



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. cxxiv.

An Act for making a Railway from the *Dunfermline* Branch of the *Edinburgh, Perth, and Dundee* Railway to *Kinross*, with a Branch to *Kingseat*; and for other Purposes. [10th August 1857.]

WHEREAS the making of a Railway from the *Dunfermline* Branch of the *Edinburgh, Perth, and Dundee* Railway to *Kinross* in the County of *Kinross*, as also a Branch Railway diverging from or out of the said last-mentioned Railway, and terminating at or near to *Kingseat* in the County of *Fife*, 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 the Railway will form a Branch to the Railway belonging to the *Edinburgh, Perth, and Dundee* Railway Company, and its Construction is of great Importance to that Company: And whereas the Subscribers to the Railway are chiefly Shareholders or otherwise interested in the *Edinburgh, Perth, and Dundee* Railway Company: And whereas the Railway can be most beneficially and economically worked in connexion with the Railway of the *Edinburgh, Perth, and Dundee* Railway Company, and it is expedient and would be of Advantage to

[*Local.*]

20 P

the

The Kinross-shire Railway Act, 1857.

the Public that the Company and the *Edinburgh, Perth, and Dundee* Railway Company should be authorized to enter into Working Agreements; 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 Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

8 & 9 Vict.
cc.17., 19., &
33. incor-
porated.

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

"The Rail-
way."

II. The Expression "the Railway" shall include the Main Line and Branch by this Act authorized to be made, unless there be something in the Subject or Context repugnant to such Construction.

Short Title.

III. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Kinross-shire* Railway Act, 1857."

Subscribers
incorporated.

IV. *William Dunlop, James Taylor, Sir William Dunbar* Baronet, *William Ross, Robert Marshall,* and Captain *William Ramsay,* 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 *Kinross-shire* 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.

V. The Capital of the Company shall be Fifty-three thousand Pounds, which shall be applicable only to the Purposes authorized by this Act.

Number and
Amount of
Shares.

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

Calls.

VII. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and

Two

The Kinross-shire Railway Act, 1857.

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 Eight Pounds in the whole.

VIII. 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.

Interest not to be paid on Calls paid up.

IX. 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 to 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.

X. It shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Seventeen thousand six hundred and sixty-six Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital of Fifty-three 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 on Mortgage.

XI. 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.

XII. 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

First and subsequent General Meetings.

The Kinross-shire Railway Act, 1857.

every Year, in the Months of *February* or *March* and *August* or *September*; and all Meetings, whether ordinary or extraordinary, shall be held in the City of *Edinburgh*.

Quorum of
General
Meetings.

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

Scale of
voting.

XIV. At all General Meetings of the Company the Scale according to which the Shareholders may vote in respect of their Shares shall be as follows; (that is to say,)

For Two Shares or more, but not exceeding Ten Shares, One Vote:

For more than Ten Shares, an additional Vote for every Ten Shares to the Extent of One hundred Shares:

For more than One hundred Shares, an additional Vote for every Twenty Shares over and above the said One hundred Shares.

First Di-
rectors.

XV. *William Dunlop, James Taylor, Sir William Dunbar* Baronet, *William Ross, Robert Marshall,* and *Captain William Ramsay* shall be the First Directors of the Company.

First Elec-
tion of
Directors.

XVI. The Directors hereby appointed shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act; and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

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, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the said "Companies Clauses Consolidation (*Scotland*) Act, 1845."

XVIII. The

The Kinross-shire Railway Act, 1857.

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

Qualification of Directors appointed by the Shareholders.

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

Quorum of Directors.

XX. Whereas Plans and Sections of the Railway showing the Lines and Levels thereof, together with a Book of Reference to the said Plans containing the Names of the Owners 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 Offices of the Principal Sheriff Clerk of the County of *Fife*, in *Cupar* and in *Dunfermline*, and in the Office of the Principal Sheriff Clerk of the County of *Kinross*, in *Kinross*: 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 here with, 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.

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

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

Line of Railway.

