



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. cxlviii.

An Act for making a Railway from the *Scottish Midland Junction* Railway near *Stanley* to *Birnam* near *Dunkeld* in the County of *Perth*.

[10th July 1854.]

WHEREAS the making of a Railway from the *Scottish Midland Junction* Railway near *Stanley* to *Birnam* near *Dunkeld* in the County of *Perth* would be of great 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; (that is to say,)

I. "The Companies Clauses Consolidation (*Scotland*) Act, 1845," 8 & 9 Vict. cc. 17. 19. and 33. incorporated with this Act.

[*Local.*]

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II. In

The Perth and Dunkeld Railway Act, 1854.

Short Title. II. In citing this Act for any Purpose it shall be sufficient to use the Expression “*The Perth and Dunkeld Railway Act, 1854.*”

Subscribers incorporated.

III. The Most Noble *John* Marquess of *Breadalbane*, the Right Honourable *William David* Earl of *Mansfield*, the Right Honourable *Fox* Lord *Panmure*, *Ranald Stewart Menzies*, *Claud Scott Stewart*, *Patrick Wallace*, *David Ritchie*, *John Mc Gruthar*, and *Robert Greig*, 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 and are hereby 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 and Dunkeld 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 Eighty 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 Three thousand two hundred, and the Amount of each Share shall be Twenty-five Pounds.

Calls.

VI. Two Pounds Ten Shillings *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Two Months at the least shall be the Interval between successive Calls, and the aggregate Amount of Calls to be made on any Share in any One Year shall not exceed Fifteen Pounds in the whole.

Interest not to be paid on Calls paid up.

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 Dividend on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein contained shall 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

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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.

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

IX. It shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Twenty thousand Pounds Sterling, but no Part of such Sum shall be borrowed until the whole of the said Capital of Eighty 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 solely to the Purposes authorized by this Act.

Power to borrow Money on Mortgage.

X. It shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any Mortgages by the Appointment of a Judicial Factor ; and in order to authorize the Appointment of such Judicial Factor in the event of the Principal Moneys due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Judicial Factor shall be made shall not be less than Two thousand Pounds in the whole.

Arrears may be enforced by Appointment of a Judicial Factor.

XI. The First Ordinary Meeting of the Company shall be held within Two Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held twice in every Year in the Months of *March* and *September*, and all Ordinary Meetings shall be held in the City of *Perth*.

First and subsequent General Meetings.

XII. The Quorum of General Meetings of the Company shall be Ten Shareholders present, personally or by Proxy, holding in the aggregate not less than Four thousand Pounds in the Capital of the Company.

Quorum of General Meetings.

XIII. The Number of Directors shall be Eight, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Capital of the Company.

Number and Qualification of Directors.

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

Power to vary Number of Directors.

XV. *Archibald Butter, Ranald Stewart Menzies, John Stewart Menzies, Claud Scott Stewart, Patrick Wallace, David Ritchie, John McGruthar, and Robert Greig* shall be the First Directors of the Company.

First Directors.

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First Election of Directors.

XVI. 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.

XVII. At the First Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in the said Companies Clauses Consolidation (*Scotland*) Act contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead, in manner provided by the said last-mentioned Act.

Quorum of Directors.

XVIII. The Quorum of a Meeting of Directors shall be Three.

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

XIX. Whereas Plans and Sections of the Railway, showing the Line and Levels thereof, together with a Book of Reference to the said Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited in the Office at the City of *Perth* of the Principal Sheriff Clerk of the County of *Perth*: It shall be lawful for the Company, with the Powers of Deviation and other Powers and subject 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.

Line of Railway.

XX. The Railway shall commence by a Junction with the *Scottish Midland Junction* Railway near *Stanley* in the Parish of *Auchtergaven* and County of *Perth*, and terminate near *Birnam* Inn in the Parish of *Little Dunkeld* and County aforesaid.

As to connexion with the *Scottish Midland*

XXI. 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

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Time being of the *Scottish Midland Junction* Railway, and according to Plans to be approved of by such Engineer previously to the Commencement of the Works connected with such Junction.

Junction
Railway.

XXII. 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 *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, Turntables, 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.

Lands, &c. of
the *Scottish*
Midland
Junction
Railway
Company
not to be in-
terfered
with, except
by Consent.

XXIII. It shall be lawful for the Company to carry the Railway across the Surface of the Roads numbered on the said deposited Plans as follows; (that is to say,)

Certain
Roads may
be crossed on
the Surface.

