ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

****

Cap. clxx.

An Act for making a Railway from the City or Royal Burgh of *Perth* to or near to the Town or Royal Burgh of *Forfar*. [31st *July* 1845.]

WHEREAS the making of a Railway from the City or Royal Burgh of *Perth* to or near to the Town or Royal Burgh of *Forfar*, with Branches to join the *Arbroath and Forfar* Railway and the proposed *Scottish Central* Railway, would be of great public Advantage, by opening an additional, certain, and expeditious Means of Communication between *Perth* and *Forfar*, and also by facilitating Communication between more distant Towns and Places: And whereas the Persons hereafter named are willing, at their own Expence, to carry such Undertaking into execution; but the same 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, That the Acts of Parliament following, that is to say, "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Railway Clauses Consolidation (*Scotland*) Act, 1845," respectively shall

Incorporation of 8 & 9 Vict. cc. 17. 19. and 33. with this Act.

shall (if passed into Law during the present Session) be incorporated with and form Part of this Act.

Short Title. II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Scottish Midland Junction* Railway Act, 1845."

Subscribers incorporated. III. And be it enacted, That *Charles Graham Sidey*, *George Buchanan*, *James Dalgairns*, *Robert Clerk Rattray*, *Samuel Richard Heseltine*, *James Ewart*, *Joshua Proctor Westhead*, *John Masterman* junior, *Clarence Pigou*, *Reece Bevan*, *Joseph Acton*, *Frederick Ricketts*, *Matthew Uzielli*, *Alexander Devaux*, *Daniel Waddington*, *Henry Tootal*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining a Railway from the City or Royal Burgh of *Perth* to or near to the Town or Royal Burgh of *Forfar*, with Branches therefrom to join the Line of the *Arbroath and Forfar* Railway and the Line of the proposed *Scottish Central* Railway, with all proper Works and Conveniences connected therewith or belonging thereto, according to the Provisions of the said recited intended Acts and of this Act, and for other the Purposes herein and in the said recited intended Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Scottish Midland Junction* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the recited intended Acts contained.

Capital. IV. And whereas the estimated Expence of making the said intended Railway and Branches is Three hundred thousand Pounds; be it enacted, That the Capital of the Company shall be Three hundred thousand Pounds.

Number and Amount of Shares. V. And be it enacted, That the Number of Shares into which the Capital shall be divided shall be Twelve thousand, and the Amount of each Share shall be Twenty-five Pounds.

Calls. VI. And be it enacted, That Five 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 Three Months at the least shall be the Interval between successive Calls.

Power to pay Interest on Calls. VII. And be it enacted, That notwithstanding any thing in the said Companies Clauses Consolidation (*Scotland*) Act, 1845, contained or implied to the contrary, it shall be lawful for the Directors of the Company to pay and allow Interest after the Rate of Four Pounds *per Centum per Annum* on all Calls paid in respect of the Capital of the Company from the Date of Payment thereof until the Completion of the Railway: Provided always, that no Interest shall

accrue to the Proprietor of any Share upon which any Call shall be in arrear in respect of such Share, or of any other Share held by the same Proprietor while such Call shall remain unpaid.

Power to borrow Money.

VIII. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of One hundred thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Three hundred thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Number and Qualification of Directors.

IX. And be it enacted, That the Number of Directors shall be Nine; and the Qualification of a Director shall be the Possession in his own Right of Ten Shares in the Undertaking.

Power to vary the Number of Directors.

X. And be it enacted, That it shall be lawful for the Company to increase or reduce the Number of Directors, provided that the increased Number do not exceed Twelve, and that the reduced Number be not less than Six.

First Directors.

XI. And be it enacted, That the Honourable *John Stuart Wortley*, Sir *James Ramsay* of *Bamff*, Baronet, *John Masterman* junior, *Charles Graham Sidey*, *James Dalgairns*, *George Buchanan*, *Peter Wedderburn Ogilvy*, *William David Proctor*, and *Hugh Watson*, Esquires, shall be the first Directors of the Company.

First Election of Directors.

XII. And be it enacted, That 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 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.

XIII. And be it enacted, That 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 or disqualified, or having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the said Companies Clauses Consolidation (*Scotland*) Act.

Quorum of Directors.

XIV. And be it enacted, That the Quorum of a Meeting of Directors shall be Three.

Committees of Directors.

XV. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than

than Three nor more than Five; and the Quorum of such Committees shall be the major Number of those appointed.

Newspapers for Insertion of Advertisements.

XVI. And be it enacted, That the Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be the Newspapers published in *Perth* and *Dundee*, or either of them.