A Railway commencing by a Junction with the *Dunfermline* Branch of the *Edinburgh, Perth, and Dundee* Railway, at or near the Bridge over the said *Dunfermline* Branch Railway on the Lands of *South Lumphinans* in the Parish of *Ballingry* and County of *Fife*, and terminating near to the Town of *Kinross*, at or near the North-west Boundary of a Field or Inclosure of the Farm of *Cavelston*, commonly called the *Loch End* or *Bridge End Park*, situated at or near the Southern Extremity of the Town of *Kinross*, and upon the East Side of the *Great North Road* in the Parish of *Kinross* and County of *Kinross*:

A Branch Railway diverging from or out of the said intended Railway at a Point at or near the East Boundary Fence of a Field or Inclosure of the Farm of *Lumphinans*, commonly called the *East Brunt Park*, adjoining the *Orr Water* or *Loch Fitty Burn* in the Parish of *Ballingry* and County of *Fife*, and terminating at a Point at or near the Middle of the Field or Inclosure of the Farm of *Kingseat*, commonly called the *West Loch Park*, adjoining to *Loch Fitty* in the Parish of *Dunfermline* and County of *Fife*:

Which said Railway and Works will pass from, through, or into the several Parishes following, or some of them; (that is to say,)

[*Local.*]

20 Q

Ballingry,

The Kinross-shire Railway Act, 1857.

Ballingry, Beath, Cleish, Portmoak, Kinross, Dunfermline, including in the said Parish of *Dunfermline* the *quoad sacra* Districts or Divisions of *North Church* or *Golfdrum*, and of *Saint Andrews*, all lying in the Counties of *Fife* and *Kinross*.

As to Connexion with the *Edinburgh, Perth, and Dundee* Railway.

XXII. The Railway shall join the *Edinburgh, Perth, and Dundee* Railway at the Points where, according to the Plan deposited as in this Act mentioned, such Railway appears to join therewith, and such Junction shall be made and completed at the Sight and to the Satisfaction of the Engineer for the Time being of the *Edinburgh, Perth, and Dundee* Railway, and according to Plans to be approved of by such Engineer previously to the Commencement of the Works connected with such Junction.

Lands and Works of the *Edinburgh, Perth, and Dundee* Railway Company not to be interfered with, except by Consent.

XXIII. Nothing herein contained shall be held to authorize the Company to enter upon, purchase, or take any Lands belonging to the *Edinburgh, Perth, and Dundee* Railway Company without the previous Consent of such Company first had and obtained, nor to alter or vary the Line or Levels of the *Edinburgh, Perth, and Dundee* 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, unless otherwise agreed upon betwixt the Companies, of maintaining, watching, and working the same, and of the necessary Works for preventing Danger, Inconvenience, or Interruption to the Traffic on the *Edinburgh, Perth, and Dundee* Railway, and shall also, at their own sole Costs and Charges, construct, and, unless otherwise agreed upon as aforesaid, 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 *Edinburgh, Perth, and Dundee* Railway: Provided always, that if any Difference shall arise between the Company and the *Edinburgh, Perth, and Dundee* 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 *Edinburgh, Perth, and Dundee* Railway Company.

As to Junction with the *West of Fife Mineral* Railway.

XXIV. The Railway shall join the *West of Fife Mineral* Railway when made and completed, such last-mentioned Railway being authorized to terminate at a Point at the intended Terminus of the Branch Railway to *Kingseat* hereby authorized, and such Junction shall be made

The Kinross-shire Railway Act, 1857.

made and completed at the Sight and to the Satisfaction of the Engineers for the Time being of the Railway and the *West of Fife Mineral* Railway, and according to Plans to be approved of by them; or in case of Difference as to the Manner of making such Junction, the same shall be referred to the Decision of the Board of Trade: Provided always, that nothing herein contained shall be held to authorize the Company, under the Powers of Deviation or otherwise, to carry the Branch Railway to *Kingseat* hereby authorized beyond the Terminus thereof shown on the said deposited Plans.

