



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. ccxcii.

An Act for enabling the *Scottish Central Railway Company* to extend their Stations at *Perth* and *Dundee*, and to execute certain other Works in the Counties of *Perth*, *Forfar*, and *Stirling*; and for other Purposes. [29th July 1864.]

WHEREAS by "The *Scottish Central Railway Consolidation Act, 1859*," the *Scottish Central Railway Company*, herein-after called "the Company," were incorporated, and by "The *Scottish Central Railway (Dundee, Perth, and Aberdeen Railway Purchase) Act, 1863*," the Company acquired the Undertaking of the *Dundee and Perth and Aberdeen Railway Junction Company*, and the Interest of that Company in the *Dundee and Newtyle Railway*: And whereas it is expedient that the Company should be enabled to extend their Stations at *Perth* and *Dundee*, and for that Purpose to acquire additional Lands there, to divert the Street in *Dundee* called *Yeaman Shore*, and to stop up and appropriate Part of that Street, and of certain Lanes or Passages leading into the same: And whereas it would be of public Advantage if the level Crossings of the *Scottish Central Railway* by the *Stirling and Crieff Turnpike Road*, the *Dunblane and Doune Turnpike Road*, and the *Dunblane and Anchorscross*

22 & 23 Vict. c. lxxxiii.

26 & 27 Vict. c. ccxxiii.

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Anchorscross public Carriageroad, at *Dunblane*, and by an Occupation Road at *Easter Greenyards*, were removed, and if the Company were authorized to make and deliver to the Owners or Trustees in charge of such Roads certain new Roads, and to stop up and appropriate the Portions of the existing Roads thereby rendered unnecessary: And whereas it is expedient that the Company should be enabled to extend a Siding in connexion with the *Dunblane, Doune, and Callander* Railway at *Dunblane*: And whereas it is also expedient that the Company should be authorized to acquire additional Lands for extraordinary Purposes by Agreement, that the Period limited for their Disposal of superfluous Lands should be extended, that some of the Powers and Provisions of the Acts relating to their Undertaking should be amended, and that they should be authorized to raise additional Capital for the Purposes of the several Works herein-before mentioned, and for the general Purposes of their Undertaking; 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,)

Short Title.

1. This Act may be cited for all Purposes as "The *Scottish Central Railway (Stations, &c.) Act, 1864.*"

"The Works."

2. In this Act the Expression "the Works" shall mean and include the several Works by this Act specially authorized.

8 & 9 Vict.
cc. 19. & 33.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
c. 92. incor-
porated.

3. Subject to the Provisions of this Act, "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation (*Scotland*) Act, 1845," and Part First of "The Railways Clauses Act, 1863," are incorporated with this Act; and in construing the Provisions of the Two last-mentioned Acts as incorporated with this Act the Word "Railway" shall include the several Works authorized by this Act, unless there be something in the Subject or Context repugnant to such Construction.

Parts of
8 & 9 Vict.
c. 17. incor-
porated.

4. Subject to the Provisions of this Act, the Sections of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Distribution of the Capital of the Company into Shares, with respect to the Transfer or Transmission of Shares, with respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls, with respect to the Forfeiture of Shares for Non-payment of Calls, with respect to the Remedies of Creditors of the Company against the Shareholders, with respect to the borrowing of Money by the Company on Mortgage or Bond, with respect to the Conversion

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Conversion of the borrowed Money into Capital, with respect to the Consolidation of the Shares into Stock, with respect to the General Meetings of the Company and the Exercise of the Right of voting by the Shareholders, and with respect to the Provision to be made for affording Access to the Special Act by all Parties interested, are incorporated with this Act: Provided that each Holder of the new Shares or Stock by this Act authorized to be issued shall be entitled to the same Number of Votes, proportionate to the Amount paid up in respect thereof, which he would have been entitled to if such Amount had been paid up in respect of the Capital authorized by "The *Scottish Central Railway Consolidation Act, 1859.*"

