ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

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Cap. cxxxvi.

An Act for making a Railway from the *Scottish Midland Junction* Railway near the *Dunkeld Road Bridge* to *Methven* in the County of *Perth*. [29th *July* 1856.]

WHEREAS the making of a Railway from the *Scottish Midland Junction* Railway, from a Point near to the Bridge over the *Dunkeld* Turnpike Road in the *East Church* Parish of *Perth* to a Point at or near to the Village of *Methven* in the Parish of *Methven* in the County of *Perth*, would be of local and public Advantage: And whereas the Persons herein-after named, together with others, are willing at their own Expense to carry such Undertaking into execution: And whereas it is expedient that the Company to be incorporated for that Purpose and the *Scottish Midland Junction* Railway Company should be enabled to enter into Arrangements for the working and Use of the said Railway; 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:

I. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Perth, Almond Valley, and Methven* Railway Act, 1856." Short Title.

The Perth, Almond Valley, and Methven Railway Act, 1856.

8 & 9 Vict. cc. 17. 19. and 33. incorporated.

II. "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with this Act.

Subscribers incorporated.

III. The Right Honourable *William David* Earl of *Mansfield*, *William Smythe* Esquire, of *Methven*, *William Thomson* Esquire, of *Balgowan*, *William Peddie* Esquire, of *Blackruthven*, *Græme Reid Mercer* Esquire, of *Gorthy*, *George Patton* Esquire, of the *Cairnies*, Advocate, *Edinburgh*, *William Sandeman Turnbull* Esquire, of *Huntingtower*, and *Thomas Patton* Esquire, of *Glenalmond*, and all other Persons or Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be and are hereby

Company.

united into a Company for the Purpose of making and maintaining the Railway herein-after described, and all proper Works and Conveniences connected therewith, and for that Purpose such Company shall be incorporated by the Name of the "*Perth, Almond Valley, and Methven* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase, acquire, and hold Lands for the Purposes of the Undertaking, subject to the Provisions of this Act and the Acts incorporated herewith.

Capital.

IV. The Capital of the Company shall be Twenty-five thousand Pounds Sterling, which shall be applicable only to the Purposes authorized by this Act.

Number and Amount of Shares.

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

Calls.

VI. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Fifths of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Two Months at the least shall be the Interval between successive Calls.

Interest not to be paid on Calls paid.

VII. 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 to any Shareholder Interest or Dividends on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized: Provided always, that nothing herein 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.

VIII. It

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

VIII. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised, 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 Company to construct any other Railway or execute any other Work or Undertaking.

Power to borrow on Mortgage.

IX. It shall be lawful for the Company to borrow on Mortgage of the whole Undertaking, or by Bond, any Sums not exceeding in whole the Sum of Eight thousand Pounds, but no Part of said Sum shall be borrowed until the whole of the said Capital of Twenty-five thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up: Provided always, that the Sums to be borrowed as aforesaid shall be applied only to the Purposes authorized by this Act.

Arrears may be enforced by Appointment of Judicial Factor.

X. It shall be lawful for the Mortgagees or Bondholders of the Company to enforce the Payment of the Arrears of Principal and Interest due on their respective Mortgages or Bonds 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 or Bondholders by whom Application for such Judicial Factor shall be made shall not be less than One thousand Pounds in the whole.

First and subsequent General Meetings.

XI. The First Ordinary Meeting of the Company shall be held within Three Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *March* and *September*, and all Ordinary Meetings shall be held in the City of *Perth*.

Number and Qualification of Directors.

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

Power to reduce Number of Directors.

XIII. 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.

XIV. The said *William Smythe*, *William Thomson*, *William Sandeman Turnbull*, *William Peddie*, *Græme Reid Mercer*, and *George Patton* shall be the First Directors of the Company.

First Election of Directors.

XV. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or

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.

Future Directors.

XVI. 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, and in every Year thereafter, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the said last-mentioned Act.

Quorum of Directors.

XVII. The Quorum of a Meeting of Directors shall be Two.

Quorum of Committees of Directors.