XXV. And whereas it is expedient, and will be for the mutual Advantage of the *Kinross-shire* Railway Company and the *Fife and Kinross* Railway Company, that a Junction should be formed between the Railway to be constructed under the Authority of this Act and the Extension Line of the *Fife and Kinross* Railway Company to be constructed under the Authority of an Act passed in the present Session of Parliament, and that a joint Station should be constructed at or near *Kinross*: Be it enacted, That the said Companies shall and they are hereby required to promote a Bill in the next Session of Parliament, at their mutual Expense, for the Formation of a Junction between the said Railways, and the Construction of a joint Station at or near *Kinross*; and such Junction and Station shall be made and completed, and the Levels of the *Fife and Kinross* Extension Railway and of the *Kinross-shire* Railway shall be adapted to such Junction, at the Sight and to the Satisfaction of the Engineers for the Time being of the *Fife and Kinross* and *Kinross-shire* Railway Companies; and in case of their differing in Opinion, at the Sight and to the Satisfaction of an Engineer to be named by the Board of Trade, on the Application of either of the said Companies, and according to the Plans to be approved of by such Engineers or Engineer previously to the Commencement of the Works connected with such Junction and Station: Provided, that in the event of either of the said Companies refusing to concur in the said Application to Parliament, it shall be lawful for the other Company, after Requisition in Writing, to proceed with such Application in their own Name.

XXVI. The said Station and all Works connected therewith shall be under the joint Management of the Directors of the said Companies, or of a joint Committee consisting of equal Numbers of the said Directors to be nominated by the respective Boards, and the whole Expense of maintaining, managing, and working the said Station shall be equally divided between the said Companies; and in the event of any Difference of Opinion arising as to the Maintenance or Management of the said Station, or any other Question relating to the Use and Working of the said Station, or the Expense thereof,

Junction
with the Fife
and Kinross
Railway.

Station and
Works to be
under joint
Committee.

The Kinross-shire Railway Act, 1857.

thereof, the same shall be referred to and settled by an Arbitrator to be named by the Board of Trade on the Application of either of the said Companies.

Certain
Roads may
be crossed
on the
Surface.

XXVII. It shall be lawful for the Company to carry the Railway, with not more than Two Lines of Rails, across the Surface of the Roads numbered on the said deposited Plans, as follows; (that is to say,)

In the Parish of *Cleish*, the Road numbered 35:

In the Parish of *Beath*, the Roads numbered 21 and 36.

Lodges or
Stations to
be made at
level Cross-
ings.

XXVIII. For the greater Convenience and Security of the Public the Company shall erect and maintain either a Station or a Lodge at each of the Places where the Railway shall cross the before-mentioned Roads on the Level; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times to maintain any such Station or Lodge, or to appoint a proper Person to watch 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.

XXIX. 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 ex-
traordinary
Purposes.

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

Conveyance
of Lands by
Feu Right.

XXXI. 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

The Kinross-shire Railway Act, 1857.

Consolidation (*Scotland*) Act, 1845," and being only entitled to sell or convey such Lands 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 in consideration of an annual Feu Duty or Ground Annual payable by the Company to such Parties and their Successors in the Lands 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.

XXXII. 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 Disability or Incapacity to sell or convey any Lands as aforesaid to receive or take, any Grassum, Fine, or Premium, or any Consideration in the Nature thereof, for the Lands 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.

Grassums
not to be
taken.

XXXIII. All Feu Duties or Ground Annuals, or any Lands 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 Payment of such Feu Duties or Ground Annuals to recover the same from the Company, with Interest and Costs, by Action in the Sheriff Courts of the Counties of *Fife* or *Kinross*, in whichever of these Counties the said Lands and others may be situated, or summarily by Pounding and Sale of the Goods and Effects of the Company on Application by Petition to the Sheriff of the said County; and it shall not be lawful for any such Party to resume Possession of the Lands 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 recover-
ing Feu
Duties.

XXXIV. In the event of the Company agreeing with any Persons for the Purchase of Land for the Purposes of the Railway in consideration of an annual Feu Duty or Ground Annual under the Powers of

If Lands
purchased
by way of
Feu, borrow-

[*Local.*]

20 R

this

The Kinross-shire Railway Act, 1857.

ing Power
to be re-
duced.

this Act, the Capital of the Company to be raised by Mortgage or Bond shall be diminished by an Amount equal to Twenty Years Purchase of the said Feu Duty or Ground Annual.

Powers for
compulsory
Purchases
limited.

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

Period for
Completion
of Works.

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

Deposit
Money not
to be repaid
until Line
opened or
Half the
Capital paid
up and ex-
pended,
except on
Execution of
Bond, &c.

XXXVII. 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 Three thousand seven hundred and fifty Pounds, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited in Bank in the Name and with the Privity of the Queen's Remembrancer of the Court of Exchequer in *Scotland* in respect of the Application to Parliament for this Act: Notwithstanding anything contained in the said last-mentioned Act, the said Sum of Three thousand seven hundred and fifty 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, 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 as aforesaid 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 Kinross-shire Railway Act, 1857.