In the Parish of *Kinclaven*, the Roads numbered 17 and 42:

In the Parish of *Little Dunkeld*, the Roads numbered 10 and 94:

Provided always, that if the Trustees of the Road numbered 17 in the Parish of *Kinclaven*, or of the Road numbered 10 in the Parish of *Little Dunkeld*, shall not consent in Writing to the Railway being carried across such Road on the Surface thereof, then such Road shall be carried over or under the Railway by a Bridge of the Dimensions prescribed by the "Railways Clauses Consolidation (*Scotland*) Act, 1845."

XXIV. For the Security of the Public, the Company shall erect and maintain either a Station or a Lodge at each of the Places where

Lodges or
Stations to
be made at

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level
Crossings.

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 maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such 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.

XXV. 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 other 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
extraordi-
nary Pur-
poses.

XXVI. The Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Ten Acres.

Power to
Parties
having
limited
Interests to
convey
Lands by
Feu Right.

XXVII. It shall be lawful for all Parties having a limited Right or Interest in any Lands required to be taken for the Purposes of this Act, or being under any Disability or Incapacity to sell or convey within the Meaning of Section Seven of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and being only entitled to sell or convey such Lands, or any Right or Interest therein, under the Powers by this Act and the said Consolidation Act granted, to sell and convey to the Company such Lands or any Part thereof, or any Right or Interest therein, in consideration of an Annual Feu Duty or Ground Annual payable by the Company to such Parties and their Successors in the Lands or in the Right or Interest therein so conveyed, and that in the Form prescribed by the said Consolidation Act with respect to Conveyances in Feu by Parties entitled absolutely to dispose of Lands.

Grassums
not to be
taken.

XXVIII. Provided always, That it shall not be lawful for the Company to pay, nor for any Party having a limited Interest in, or being under any Disability or Incapacity to sell or convey any Lands, or
any

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any Right or Interest therein, as aforesaid, to receive or take any Grassum, Fine, or Premium, or any Consideration in the Nature thereof, for the Lands or Rights or Interests to be so conveyed, other than the Annual Feu Duties or Ground Annuals made payable by such Conveyance; and the Amount of such Feu Duties or Ground Annuals shall, in case of Difference, be ascertained and settled by Valuers in the Manner prescribed by the said Consolidation Act with respect to the Valuation of Lands sold by Agreement by Parties under legal Disability or Incapacity to convey as aforesaid.

XXIX. All Feu Duties or Ground Annuals for any Lands, or any Right or Interest therein, required for the Purposes of the Railway, and made payable by any Conveyance under this Act and the said Consolidation Act, shall be a First Charge on the Tolls and Rates leviable under this Act and other Revenues of the Company, anything in this Act, or in any of the Consolidation Acts herewith incorporated, to the contrary notwithstanding; and if at any Time any such Feu Duties or Ground Annuals remain unpaid for Thirty Days after they respectively become payable, it shall be lawful for the Person entitled for the Time being to such Feu Duties or Ground Annuals to recover the same from the Company, with Interest and Costs, by Action in the Sheriff Court of the County of *Perth*, or summarily by Poining and Sale of the Goods and Effects of the Company, on Application by Petition to the said Sheriff; and it shall not be lawful for any such Person to resume Possession of the Lands, or Rights or Interests therein, so conveyed, or to proceed by any Action of Declarator or Reduction, or by Real Diligence or any other Process whatever, in respect thereto, or in respect to the said Feu Duties or Ground Annuals.

Provision for recovering Feu Duties.

XXX. 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 purchasing Lands limited.

XXXI. The Railway shall be completed within Four Years from the passing of this Act; and on the Expiration of such Period the Powers by this 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.

Period for Completion of Works.

XXXII. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, a Sum of Five thousand three hundred and twenty-five Pounds, being upwards of 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

Deposit Money not to be repaid until Line opened, or Half the Capital paid up and expended,

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except on
Execution of
Bond, &c.

Exchequer in *Scotland*, in respect to the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said last-mentioned Act, the said Sum of Five thousand three hundred and twenty-five 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 the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the said Company shall, previously to the Expiration of the Period limited by this Act for 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 at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Five thousand three hundred and twenty-five Pounds shall have been executed by the said Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Five thousand three hundred and twenty-five Pounds if the said Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the said Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or
Order

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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 Act to the contrary notwithstanding; and the Moneys 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.

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

First, in respect of the Tonnage of all Article, conveyed upon the Tonnage on
Articles of
Merchan-
dise. 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 Twopence; and if conveyed in Carriages provided by the Company, an additional Sum *per Ton 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 Twopence 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 Threepence; and if conveyed in Carriages provided by the Company, an additional Sum *per Ton per Mile* not exceeding One Penny Halfpenny :

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 Fourpence; and if conveyed in Carriages provided by the Company, an additional Sum *per Ton per Mile* not exceeding Twopence :

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and

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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:

Tolls for
Passengers
and Cattle.