XVIII. The Quorum of Meetings of Committees of Directors shall be a Majority of the Members of which such Committees consist respectively.

Periods of Balance of Books.

XIX. The Periods to which the Books of Accounts of the Company shall be brought to a Balance shall be the Thirty-first Day of *January* and the Thirty-first Day of *July* in each Year; and the Periods at which the Shareholders and Loan Creditors of the Company shall be entitled to the Inspection of such Books shall be Fourteen Days before and Fourteen Days after each of the Ordinary Meetings of the Company.

Newspapers for Advertisements.

XX. All Advertisements relating to the Affairs of the Company shall be inserted in at least Two Newspapers published in the County of *Perth*.

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

XXI. Whereas Plans and Sections of the Railway hereby authorized showing the Lines and Levels thereof, and also a Book of Reference to said Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands and Heritages through which the same is intended to pass, have been deposited in the Offices at the City of *Perth* and *Dunblane* respectively of the Prnicipal Sheriff Clerk of the County of *Perth*: It shall be lawful for the Company, with the Powers of Deviation and other Powers and suoject to the Provisions contained in this Act and in the Acts incorporated herewith, to make and maintain the said Railway in the Line 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, and all proper Works and Conveniences in connexion therewith, and to enter upon, take, and use such of the said Lands as they may find necessary for the Purposes aforesaid.

XXII. The

Line of Railway.

XXII. The Railway shall commence by a Junction with the *Scottish Midland Junction* Railway at a Point near to the Bridge over the *Dunkeld* Turnpike Road in the *East Church* Parish and County of *Perth*, and terminate at or near to the Village of *Methven* in the Parish of *Methven* and County aforesaid.

As to Junction with the Scottish Midland Junction Railway.

XXIII. The Junction of the Railway by this Act authorized to be made with the *Scottish Midland Junction* Railway shall be made and completed at the Sight and to the Satisfaction of the Engineer for the Time being of the *Scottish Midland Junction* Railway, and according to a Plan to be approved of by such Engineer previously to the Commencement of the Works connected with such Junction.

Lands of Scottish Midland Junction Railway not to be interfered with without Consent.

XXIV. Nothing herein contained shall be held to authorize the Company to enter upon, purchase, or take any Lands belonging to the *Scottish Midland Junction* Railway Company without the previous Consent of such Company first had and obtained, nor to alter or vary the Line or Levels of the said *Scottish Midland Junction* Railway without such Consent as aforesaid; nor shall it be in the Power of the Company to interfere with the said Railway, except for the Purpose of making and maintaining the Junction before mentioned in the Manner herein provided, or in any Manner to interrupt or interfere with the Traffic passing on the said Railway; and the Company shall bear all the Expenses of effecting such Junction as aforesaid, and of maintaining, watching, and working the same, and of the necessary Works for preventing Danger, Inconvenience, or Interruption to the Traffic on the *Scottish Midland Junction* Railway, and shall also, at their own sole Costs and Charges, construct and for ever after maintain such and so many Switches, Turn-tables, Sidings, and other Works and Conveniences as may be necessary or convenient in connexion with the said Junction, and for preventing any such Danger, Interruption, or Inconvenience to the Traffic of the *Scottish Midland Junction* Railway: Provided always, that if any Difference shall arise between the Company and the *Scottish Midland Junction* Railway Company as to the Nature or Necessity of any such Works as aforesaid, the same shall be referred to Arbitration, or to the Decision of the Board of Trade, at the Option of the *Scottish Midland Junction* Railway Company.

Certain Roads may be crossed on the Level.

XXV. It shall be lawful for the Company to carry the Railway by not more than a double Line of Rails across the Surface of the Roads numbered on the said deposited Plans as follows; (that is to say,)

In the Parish of *Tippermuir*, the Roads numbered 16 & 64;

In the Parish of *Methven*, the Road numbered 18.

Stations or Lodges at level Crossings.