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 Three thousand seven hundred and fifty 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 Three thousand seven hundred and fifty 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 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 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.

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

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

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 by 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,

The Kinross shire Railway Act, 1857.

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

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* 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 Cottons 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 not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per Mile* not exceeding Sixpence; and a Sum of Twopence *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 provided by the Company, an additional Sum *per Mile* not exceeding Sixpence:

Tolls for
Passengers
and Cattle.

Second. In respect of Passengers and Animals conveyed in Carriages upon the Railway or any Part thereof, 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 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 Twopence:

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

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 belonging to the Company, an additional Sum not exceeding One Penny.

XXXIX. The

The Kinross-shire Railway Act, 1857.

XXXIX. The Toll which the Company may demand for the Use of Engines for propelling Waggon and other 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.

Charge for
propelling
Power.

XL. 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, unless in the Case of Passengers travelling by Special Trains.

Limiting
Charges for
Conveyance
of Passen-
gers.

XLI. 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
Conveyance
of Goods and
Minerals.

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

For Coals and all other Articles, Matters, and Things herein-before classed therewith, *per* Ton *per* Mile Twopence :

For Sugar and all other Articles, Matters, and Things herein-before classed therewith, *per* Ton *per* Mile Threepence :

For Cotton and all other Articles, Matters, and Things herein-before classed therewith, *per* Ton *per* Mile Fourpence :

And for every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile Sixpence; and for every additional Quarter of a Ton which any such Carriage may weigh, One Penny Halfpenny :

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.

The Kinross-shire Railway Act, 1857.

Regulations
as to Tolls.

XLII. 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, Animals, or Persons conveyed on the Railway for a less Distance than Three Miles, the Company may demand Tolls as for Three entire Miles :

For a Fraction of a Mile beyond Three Miles, or beyond any greater Number of Miles, the Company may demand Tolls and Charges in respect of Articles and Animals 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 the Company may demand Tolls and Charges as for One 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 on in proportion for any smaller Quantity.

Tolls for
small Parcels
and single
Articles
of great
Weight.

XLIII. With respect to small Packages and single Articles of great Weight the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels not exceeding Seven Pounds in Weight, Fourpence :

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

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

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

For Parcels exceeding Fifty-six Pounds and 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 Terms 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 Kinross-shire Railway Act, 1857.

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 One Shilling *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.

XLIV. The Restrictions herein-before contained as to the Charges to be made for Passengers, Animals, Goods, Minerals, or other Articles shall extend only to Express and Ordinary Trains, and not to any Special Train, nor prevent the Company from taking increased Charges for the Conveyance of such Animals, Goods, Minerals, or Articles by Agreement with the Owners or Persons in charge thereof, either in respect of the Conveyance of such Goods (except small Parcels) by Passenger Trains, or by reason of any other special Service performed by the Company in relation to such Animals, Goods, Minerals, and Articles.

Restrictions
as to Charges
not to apply
to Special
Trains, &c.

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

Passengers
Luggage.

XLVI. The Company and the *Edinburgh, Perth, and Dundee* Railway Company may from Time to Time enter into Agreements with respect to the following Purposes, or any of them ; (that is to say,)

Providing
for Agree-
ments for
working the
Railway.

The Use and Working by the *Edinburgh, Perth, and Dundee* Railway Company of all or any Part of the Railway of the Company, and the Use of the Works and Conveniences belonging thereto :

The Conveyance by the *Edinburgh, Perth, and Dundee* Railway Company of the whole or any Part of the Traffic upon the Railway :

The Division and Apportionment of the Tolls, Charges, or Revenues accruing on the Railway from such Traffic or otherwise between the said Companies :

The Supply of any Rolling or Working Stock required for such Purposes :

The Use by the *Edinburgh, Perth, and Dundee* Railway Company of the Rolling or Working Stock belonging to the Company, or any Part thereof :

The

The Kinross-shire Railway Act, 1857.