Power to make Railway according to deposited Plans.

XVII. And whereas Plans and Sections of the Railway showing the Line and Levels thereof, and also Books of Reference 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 with the Clerks of the Peace of the Counties of *Perth* and *Forfar;* be it enacted, That, subject to the Provisions in this and the said recited intended Acts contained, it shall be lawful for the said Company to make and maintain the said Railway and Works in the Line and upon the Lands delineated upon the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Line of the Railway.

XVIII. And be it enacted, That the said Railway shall commence at or near to the City or Royal Burgh of *Perth* in the *East Church* Parish of *Perth*, and shall pass through or near to the following Places, (that is to say,) *East Church* Parish of *Perth*, *Tippermuir*, *Redgorton*, *Moneydie*, *Auchtergaven*, *Kinclaven*, *Cargill*, *Coupar Angus*, and *Meigle*, in the County of *Perth*, *Coupar Angus*, *Kettins*, *Newtyle*, the united Parishes of *Eassie* and *Nevay*, *Glamniss*, *Kirriemuir*, and *Forfar*, in the County of *Forfar*, and shall terminate at or near *Forfar* in the Parish of *Forfar* in the said County of *Forfar;* one of the said intended Branch Railways shall commence by a Junction with the Line of the said intended Railway in the said Parish of *Forfar*, and shall terminate by a Junction with the said *Arbroath and Forfar* Railway in the said Parish of *Forfar;* and another of the said intended Branch Railways shall commence by a Junction with the Line of the said intended Railway in the *East Church* Parish of *Perth*, and shall terminate by a Junction with the proposed *Scottish Central* Railway in the *West Church* Parish of *Perth*.

Empowering Board of Trade to compel the laying down of an additional Line of Rails.

XIX. And whereas the said Railway is intended to be constructed of such Width as to admit of the laying down thereon of a double Line of Rails, but it is not proposed in the first instance to lay down more than a single Line of Rails; be it therefore enacted, That if it shall appear to the Lords of the Committee of Privy Council for Trade and Plantations that an additional Line of Rails is required for the Safety of the Public using the said Railway, then and in such Case the said Company shall and they are hereby required, upon receiving an Order to that Effect from the Lords of the said Committee, to lay down an additional Line of Rails upon the said Railway within such Time as shall be fixed by the Lords of the said Committee for the Purpose.

XX. And

Restricting the Formation of the Line South of Road to Craigie.

XX. And whereas on the Plans and Sections of the Railway deposited as herein mentioned the Line of Railway is made to terminate on the Eastern Portion of the *South Inch* of *Perth*: And whereas several other Lines of Railway are projected and proposed to terminate on the same Spot, and Differences of Opinion exist as to the Eligibility of the same Spot for a Terminus; and it is expedient that the Consideration of the said Subject should be postponed; be it therefore enacted, That it shall not be lawful to the Company to exercise or put in force any of the Powers hereby vested in them as respects that Portion of the Line of Railway hereby authorized to be made situated to the South or East of the Road from *South Inch* of *Perth* to *Craigie*, numbered Fifteen in the *West Church* Parish of *Perth* on the said Plan, without the Sanction of the Board of Trade signified by their Certificate in Writing.

Communications with Arbroath and Forfar Railway to be made under the Direction of their Engineer.

XXI. And be it enacted, That all Communications between the Railway hereby authorized to be made and the *Arbroath and Forfar* Railway, and all such Openings in the Ledges or Flanches of the said *Arbroath and Forfar* Railway as may be necessary or convenient for effecting such Communications, shall be made under the Direction and Superintendence of the Engineer for the Time being of the said *Arbroath and Forfar* Railway.

Provision as to Manse of Coupar Angus.

XXII. Provided always, and be it enacted, That in case the said Company shall desire to take under the Powers of this Act, for the Purposes thereof, any Part of the Ground, Buildings, or other Estate in the Parish of *Coupar Angus*, described in the said Plans and Book of Reference and Schedule hereto as a Manse, and Dwelling House, and Offices, and Approaches, and Shrubberies and Garden, and Arable Field, occupied by the Incumbent of the Parish of *Coupar Angus*, or to carry the Railway within Twenty Yards thereof, the said Company shall be bound, if required by those having Right and Power to sell the same, to purchase and acquire the whole of such Ground and Buildings.

Indemnity to Proprietors of Kinclaven Ferry.