XXVI. For the greater Convenience and Security of the Public, the Company shall erect and maintain either a Station or a Lodge at each of

of the Places where the Railway shall cross the before-mentioned Roads on the Level, and the 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 Board of Trade; and if the Company shall fail to erect or at all Times to maintain any such Station or Lodge, or to appoint a proper Person to watch and superintend the Crossing at any such Point or Station, or to observe or abide by any such Rules or Regulations as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

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

XXVII. It shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the public Safety, at any Time either before or after the Railway hereby authorized to be carried across the said Roads on the Level shall have been completed and opened for public Traffic, to require the Company, within such Time as the said Board shall direct, and at the Expense of the Company, to carry any of the said Roads either over or under the Railway by means of a Bridge or Arch in lieu of crossing the same on the Level, or to execute such Works as under the Circumstances of the Case shall appear to the said Board best adapted for removing or diminishing the Danger arising from such level Crossing.

Lands for extraordinary Purposes.

XXVIII. The Quantity of Land to be purchased by the Company for the extraordinary Purposes mentioned in the said Railways Clauses Consolidation (*Scotland*) Act shall not exceed Two Acres.

Powers for compulsory Purchases limited.

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

Period for Completion of Works.

XXX. The Railway shall be completed within Three Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act and the Acts incorporated herewith granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Deposit Money not to be repaid until Line opened, or Half the Capital paid up and expended, except on Execution of Bond.

XXXI. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth and Tenth Year of Her present Majesty, Chapter Twenty, a Sum of One thousand five hundred Pounds, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited with the Court of Exchequer in *Scotland* in respect of the Application to Parliament for this Act: Be

Be it enacted, That notwithstanding anything contained in the said last-mentioned Act, the said Sum of One thousand five hundred Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest of such Sum of Money, 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 Majority of Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall previously to the Expiration of the Period limited by this Act for Completion of the Railway hereby authorized to be made either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the said Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest 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 it shall then be deposited to the Account of Her Majesty's Exchequer, and when so paid shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided, that if at any Time after the passing of this Act a Bond in twice the Amount of the said Sum of One thousand five 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 with such Surety or Sureties to be approved of by, the Solicitor of the Lords Commissioners of Her Majesty's Treasury), conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of One thousand five 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 Amount of the said Capital, and if such Bond shall have been deposited with the Solicitor to the said Lords Commissioners, then such Sum of Money and the Interest thereof shall be paid to or on the Application of the Person or Persons or the Majority of 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

said 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 has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Tolls.

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

Tonnage on Articles of Merchandise.

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

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

For all Coal, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone, Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per* Ton *per* Mile not exceeding One Penny Halfpenny; and if conveyed in Carriages provided by the Company, an additional Sum *per* Mile not exceeding One Penny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile not exceeding Twopence; and if conveyed in Carriages provided by the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny:

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

And a Sum not exceeding Three Halfpence *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh:

Second, in respect of Passengers and Animals conveyed in Carriages upon the Railway: Tolls for Passengers and Cattle.

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

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

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

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

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

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

XXXVI. It shall not be lawful for the Company to charge in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals, herein-after mentioned, conveyed on the Railway, any greater Sum, including the Charges for the Use of Carriages, Waggons, or Trucks, and for locomotive Power, and for all other Limiting Charges for the Conveyance of Goods.

other Charges incidental to such Conveyance, than the several Sums herein-after mentioned; (that is to say,)

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

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

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

For Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, and Things, *per* Ton *per* Mile Fourpence:

And for every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile Sixpence; and if weighing more than One Ton, Sixpence *per* Mile for the First Ton, and Three Halfpence *per* Mile for each additional Quarter of a Ton or fractional Part of a Quarter of a Ton:

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

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

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

Restrictions as to Charges not to apply to Special Trains.

XXXVII. The Restriction as to the Charges to be made for Passengers shall not extend to any Special Train that may be required to be run upon the Railway, but shall apply only to the Ordinary and Express Trains appointed from Time to Time by the Company.

Company may take increased Charges by Agreement.

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

Regulations as to Tolls.