The Management, Maintenance, and Repair of the Railway :
The Costs and Expenses of such Working, Management, Maintenance, and Repairs :

The Forwarding, Interchange, and Transmission upon or over the respective Railways of the said Companies of any Passenger or other Traffic which may be conveyed upon and from the Railway to and along the *Edinburgh, Perth, and Dundee* Railway, or any Part thereof, or which may be conveyed upon and from the *Edinburgh, Perth, and Dundee* Railway to and along the Railway, or any Part thereof :

The Collection, Delivery, and general Conduct of such Traffic :
The fixing of the Tolls, Rates, and Charges to be levied or taken by the said Companies in respect of the Traffic conveyed over their Railways, or any Part thereof respectively, not exceeding the maximum Tolls, Rates, and Charges authorized by the Acts of Parliament relating to such Railways respectively :

The Collection, taking, and levying of the said Tolls, Rates, and Charges :

The Division between the said Companies of the Receipts arising from the Traffic upon their respective Railways, or any Part thereof respectively, subject to any Deductions to be made therefrom, or any Rent or other Consideration to be paid by either of the said Companies to the other of them by virtue of the said Agreements.

Agreement
not to affect
Tolls charge-
able to other
Persons or
Companies.

XLVII. Any such Agreement shall be and continue for such a Term or Period not exceeding Twenty-five Years as shall be mutually agreed upon ; but 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 Railways to which the said Agreement may relate, 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 in manner herein-after mentioned ; and provided farther, that it shall be lawful for the Board of Trade, if they think fit, on the Expiration of every Ten Years from the Commencement of any such Agreement, to revise the

The Kinross-shire Railway Act, 1857.

the same, and such Revision shall be binding on the Companies during the Term of the Agreement.

XLVIII. The said Companies may by any such Agreement appoint a joint Committee composed of such Number of Directors of each of the said Companies as they may think proper, and from Time to Time may alter, vary, and renew any such Committee as Occasion may require, and may regulate the Proceedings of such Committee, and delegate to such Committee all such Powers of the said Companies respectively as may be necessary or expedient for carrying into effect such Agreement; and every such Committee may exercise the Powers so delegated to them in like Manner as the same might have been exercised by the said Companies respectively or their respective Directors.

Appointment of joint Committee for carrying Agreement into effect.

XLIX. 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 a Period not exceeding Ten Years for all or any of the Purposes 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 circulated in each County in which any Part of the Railways 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.

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

Public Notice to be given of the Intention to enter into Agreements.

Agreement inoperative until approved by the Board of Trade.

L. Such Meetings shall be called by Advertisements inserted once in each of Two successive Weeks in a Newspaper published in *Edinburgh*, and in some Newspaper of the County in which the principal Office of each of the said Companies is situate, the last of which Advertisements shall be published not less than Seven Days before such respective Meetings, and also by a Circular addressed to each Shareholder entitled to vote at Meetings of the respective Companies, 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.

Meetings, how to be convened.

LI. None of the said Powers and Provisions with respect to the Use, working, and managing of the Railway by the *Edinburgh, Perth,*
 [Local.] 20 T and Working Arrangements, &c. not to take effect

The Kinross-shire Railway Act, 1857.

unless approved by Three Fifths of the Shareholders.

and *Dundee* 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 Meetings of the Company and of the *Edinburgh, Perth, and Dundee* Railway Company specially convened for that Purpose.

Short Distances to be measured continuously if Two Railways worked together,

LII. In case the Railways shall be worked under any such Agreement, then during the Continuance of such Agreement the Railways shall, for the Purpose of computing the Tolls and Charges for a Distance less than Six Miles traversed partly upon both Railways, be deemed to be One continuous Railway, and in that Case the Tolls and Charges for Articles or Persons so conveyed on the said Railways shall be leviable as for Six Miles.

Subscription Contract to be valid.

LIII. The Subscription Contract which, pursuant to the Standing Orders of Parliament, was entered into with respect to the Undertaking authorized by this Act previously to the Commencement of the last Session of Parliament, shall be as valid and shall be construed as if this Act had been passed in the said last Session.

Saving Rights of the Crown.

LIV. Nothing contained in this Act or in any of the Acts hereinbefore referred to shall authorize the said Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), or to take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs and Successors.

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

LV. 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, or of the Rates and Charges for small Parcels, authorized by this Act.

LVI. Nothing

The Kinross-shire Railway Act, 1857.

LVI. 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 *Edinburgh, Perth, and Dundee* 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
the Edin-
burgh, Perth,
and Dundee
Railway
Company.

LVII. 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.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1857.