XXIII. And whereas the Construction of a Railway Bridge across the River *Tay* for the Passage of Carriages over the same near to *Kinclaven Ferry* may effect a considerable Reduction in the Amount of Tolls received by the Proprietors of the said Ferry; be it therefore enacted, That if during the first Three Years, to be computed from the Expiration of One Calendar Month immediately after the whole Line of the said Railway shall be completed and opened for public Use, there shall be an annual Decrease in the Receipts by the Proprietors of the said Ferry compared with the Receipts during the Three immediately preceding Years, then and in such Case the said Railway Company shall forthwith pay to the Proprietors of the said Ferry a Sum of Money equal to Ten Years Purchase of such annual Decrease, taken upon an Average of the Three Years during which the same shall occur, which Sum shall be accepted in full Satisfaction and Discharge of all Claims and Demands whatsoever upon the said Railway Company by the Proprietors of the said Ferry.

Compensation to be made to the Trustees of certain Turnpike Roads.

XXIV. And whereas the Trustees acting in the Execution of an Act passed in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for effectually making, maintaining, and repairing certain Roads, with the necessary Bridges thereon, in the Counties of* Perth, Stirling, *and* Forfar, have borrowed and expended considerable Sums of Money in making and repairing the Road from *Perth* to *Cupar Angus*, and from thence towards *Glammiss* as far as the Confines of the County of *Perth*; and the Trustees under the said recited Act having the Charge of the Road from *Perth* towards *Meikleour*, passing near *Scone* and *Byres* by the new Bridge over the River *Isla* till it joins the Road on the North Side of the River *Isla*, from *Blairgowrie* to the Ferry across the *Tay* at *Kinclaven*, have also borrowed and expended considerable Sums of Money in making and repairing the said Road: And whereas the Trustees acting in the Execution of another Act passed in the First and Second Years of the Reign of His said late Majesty King *William* the Fourth, intituled *An Act for more effectually making, amending, widening, repairing, and keeping in repair certain Roads in the County of* Forfar, and having Charge of the Road from *Forfar* to *Kerriemuir*, passing through or into the Parishes of *Forfar*, *Glammiss*, and *Kirriemuir*, have also borrowed and expended considerable Sums of Money in making and repairing the said Road: And whereas various other Persons have become personally liable for the Payment of Money raised and applied to such Purposes, which Sums are now due and owing on the Credit of the Tolls on the said respective Lines of Road: And whereas the Revenues of the said Roads may be materially diminished by reason of the Traffic thereon being diverted therefrom to the Railway hereby authorized to be made, which is intended to be carried across the said Roads, or otherwise to alter the present Surface of the same: And whereas it is just and expedient that the said Trustees, and other Parties who have so rendered themselves personally liable, should be relieved of a Portion of the said Debts; be it therefore enacted, That the Company shall pay to the Trustees such Sum of Money by way of Compensation as shall be agreed upon between the Company and the said Trustees, and failing such Agreement it shall be competent for the said Trustees, or any Party who shall have so rendered himself personally liable as aforesaid, to apply to the Sheriff of the County within which the Roads in respect of which the Debt is claimed are situated, who shall inquire and determine whether any and what Amount of Compensation should be paid by the Company to such Trustees in the Manner provided by the said Lands Clauses Consolidation Act in regard to Compensation to be settled by the Sheriff; or if the Party claiming such Compensation shall signify his or their Desire to such Company to have the Question of Compensation and the Amount thereof settled by Arbitration, and shall enter into a written Agreement for that Purpose, then, within Twenty-one Days after the Receipt of any Notice signifying such Desire, the same shall be settled by Arbitration in manner provided in the said Lands Clauses Consolidation Act for settling the Price of the Lands by Arbitration; or it shall be in the Power of the Sheriff to ascertain the Amount of Compensation by directing that an Account shall be taken of the Amount of the

2 & 3 W. 4. c. 82.

1 & 2 W. 4. c. 61.