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

For Passengers, Animals, Articles, Matters, and Things conveyed on the Railway, or any Part thereof, for a less Distance than Four

Four Miles, the Company may demand Tolls 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 Tolls for such Fraction in respect of Passengers as for an entire Mile; and in respect of Animals, Articles, Matters, and Things, in proportion 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 Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, 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 deemed One Ton Weight, and so in proportion for any smaller or greater Quantity.

Tolls for small Parcels and Articles of great Weight.

XL. And with respect to small Packages and single Articles of great Weight, the Company may, notwithstanding the Rate of Tolls prescribed by this Act, lawfully demand the Tolls following; (that is to say,)

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

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

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

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

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

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 any such Sum as they think fit, not exceeding Sixpence *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such a Sum as they think fit.

Scottish Midland Junction Railway Company may subscribe.

XLI. And whereas certain Persons, being the Parties of the First Part, subscribing in Schedule (B.) of Subscription Contract dated the Seventeenth *December* One thousand eight hundred and fifty-five and subsequent Dates, entered into pursuant to the Standing Orders of Parliament for the Purpose of applying for this Act, and to which Contract the *Scottish Midland Junction* Railway Company are Parties of the Second Part, have collectively subscribed for Seven thousand Pounds or Seven hundred Shares of the Capital proposed to be raised under the Authority of this Act, and by an Agreement embodied in the said Subscription Contract made between the said Persons subscribing in Schedule (B.) thereof, and the said *Scottish Midland Junction* Railway Company, it was agreed that in case the Authority of Parliament should be obtained for that Purpose the Amount so subscribed for might be taken up by the said *Scottish Midland Junction* Railway Company, who should and might hold the said Amount, or the Shares representing the same in perpetuity with all the ordinary Privileges of Shareholders: Be it enacted, That the *Scottish Midland Junction* Railway Company may subscribe towards and become Shareholders in the Undertaking to any Extent not exceeding the Sum of Seven thousand Pounds, and they may pay the said Sum or any Part thereof by and out of any of the Monies by the Acts relating to that Company authorized to be raised, and which may not be required by that Company for the Purposes authorized by those Acts.

Power to Scottish Midland Junction Railway to raise Money by the Creation of new Shares.

XLII. It shall be lawful for the *Scottish Midland Junction* Railway Company from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at any General Meeting of that Company called for that Purpose, to raise for the Purpose of the Contribution herein-before mentioned any Sums of Money not exceeding in the whole the aforesaid Sum of Seven thousand Pounds, by the Creation and Issue of new Shares of such nominal Amount, to such Persons, on such Terms, and bearing (if they shall think fit) a guaranteed or preferential Dividend at such Rate, not exceeding Five Pounds *per Centum per Annum*, as the said Company may appoint, and such new shares shall in other respects be subject to the same Provisions as and become Part of the general Capital of the said Company: Provided always, that any Guarantee or Priority of Dividend which may be granted in respect of such new Shares shall not prejudice or affect any Guarantee, Preference, or Priority in the Payment of Interest or Dividend on any other Shares or Stock which may have been granted by the *Scottish Midland Junction* Railway Company in pursuance of, or which may have been created or confirmed

confirmed by, any previous Act of Parliament, or which may otherwise be lawfully subsisting.

As to Shares held by the said Company.

XLIII. The Shares so held by the *Scottish Midland Junction* Railway Company shall not be transferable by them.

As to the Payment of Subscription by the said Company.

