance thereon or any Part thereof respectively, in Waggons or Carriages belonging to the Company, of any Passengers, Cattle or other Animals, Goods, Wares, Merchandize, Articles, Matters, and Things, such Amount of Rates, Tolls, and other Charges as by the said recited Acts the Company are authorized to demand and receive in respect of the same several Matters and Things, Privileges and Duties respectively, on or in respect of the other Parts of the Line of the said *Dundee and Perth* Railway or the Works connected therewith, or any Part thereof; and in respect of the said Junction Line of Railway from *Princes Street* to *Saint Leonards Farm* aforesaid, the said Company may, subject to the same Provisions, lawfully demand and receive Rates, Tolls, and other Charges foresaid as for and applicable to a Distance of Three Miles, any thing herein or in the said recited Acts to the contrary notwithstanding.

Maximum Charges limited.

XXVII. And be it enacted, That, notwithstanding any thing in the said recited Acts or this Act contained, the maximum Charges to be made by the Company in respect of all the Tolls and Charges for the Use of the new Portions of Railway and Branch Railways (except the Junction as aforesaid) hereby authorized to be made, and of any Carriage, and for locomotive Power, and every other Expence incidental to such Conveyance, shall not exceed the Sums in that Behalf limited by the said recited Act, and with reference to the said Junction Railway the said maximum Charges and other Charges shall be made and calculated as upon Three Miles.

Provision as to the Burgh Customs of Perth.

XXVIII. And whereas the Magistrates and Town Council of the Royal Burgh of *Perth*, through or into which the Railway is intended to pass, have been in use to levy certain Customs and Imposts on certain Goods, Articles, Matters, and Things entering, leaving, and passing through the

the said Burgh: And whereas it would be attended with Delay and Inconvenience if such Customs and Imposts were levied by the said Magistrates and Town Council on Goods, Articles, Animals, Matters, and Things entering, leaving, or passing through the said Burgh by the Railway, and it is expedient that Provision should be made for obviating such Inconvenience and Delay, by enabling the Company to levy and collect the Customs and Imposts over such Goods, Articles, Animals, and Things, and to account to the said Magistrates and Town Council, or to compensate them for the same; be it enacted, That it shall be lawful for the Company, with the Concurrence and Authority of the said Magistrates and Town Council, to levy and collect the Customs and Imposts due to and legally exigible by them on Goods, Articles, Animals, and Things entering, leaving, or passing through the said Burgh by the Railway, and to account to the said Magistrates and Town Council for the same, or to make such other Compensation therefor as shall be mutually agreed upon between the Parties; and it shall be lawful for the Company to enter into such Agreements, Leases, and other Contracts with the said Magistrates and Town Council as may be necessary or expedient for the said Purposes, and such Agreements, Leases, and Contracts may contain such Covenants and Conditions as shall be mutually agreed upon between the Parties.

Power to raise additional Capital by Creation of new Shares.

XXIX. And be it enacted, That it shall be lawful for the said Company from Time to Time to raise, by creating new Shares, in addition to the Sums of Money which they are authorized to raise under and by virtue of the Acts relating to their Undertaking, herein-before recited, or which they may be authorized to raise under or by virtue of any other Act to be passed in the present Session of Parliament, any further Sum of Money not exceeding in the whole the Sum of One hundred thousand Pounds.

New Shares to be considered the same as original Shares.

XXX. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned according to the Order of any General Meeting or Extraordinary General Meeting of the Company, and shall be considered as Part of the general Capital of the said Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Amount of such Shares, and except also as to the Time of making and of Payment of Calls on such new Shares, which the Directors of the said Company shall fix from Time to Time as they shall think fit.

Votes of Proprietors of new Shares.

XXXI. And be it enacted, That the Proprietors of any new Shares, created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them unto if they had been possessed of original Shares in the said Company.

As to Dividends on new Shares.

XXXII. Provided always, and be it enacted, That no Proprietor of any new Share by this Act authorized to be created shall be entitled to

to any further or greater Dividend thereon than in respect of or to the Extent of the Amount which may for the Time being have been paid up on such new Share.

Power to borrow Money on Mortgage.

XXXIII. And be it enacted, That after the whole of the Sums by this and the said recited Acts authorized to be raised by them shall have been subscribed, and One Half thereof paid up, it shall be lawful for the said Company to borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by General or Extraordinary General Meetings of the said Company, not exceeding in the whole the Sum of Thirty-three thousand three hundred and thirty-three Pounds, exclusive of the Sums which they are authorized to borrow by the said recited Acts, or which they may be authorized to borrow under or by virtue of any other Act to be passed in the present Session of Parliament, and to secure the Repayment of the Money so to be borrowed, with Interest, in like Manner and subject to the same Provisions as the Money authorized to be raised by Mortgage by the said recited Acts.

Former Mortgages to have Priority.

XXXIV. Provided always, and be it enacted, That all Mortgages or Bonds granted by the said Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgages or Bonds to be created by virtue of this Act.

Mortgages and Transfers, &c. to be stamped.

XXXV. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Mortgage, Bond, or other Security for Money, to be granted or made, by virtue of the said recited Acts or this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be duly stated, any thing herein or in the said Acts contained to the contrary notwithstanding.

Interest not to be paid on Calls paid up.

XXXVI. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder 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 the Company's Capital.

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

XXXVIII. And

Saving the Rights of the Crown.

XXXVIII. And be it enacted, That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners or any Two of them are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

As to Rights of Scottish Central Railway Company.

XXXIX. And be it enacted, That nothing herein contained shall alter, prejudice, or diminish any of the Rights, Powers, Privileges, or Authorities vested in the *Scottish Central* Railway Company, except as otherwise herein provided.

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

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

Railways to be subject to Provisions of future general Acts.

XLI. And be it further enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to this Act, or of any general Act relating to Railways, 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 authorized by this Act.

Expences of Act.

XLII. And be it enacted, That all Costs, Charges, and Expences connected with the passing of this Act shall be paid by the Company, *pari passu* with the Costs, Charges, and Expences of any other Act of Parliament passed in the present Session to which they may

be liable, out of the first Monies that shall come to their Hands, and in preference to any other Payment whatsoever.

Public Act. XLIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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