Tolls paid on such respective Lines of Road, and the necessary Expenditure for the ordinary Maintenance and Repair thereof, during the Three Years preceding the passing of the Railway Act, and that an Account shall in like Manner be taken of the Amount of the Tolls which shall be paid on such Roads, and of the necessary Expenditure for the ordinary Maintenance and Repair thereof, during the Three Years following the opening of the said Railway to the Public; and the average Amount of the Tolls on such respective Lines of Road being so ascertained for the said respective Periods of Three Years, if the Amount shall have decreased during the Second Period, the said Sheriff shall thereupon determine the Amount of the Loss sustained by the said respective Road Trusts through the Operation of the Railway, and shall convert the Amount of such average annual Loss into Capital at the Rate of such Number of Years Purchase as in the Circumstances of the Case shall seem just, and shall declare and decree the Amount of the Compensation to be paid by the Railway Company to the Road Trustees; and the Sums paid as such Compensation shall be applied, so far as the same will extend, in Payment and Extinction of the Debts now due on the Credit of the Tolls; and for any Sum which shall be so ascertained, decreed or awarded to be paid, and be paid, by the Company, such Company shall become Creditors upon the Tolls of the Road in place of the Creditors whose Debts shall have so been of paid off, but postponed both as to Principal and Interest to the Creditors in the other Debts affecting the said respective Lines of Road, and so as that no greater Burden of Debt shall be created upon the said respective Lines of Road on the Credit of the said Tolls thereon respectively than the Amount of Debt now due and owing upon the same.

As to Construction of Bridge across River Tay.

XXV. And be it enacted, That for the Purpose of carrying the said Railway across the River *Tay* it shall be lawful for the said Company to construct and maintain a Bridge across the River *Tay*, with such Piers, Abutments, and other Works as may be necessary for the Purposes thereof.

Enabling Newtyle and Glammiss and Newtyle and Coupar Angus Railway Companies to sell their Railways, and Scottish Midland Junction Company to purchase them.

XXVI. And whereas an Act was passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making and maintaining a Railway from* Newtyle *to the Muir of* Eassie, *and from thence to the Muir of* Glammiss, *in the County of* Forfar, whereby a Company was incorporated by the Name and Style of "The *Newtyle and Glammiss* Railway Company:" And whereas another Act was passed in the Fifth and Sixth Years of the Reign of His said Majesty, intituled *An Act for making and maintaining a Railway from* Newtyle *to* Coupar Angus *in the County of* Forfar, whereby a Company was incorporated by the Name and Style of the *Newtyle and Coupar Angus* Railway Company: And whereas another Act was passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to enable the* Newtyle and Coupar Angus *Railway Company to raise a farther Sum of Money*: And whereas it would be for the mutual Benefit of the Company hereby incorporated, and of the said *Newtyle and Glammiss* Railway Company and the said *Newtyle and Coupar Angus* Railway Company, and would be also of public Advantage, if the said

Two

Two last-mentioned Companies were empowered to sell and transfer their respective Railways and other Works to the Company hereby incorporated; be it therefore enacted, That it shall be lawful for the said *Newtyle and Glammiss* Railway Company, and the said *Newtyle and Coupar Angus* Railway Company, by and with the Consent of Three Fifths of the Votes of the Proprietors in the said respective Companies who may be present, either personally or by Proxy, at some Meeting of the said respective Companies especially convened for the Purpose, to sell to the Company hereby incorporated, and for the said last-mentioned Company, by and with the like Consent of Three Fifths of the Votes of their Proprietors present, personally or by Proxy, at some Meeting of the said last-mentioned Company specially convened for the Purpose, to purchase and take, the said *Newtyle and Glammiss* Railway, and the said *Newtyle and Coupar Angus* Railway, and all and every or any Lands, Stations, Houses, and other Buildings, and other Works and Conveniences, Engines, Machines, and Utensils whatsoever, the Property of the said *Newtyle and Glammis* Railway Company, and the *Newtyle and Coupar Angus* Railway Company, and all Powers, Rights, and Privileges whatsoever of the said last-mentioned Companies, at or for such Price or Prices, Sum or Sums, and upon and subject to such Terms and Conditions, as may be mutually agreed upon between the said last-mentioned Companies and the Company hereby incorporated.

Purchase of Newtyle and Glammiss and Newtyle and Coupar Angus Railways.

XXVII. And be it enacted, That it shall be lawful for the said Company hereby incorporated and they are hereby authorized to apply any Money raised or to be raised by them under or by virtue of this Act in Payment of the Purchase Money which may be agreed upon between them and the said *Newtyle and Glammiss* Railway Company, and *Newtyle and Coupar Angus* Railway Company.

Distribution of the Money to be paid to the Directors of the Newtyle and Glammiss and Newtyle and Coupar Angus Railway Companies.

XXVIII. And be it enacted, That the Price or Prices, Sum or Sums, at which the said *Newtyle and Glammiss* Railway, and *Newtyle and Coupar Angus* Railway, and other Property and Works, shall be so agreed to be sold and purchased as aforesaid, or so much thereof as shall not be retained by the said Company hereby incorporated as herein-after in that Behalf mentioned, shall be paid to the Directors for the Time being of the said *Newtyle and Glammiss* Railway Company, and *Newtyle and Coupar Angus* Railway Company, and shall be divided and distributed by such Directors among the Shareholders in the said respective Companies at the Time of such Payment rateably according to their respective Shares and Interests therein.