Second, in respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows:

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 Three Halfpence *per* Mile.

Tolls for
propelling
Power.

XXXIV. 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.

Limiting
Charges for
the Convey-
ance of
Passengers.

XXXV. 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.

Passengers
Luggage.

XXXVI. 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.

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

Limiting
Charges for
the Convey-
ance of
Goods.

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* One Penny Halfpenny :

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 :

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 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* Twopence :

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

XXXVIII. 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.

Restrictions
as to Charges
not to apply
to Special
Trains.

XXXIX. Nothing herein contained shall prevent the Company from taking any increased Charge, over and above the Charges herein-before 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)

Company
may take
increased
Charges by
Agreement.

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Parcels) by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto.

Regulations
as to the
Tolls.

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

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

For a fractional Part of a Mile beyond Six Miles or beyond any greater Number of Miles the Company may demand Tolls in respect of Passengers as for One Mile, and in respect of Goods and other Articles and of Animals in proportion to the Number of Quarters of a Mile contained in such fractional Part of a Mile; and a Fraction of a Quarter of a Mile 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, except Stone or 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 Quantity.

Tolls for
small Parcels
and Articles
of great
Weight.

XLI. 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 not exceeding Fourteen Pounds in Weight, Sixpence:

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

For any Parcel not exceeding Fifty-six Pounds in Weight, Two Shillings:

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

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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.

XLII. Subject to the Provisions of the Railways Clauses Consolidation (*Scotland*) Act, 1845, it shall be lawful for the Company and the *Scottish Midland Junction* Railway Company to make, enter into, and complete any Contracts, Arrangements, and Agreements which may by them 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; and all such Contracts, Arrangements, and Agreements which may have been made or entered into prior to the passing of this Act shall, so far as consistent with the Provisions of this Act, be as valid and effectual as if made and entered into under the Powers of this Act: 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 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 always, that the said Board shall not approve such Agreement without being satisfied that the same has been duly assented to by the Shareholders of the several Companies Parties thereto, in Special Meeting assembled for that Purpose.

Providing for Agreements for working the Railway.

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

XLIII. At the Expiration of the said Agreement the said Companies, with the Consent in Special Meeting of the Shareholders of such Companies respectively, and subject to the Approval of the Board of Trade, may enter into a further Agreement for all or any of the Purposes

Agreement may be renewed, with the Approval of the Board of Trade.

[Local.]

27 A

poses

The Perth and Dunkeld Railway Act, 1854.

Public
Notice to be
given.

Agreement
inoperative
until
approved by
the Board of
Trade.

Working Ar-
rangements,
&c. not to
take effect
unless ap-
proved by
Three Fifths
of the Share-
holders.

Meeting how
to be con-
vened.

Company to
be subject to
Provisions of
1 & 2 Vict.
c. 98.,
3 & 4 Vict.
c. 97.,
5 & 6 Vict.
c. 55.,
7 & 8 Vict.
c. 85.,
9 & 10 Vict.
c. 57., and
14 & 15 Vict.
c. 64.

poses aforesaid; provided, that before such Companies shall enter into any such further 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 in what Manner any Company or Person aggrieved by such proposed Agreement, and desiring to object thereto, 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.

XLIV. 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 by a Majority of not less than Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at a Meeting of the Company specially convened for that Purpose.

XLV. Such Meeting 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 situate, 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 Company, to be served in the Manner prescribed by "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to Notices requiring to be served by the Company upon the Shareholders.

XLVI. Nothing in this Act contained shall be held to exempt the Company or the Railway hereby authorized to be made, from the Provisions of the following Public General Acts; *viz.*, First and Second *Victoria*, Chapter Ninety-eight, intituled *An Act to provide for the Conveyance of the Mails by Railways*; Third and Fourth *Victoria*, Chapter Ninety-seven, intituled *An Act for regulating Railways*; Fifth and Sixth *Victoria*, Chapter Fifty-five, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; Seventh and Eighth *Victoria*, Chapter Eighty-five, 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*; Ninth and Tenth *Victoria*, Chapter Fifty-seven,

The Perth and Dunkeld Railway Act, 1854.

seven, intituled *An Act for regulating the Gauge of Railways*; and Fourteenth and Fifteenth *Victoria*, Chapter Sixty-four, intituled *An Act to repeal the Act for constituting Commissioners of Railways*; but such Provisions shall be in force in respect to the Company and the said Railway so far as the same are thereto applicable.

XLVII. 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 this Act, or of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this 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. Railway not exempt from Provisions of future General Act.

XLVIII. 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 in so far as by this Act expressly provided and declared. Saving Rights of Scottish Midland Junction Railway Company.

XLIX. 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. Expenses of Act.

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