XLIV. And with respect to the Payment of Subscriptions by and the Means of enforcing the Payment of Calls against the said *Scottish Midland Junction* Railway Company, be it enacted, That so soon as the other Shareholders in the Company, or some of them, shall have paid upon their Shares a Sum which with the Deposit previously paid thereon shall amount in whole to the Sum of Five thousand Pounds, the said *Scottish Midland Junction* Railway Company shall pay to the said Company One Half of the said Sum of Seven thousand Pounds, under Deduction of any Deposits previously paid upon the Shares standing in their Names, with Interest at the Rate of Five *per Centum per Annum* on so much of the said Half as shall correspond to the Calls made on the other Shareholders from the Date or Dates of such Calls respectively; and that so soon as the other Shareholders in the Company, or some of them, shall have paid upon their Shares a farther Sum amounting in whole to Five thousand Pounds, the said *Scottish Midland Junction* Railway Company shall pay to the Company the remaining One Half of the said Sum of Seven thousand Pounds, with Interest at the Rate of Five *per Centum per Annum* on so much of the said Half as shall correspond to the Calls made on the other Shareholders from the Date or Dates of such Calls respectively; but in the event of the said Two Payments of Five thousand Pounds each by the other Shareholders, or any Part of them, being delayed after the said Payment by the said *Scottish Midland Junction* Railway Company, a corresponding Interest shall be charged upon the Sums so delayed, and that in each Case a Notice in Writing by the Secretary, requiring the said *Scottish Midland Junction* Railway Company to pay the Amount so payable by them on a Day therein mentioned, and accompanied by a Certificate under the Hands of Two Directors of the Fact of the other Shareholders having in the aggregate paid up such Amounts as are respectively above mentioned, shall be a sufficient Notice to the said *Scottish Midland Junction* Railway Company to pay the Amount thereupon becoming payable by them, and be in the Nature of and have the same Effect as a Notice of Call having been made, and such Amount shall be payable on the Day mentioned in such Notice; and if the said *Scottish Midland Junction* Railway Company shall not pay the same on or before such Day, they shall be liable to pay Interest thereon as on a Call unpaid, and the Company may sue and recover the Amount together with such Interest in any competent Court as a Debt due to them, without averring any special Matter.

Providing for Agreements for working the Railway.

XLV. Subject to the Provisions of "The Railways Clauses Consolidation (*Scotland*) Act, 1845," it shall be lawful to the Company and the said *Scottish Midland Junction* Railway Company to make, enter into, and complete any Contracts, Arrangements, and Agreements which may be deemed necessary or advisable for the working and Use of the Railway hereby authorized, or any Part thereof, and for the Regulation or Management of the Traffic thereon, and generally for or in respect of all such Matters and Things as may be deemed necessary or advisable for the proper and efficient working of the said Railway, or any Part thereof, when completed, in such Manner as may be agreed upon: Provided always, that any such Agreement shall not be for more than Ten Years; and no such Agreement shall have any Operation until the same shall have been approved of by the Board of Trade; and no such Agreement as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the said Companies shall for the Time being be respectively authorized and entitled to demand and receive from any Person or any other Company, but that all other Persons and Companies shall, notwithstanding any such Agreement, be entitled to the Use and Benefit of the Railway upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as they would have been in case no such Agreement had been entered into: Provided also, that the said Board shall not approve such Agreement without being satisfied that the same has been duly assented to by Three Fifths of the Shareholders of the several Companies Parties thereto in Special Meeting assembled for the Purposes of such Agreement.

Duration of Agreements.

Agreements to be approved of by Board of Trade, and not to affect Persons not Parties.

Company may agree for Hire of Trains.

XLVI. Nothing in this Act contained shall prevent the Company hereby incorporated from entering into any Agreement, without such Approval of the Board of Trade, for the Hire of any Engines, Carriages, or Trucks, with the Drivers, Guards, and Persons in charge of the same, which the said Company may require for the Purposes of the said Railway.

Agreements may be renewed with the Approval of the Board of Trade.

XLVII. At the Expiration of the said Agreement the said Companies, with the like Consent in Special Meeting of the Shareholders of such Companies respectively as is herein provided, and subject to the Approval of the Board of Trade, may enter into a farther Agreement for all or any of the Purposes aforesaid, provided that before such Companies shall enter into any such farther Agreement as aforesaid they shall give Notice of their Intention to enter into such Agreement by Advertisement, in a Form to be approved of by the Board of Trade, inserted once in each of Three successive Weeks in some Newspaper published or circulating in each County in which any Part of the Railway to which such proposed Agreement relates is situated; and every such Notice shall set forth within what Time and

Public Notice to be given.