Scottish Midland Junction Railway Company may retain Part of Price to answer Mortgages and other Debts.

XXIX. And be it enacted, That it shall be lawful for the Company hereby incorporated to retain from and out of the Price or Prices, Sum or Sums, at which the said *Newtyle and Glammiss* Railway, and *Newtyle and Coupar Angus* Railway, and the Property thereof, shall be so agreed to be sold and purchased as aforesaid, such Sum or Sums as shall be agreed upon between the said last-mentioned Companies and the Company hereby incorporated for the Payment and Discharge of the several Mortgages or Charges upon or affecting the said *Newtyle and Glammiss* Railway, and *Newtyle and Coupar Angus* Railway, or any of the Property thereof, and other the Debts and Liabilities of

the said last-mentioned Companies, and the Costs and Expences of and incident to the Payment and Discharge thereof respectively.

Receipt by Three Directors of each of the selling Companies to be a good Discharge to the purchasing Company.

XXX. And be it enacted, That the Receipt or Receipts in Writing of Three of the Directors for the Time being of the said *Newtyle and Glammiss* Railway Company, and of the said *Newtyle and Coupar Angus* Railway Company respectively, for the Purchase Money so to be payable as aforesaid, or for the Balance or Surplus thereof which shall remain after such Retention thereout as aforesaid, shall effectually discharge the Company hereby incorporated from the Sum or Sums which in such Receipt or Receipts shall be expressed or acknowledged to be received; and the Company hereby incorporated shall not be obliged or concerned to see to the Division or Distribution thereof among the Shareholders of the said *Newtyle and Glammiss* Railway Company, and *Newtyle and Coupar Angus* Railway Company, or be otherwise answerable or accountable for any Loss, Misapplication, or Nonapplication thereof, or any Part thereof.

Powers of Acts relating to the Newtyle and Glammiss and Newtyle and Coupar Angus Railways to cease.

XXXI. And be it enacted, That immediately on such Payment of the Purchase Money as aforesaid, or of the Balance or Surplus thereof (as the Case may be), and on Publication of a Notice thereof in the *Edinburgh Gazette*, and some Newspaper of the County of *Forfar*, of which Payment such Receipt or Receipts shall be sufficient Evidence, the Powers of the said recited Acts of the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, and of the First and Second Years of the Reign of Her present Majesty, relating to the said *Newtyle and Glammiss* Railway, and *Newtyle and Coupar Angus* Railway, shall cease and determine.

Not to affect any Purchase, Sale, or Conveyance, &c.

XXXII. Provided always, and be it enacted, That the Repeal of the said recited Acts relating to the *Newtyle and Glammiss* and *Newtyle and Coupar Angus* Railways respectively shall not annul or in anywise prejudice or affect any Purchase, Sale, Conveyance, Grant, Security, Act, Matter, or Thing whatsoever theretofore made, done, executed, commenced, or instituted under or by virtue or in pursuance of the said recited Acts so repealed, or any or either of them, but all such Purchases, Sales, Conveyances, Grants, Securities, Acts, Matters, and Things shall be and remain as good, valid, and effectual to all Intents and Purposes whatsoever as if such Acts had not been repealed.

Saving Rights.

XXXIII. Provided also, and be it enacted, That nothing herein contained shall extend or be deemed or construed to extend in any way to defeat, affect, or prejudice any Rights, Privileges, Liberties, Powers, Easements, Accommodations, or Exemptions, or any of them, which, under or by virtue of the said recited Acts relating to the *Newtyle and Glammis* and *Newtyle and Coupar Angus* Railways respectively, are granted, continued, or reserved to or for the Benefit of Persons whose Estates, Properties, or Interests are or have been or may be in anywise affected in or by the making or maintaining or otherwise on account of the Railways and Works by the said recited Acts authorized to be made and maintained, or to which such Persons are or may be otherwise entitled under or by virtue of the said recited