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in what Manner any Company or Person aggrieved by such proposed Agreement, and desiring to object to the same, may bring such Objections before the Board of Trade, and no such Agreement shall be valid at Law or in Equity until the same shall have been approved of by the Board of Trade.

Agreement inoperative until approved by the Board of Trade.

XLVIII. None of the Powers and Provisions of this Act with respect to the Use, working, or managing of the Railway by the *Scottish Midland Junction* Railway Company shall have any Operation or Effect unless and until the Contracts or Arrangements intended to be made for such Purposes shall have been submitted to and approved of by a Majority of not less than Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a Meeting of that Company specially convened for the Purpose.

Working Arrangements, &c. not to take effect unless approved by a Proportion of the Shareholders.

XLIX. Such Meeting and all other Meetings of the said *Scottish Midland Junction* Railway Company requiring to be called under any of the Provisions of this Act shall be called by Advertisements inserted for Two successive Weeks in a Morning Newspaper published in *Edinburgh*, and in some Newspaper of the County in which the principal Office of the Company is situated, the last of which Advertisements shall be published not less than Seven Days before such Meeting, and also by a Circular addressed to each Shareholder entitled to vote at Meetings of the said Company, to be served in manner prescribed by "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to Notices requiring to be served by the Company upon Shareholders.

Meetings, how to be convened.

L. Notwithstanding anything to the contrary contained in this Act, or in any of the Acts relating to the said *Scottish Midland Junction* Railway Company, or in any Acts incorporated therewith, it shall not be in the Power of the said last-mentioned Company, in respect of any Traffic whatever passing to or from the Railway hereby authorized on and over that Portion of the said *Scottish Midland Junction* Railway extending from the Point of Junction aforesaid near to the Bridge over the *Dunkeld* Turnpike Road as before described to *Perth* (the Length of which is Two Miles or thereby), to demand Rates and Tolls for Articles or Persons as for Six Miles, but they shall only charge such Rates and Tolls against the Company hereby authorized as for Three Miles.

Scottish Midland Junction Railway Company restricted as to Tolls payable from the Railway to Perth.

LI. That in estimating the Tolls or Charges to be paid during the Continuance in force of any Contract or Agreement with the *Scottish Midland Junction* Railway Company as aforesaid in respect of Articles or Persons conveyed for short Distances partly upon the said *Scottish Midland Junction* Railway, and partly upon the Railway by this Act authorized, it shall not be lawful to demand and take such Tolls or Charges

Traffic on both Lines under Agreement.

Charges as for Three entire Miles in respect of the Distance traversed on the *Scottish Midland Junction* Railway, and also as for Four entire Miles in respect of the Distance traversed on the Railway by this Act authorized, but the Tolls or Charges authorized by this Act may be taken as for Six Miles in respect of short Distances of less than Six Miles traversed on Portions of both the said Railways.

If the Scottish Midland Junction Railway Company amalgamated with the Aberdeen Railway Company, then their Powers, &c. under this Act to be exercised by the united Company.

LII. And whereas a Bill is now pending in Parliament to unite and amalgamate the Undertaking of the *Scottish Midland Junction* Railway Company with the Undertaking of the *Aberdeen* Railway Company, to be henceforth called "The *Scottish North-eastern* Railway Company," and to regulate the Management of and confer additional Powers on the united Company, and for other Purposes: Be it enacted, That if such Bill pass into a Law, then and in such Case all the Powers and Authorities by this Act vested in, and all the Duties and Obligations by this Act imposed on, the *Scottish Midland Junction* Railway Company, may and shall be exercised and performed respectively by the *Scottish North-eastern* Railway Company, in the same Manner in all respects as if the *Scottish North-eastern* Railway Company had been named in this Act instead of the said *Scottish Midland Junction* Railway Company.

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

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

Saving Rights of the Scottish Midland Junction Railway Company.

LIV. 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 Midland Junction* Railway Company by virtue of the Acts, or any of them, relating to such Company, except so far as in this Act expressly provided and declared.

Expenses of Act.

LV. All the Costs, Charges, and Expenses of applying for and obtaining this Act, and in any way incidental thereto, shall be paid by the Company.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1856.