Acts, but all such Rights, Privileges, Liberties, Powers, Easements, Accommodations, and Exemptions shall be and they are hereby declared to be as valid and effectual as if the said recited Acts had not been repealed; and such several Persons and Corporations shall be entitled to, and shall have, use, and enjoy, the same Rights, Privileges, Liberties, Powers, Easements, Accommodations, and Exemptions, or such and so many of them as immediately before the passing of this Act they were entitled to have, use, and enjoy, as fully and effectually as if such Acts had not been repealed, and shall and may have and be entitled to such or the like Powers and Remedies upon and against the Company hereby incorporated, for securing the Possession, Use, and Enjoyment of such Rights, Privileges, Easements, Accommodations, and Exemptions, as, under the Provisions of the said recited Acts hereby repealed, or any of them, they had or were or might have been entitled to against the said *Newtyle and Glammiss* and *Newtyle and Coupar Angus* Railway Companies, or either of them, in case such Acts had not been repealed; and all such Penalties, Damages, Monies, Costs, and Expences as, under the Provisions of the Acts so repealed, would or hereafter might have become payable to or recoverable by such Persons as aforesaid of and from the said *Newtyle and Glammiss* and *Newtyle and Coupar Angus* Railway Companies, or either of them, in case the said Acts relating to such Companies respectively had not been repealed, shall and may be payable by and recoverable from the Company by this Act incorporated in such Manner and by such Ways and Means as the same are respectively made payable and recoverable under the Provisions of the said recited Acts hereby repealed.

On Payment of Price, the Railway and Works of the Newtyle and Glammiss and Newtyle and Coupar Angus Railway Companies to be vested in Scottish Midland Junction Railway Company.

XXXIV. And be it enacted, That upon Payment of the said Purchase Money, or the Balance or Surplus thereof (as the Case may be), and such Publication of Notice thereof as aforesaid, and upon the due Execution of a Deed or Instrument of Conveyance duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the said Purchase Money, the said *Newtyle and Glammiss* Railway and *Newtyle and Coupar Angus* Railway, and all and every the Lands, Stations, Houses, and other Buildings, and other Works and Conveniences whatsoever, belonging to the said last-mentioned Companies, or in or to which they were by virtue of the said recited Acts or any of them, or by any Means whatsoever, seised, possessed, or entitled, at Law or in Equity, immediately before the Payment of the said Purchase Money, or the Balance or Surplus thereof (as the Case may be), and the Publication of such Notice thereof as aforesaid, shall belong to and shall, by virtue of such Deed or Instrument of Conveyance and of this Act, be absolutely vested in the Company hereby incorporated; and the Undertaking of the said *Newtyle and Glammiss* Railway, and of the said *Newtyle and Coupar Angus* Railway, shall thenceforth become and form Part of the Undertaking of the said *Scottish Midland Junction* Railway, subject nevertheless and without Prejudice to the several Mortgages, Charges, and Incumbrances which at or immediately before the Time of such vesting shall have been upon or affecting the said *Newtyle and Glammis* and *Newtyle and Coupar Angus* Railways respectively, or any of the Property of the said Two Companies; and all Persons who immediately before

before such Payment and Publication of Notice as aforesaid owed any Money to the said Two last-mentioned Companies, or either of them, shall pay the same, together with all Interest (if any) due and to accrue thereon, to the said *Scottish Midland Junction* Railway Company; and all Debts which immediately before such Payment and Publication of Notice as aforesaid were owing from or by the said *Newtyle and Glammis* Railway Company, or *Newtyle and Coupar Angus* Railway Company, and all Interest (if any) due and to accrue thereon, shall be paid by the said *Scottish Midland Junction* Railway Company.

Form of Conveyance of the Newtyle and Glammis Railway, and Newtyle and Coupar Angus Railway.

XXXV. And with respect to the respective Deeds for the Conveyance of the said *Newtyle and Glammiss* Railway, and *Newtyle and Coupar Angus* Railway, be it enacted, That the same may be in the Form in Schedule (A.) to the said recited Lands Clauses Consolidation (*Scotland*) Act, 1845, annexed, or as near thereto as the Circumstances of the respective Cases will admit, which Conveyances, when duly executed and registered in the General Register of Sasines for *Scotland*, kept at *Edinburgh*, within Sixty Days from the last Date thereof, and which the Keeper of the Register is hereby authorized and required to do, shall give and constitute a good and undoubted Right and complete and valid feudal Title in all Time coming to the *Scottish Midland Junction* Railway Company, and to their Successors and Assigns, to the Railway and Works comprised or intended to be comprised in such respective Deeds, any Law or Custom to the contrary notwithstanding.

Contracts made by the Newtyle and Glammiss and Newtyle and Coupar Angus Railway Companies to be transferred to the Scottish Midland Junction Railway Company.

XXXVI. And be it enacted, That all Contracts, Agreements, Conveyances, Mortgages, Bonds, Covenants, and Securities respectively made or entered into with, to, or in favour of or by the said *Newtyle and Glammis* and *Newtyle and Coupar Angus* Railway Companies before such Payment of the said Purchase Money, or the Balance or Surplus thereof (as the Case may be), to such Companies, and such Publication of Notice thereof as aforesaid, shall from and after such Payment, and such Publication and Notice thereof, be and remain as good, valid, and effectual in favour of or against and with reference to the Company hereby incorporated, and may be proceeded on and enforced in the same Manner by or against the Company hereby incorporated, to all Intents and Purposes as if the said last-mentioned Company had been a Party to and granted the same, and had been named or referred to therein instead of the said *Newtyle and Glammis* Railway Company, or the said *Newtyle and Coupar Angus* Railway Company.

Actions not to abate.

XXXVII. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the said *Newtyle and Glammis* Railway Company, or the said *Newtyle and Coupar Angus* Railway Company, previously to the Repeal of the said recited Acts, shall abate or be discontinued or prejudicially affected by such Repeal, but on the contrary the same shall continue and take effect both in favour of and against the Company hereby incorporated in the same Manner in all respects as the same would have continued and taken effect in relation to the said *Newtyle and Glammis*

Glammis Railway Company, or the said *Newtyle and Coupar Angus* Railway Company, if the respective Acts relating thereto had not been repealed; and also that all Penalties by reason of any Offence against the Provisions of the said Acts hereby repealed, or any or either of them, previously to the Repeal thereof, may be prosecuted in such or the like Manner to all Intents and Purposes as the same might have been sued for and prosecuted respectively if the said Acts had not been repealed, the Company hereby incorporated being, in reference to the Matters in this Enactment contained, in all respects substituted in the Place of the said *Newtyle and Glammis* Railway Company, and the *Newtyle and Coupar Angus* Railway Company.

Books of the Newtyle and Glammiss and Newtyle and Coupar Angus Railway Companies to be Evidence.

XXXVIII. And be it enacted, That all Books and other Documents whatsoever by the said recited Acts relating to the *Newtyle and Glammis* Railway Company, or the *Newtyle and Coupar Angus* Railway Company respectively, authorized or directed to be kept, and thereby made Evidence, shall, after and notwithstanding the Repeal of the said respective Acts, be admitted as Evidence in all Courts of Law and Equity and elsewhere.

Rates to be taken on the Newtyle and Glammiss and Newtyle and Coupar Angus Railways.

XXXIX. And be it enacted, That from and after the Payment of the said Purchase Money, or the Balance or Surplus thereof (as the Case may be), and the Publication of Notice thereof as aforesaid, it shall be lawful for the Company hereby incorporated to demand, receive, and recover, for the Tonnage or for the Conveyance of all Persons, Animals, Articles, Matters, and Things which shall be conveyed upon or along the said *Newtyle and Glammis* and *Newtyle and Coupar Angus* Railways the Rates, Tolls, and Duties herein-after mentioned, being the Rates, Tolls, and Duties the Company hereby incorporated are authorized to demand, receive, and recover in respect of the Railway hereby authorized to be made.

Provision as to Road in the Parish of Redgorton.

XL. Provided always, and be it enacted, That as regards the Road numbered 29 on the said Plan, in the Parish of *Redgorton*, it shall be lawful for the Company to make the Rate of Inclination of such Road, when altered, One Foot in Nineteen, as shown on the said Plan.

Certain Roads may be crossed on the Surface.

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

In *East Church* Parish of *Perth*, the Roads numbered 23, 44, and 53:
In the Parish of *Kinclaven*, the Road numbered 4:
In the Parish of *Cargill*, the Roads numbered 13, 55, and 71:
In the Parish of *Coupar Angus*, the Roads numbered 93 and 136:
In the Parish of *Kettins*, the Roads numbered 16 and 23:
In the Parish of *Meigle*, the Roads numbered 6, 16, 30, 33, 47, and 77:
In the Parish of *Newtyle*, the Road numbered 14:
In the Parish of *Eassie* and *Nevay*, the Roads numbered 54, 65, and 82:
In the Parish of *Forfar*, the Roads numbered 68 *a* and 69.

XLII. And

XLII. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Thirty Acres. Lands for additional Stations, &c.

XLIII. 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 within which Lands are to be purchased.

XLIV. And be it enacted, That the Railway shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the recited 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. Period for Completion of Works.

XLV. And be it enacted, That 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,) Tolls:

1. In respect to the Tonnage of all Articles conveyed upon the Railway or any Part thereof, as follows: Tonnage on Articles of Merchandize.

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 belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Halfpenny:

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

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Stones, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Two-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Three Farthings:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Fish, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Three-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny:

And for every Carriage, of whatever Description, having more than Two Wheels, 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 not exceeding Sixpence.

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

Tolls for Passengers or Cattle.

2. In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows:

For every Person conveyed in or upon any such Carriage, *per* Mile not exceeding Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not not exceeding One Penny:

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 Three-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Penny:

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

Tolls for propelling Power.

XLVI. And be it enacted, That the Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway 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.

Regulations as to the Tolls.

XLVII. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles the Company may demand as for Six entire Miles:

For a Fraction of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandize for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles shall be deemed 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, 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, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

XLVIII. And

Tolls for small Parcels and great Weights.

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

For the Carriage of small Parcels (that is to say, Parcels not exceeding Five hundred Pounds Weight each,) 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:

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

Limiting Charges for Conveyance of Passengers.

XLIX. And be it enacted, That it shall not be lawful for the said Company to demand or receive any greater Sum in respect of the Carriage of Passengers conveyed on the Railway by this Act authorized than Two-pence *per* Passenger *per* Mile in respect of any Passenger travelling in a First Class Carriage, One Penny Halfpenny *per* Passenger *per* Mile in respect of any Passenger travelling in a Second Class Carriage, and One Penny and One Eighth of a Penny *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: Provided always, that in the Case of Trains travelling at a greater Rate of Speed than Twenty-five Miles *per* Hour, it shall be lawful for the Company to demand and receive in respect of Passengers travelling by such Trains in a First Class Carriage any Sum not exceeding Two-pence Three Farthings *per* Mile, and for Passengers travelling by such Trains in a Second Class Carriage any Sum not exceeding Two-pence *per* Mile, and if travelling in a Third Class Carriage by such Trains any Sum not exceeding One Penny Halfpenny *per* Mile, including in such Charges the Charges for the Use of Carriages and locomotive Power, and all the Charges incidental to such Conveyance, except when Passengers are sent by special Trains, in which Case the Company shall be entitled to charge any reasonable Sum in their Discretion beyond the Rates and Charges herein limited.

Limiting Charge for the Conveyance of Goods and Cattle.

L. And be it enacted, That it shall not be lawful for the said Company to charge in respect of the several Articles, Matters, and Things, and of the several Description of Animals, herein-after mentioned, conveyed on the Railway by this Act authorized, any greater Sum, including the Charges for the Use of Carriages, Waggons, or Trucks,

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

For 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 One Penny Halfpenny:

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

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

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Fish, Articles, Matters, and Things, *per* Ton *per* Mile Three-pence Halfpenny:

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 Seven-pence:

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

For every Ox, Cow, Bull, or Neat Cattle, *per* Mile Two-pence:

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

Provided always, that if any Passenger, Animals, or Goods be conveyed for a less Distance than Six Miles on the said Railway the said Company shall be entitled to demand and receive Tolls as for Six entire Miles.

Passengers Luggage.

LI. And be it enacted, That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First Class Passengers, Sixty Pounds in Weight for Second Class Passengers, and Forty Pounds in Weight for Third Class Passengers, without any Charge being made for the Carriage thereof.

Second and Third Class Carriages.

LII. And be it enacted, That Two Thirds in Number of the Company's regular Trains running each Day shall have Carriages attached for the Conveyance of Second and Third Class Passengers.

Provisions as to the Burgh Customs of Perth.

LIII. 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 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 respectively, to levy and collect the Customs and Imposts due to and legally exigible by them on Goods, Articles, Animals, and Things entering, leaving, and passing through the said Burgh by the Railway, and to account to the said Magistrates and Town Council respectively 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, or 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 lease the Railway.

LIV. And be it enacted, That it shall be lawful for the said Company, with the Approbation of Three Fifths at least of the Shareholders present, personally or by Proxy, in General Meeting specially convened for the Purpose, to grant a Lease of the said Railway to any other Railway Company with whose Railway the Undertaking by this Act authorized adjoins, and might in the Opinion of such Meeting be worked to the Advantage of the Public, and for such Term and for such Rent or Consideration as shall be agreed upon.

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

LV. 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;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

Provision for future general Railway Acts.

LVI. And be it further enacted, That nothing herein contained shall be deemed or construed to exempt the Railway 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.

LVII. And be it enacted, That all Costs, Charges, and Expences connected with the passing of this Act shall be paid by the Company hereby incorporated, or the Directors thereof, out of the first Monies that shall come to their Hands after the passing thereof.

Public Act.

LVIII. 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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