5. Subject to the Provisions of this Act, Parts First and Second of "The Companies Clauses Act, 1863," relating to the Cancellation and Surrender of Shares and to additional Capital, are incorporated with this Act: Provided that the Holders of any Preference Shares or Preference Stock in the Company issued in pursuance of this Act shall be entitled to the preferential Dividend or Interest assigned thereto only out of the Profits of each Half Year in priority to the ordinary Shares and ordinary Stock of the Company, and that if in any Half Year ending on the Thirty-first Day of *January* or the Thirty-first Day of *July* there are not Profits available for the Payment of the full Amount of such preferential Dividend or Interest for that Half Year, no Part of the Deficiency shall be made good out of the Profits of any subsequent Half Year, or out of any other Funds of the Company; provided also, that if any new ordinary Shares or new ordinary Stock, or any new Preference Shares or new Preference Stock, in the Company shall be apportioned among and offered at Par to the then Holders of Shares or Stock, such new Shares or new Stock shall be so apportioned among and offered to the then Holders of Preference Shares and Preference Stock, as well as of ordinary Shares and ordinary Stock, in proportion to the Amount of Preference and ordinary Shares and Stock held by them respectively.

Parts of
26 & 27 Vict.
c. 118. in-
corporated.

6. It shall be lawful for the Company from Time to Time to raise by the Issue of new ordinary Shares or new ordinary Stock or of new Preference Shares or new Preference Stock, or at their Option by any One or more of these Modes, any Sums not exceeding in the whole the Sum of Ninety thousand Pounds for the Purposes of the Works and Extension of Stations by this Act authorized, and for the general Purposes of their Undertaking, in addition to the Capital which they are now or may, by any Act or Acts to be passed during the present Session of Parliament, be authorized to raise: Provided always, that no such Share and no Portion of such Stock shall be issued by the Company, or shall vest in the Person accepting the same, until not less than *Twenty per Centum* on the nominal Amount

Power to
raise addi-
tional Capital
by new
Shares or
Stock.

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Amount of such Share or Portion of Stock shall have been paid up thereon.

Rights of Holders of new Shares or Stock.

7. Such new Shares or new Stock when issued shall form Part of the general Capital of the Company, and, unless the Company before the Issue thereof otherwise determines, shall confer and impose on the Holders hereof all the Rights and Privileges, Liabilities and Obligations, which a corresponding Amount of the existing Stock of the Company confers and imposes on the Holders thereof.

Power to raise additional Money on Mortgage or by Debenture Stock.

8. It shall be lawful for the Company from Time to Time to borrow on Mortgage of their Undertaking, and if paid off again to borrow, or in lieu of borrowing or continuing on Mortgage to issue Debenture Stock for any Sums not exceeding in the whole the Sum of Thirty thousand Pounds, in addition to the Amount which they are now or may, by any Act or Acts to be passed during the present Session of Parliament, be authorized to borrow or to raise by the Issue of Debenture Stock, but no Part of the said Sum shall be borrowed or be raised by the Issue of Debenture Stock until the whole of the additional Share Capital of Ninety thousand Pounds by this Act authorized shall have been issued and taken up, and One Half thereof shall have been paid up, and the Company shall have proved to the Sheriff who is to certify under the Provisions contained in the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," that, before he so certifies, the whole of such additional Capital has been issued and taken up *bonâ fide*, and that not less than Twenty *per Centum* had been paid up on each Share and on each Portion of Stock so issued at the Time of the Issue and Acceptance thereof, and that the whole of the said Shares or Stock are held by the Persons to whom the same were issued, or their Executors, Administrators, or Assignees, and for which such Persons, or their Executors, Administrators, or Assignees, are legally liable.

Mortgages, Bonds, and Debenture Stock under prior Acts not to be affected.

9. The Mortgages, Bonds, and Debenture Stock which have been or may hereafter be granted or issued by the Company, or due or subsisting under the Authority of the Acts relating to their Undertaking passed in the last or any previous Session of Parliament, shall have Priority over any Mortgage to be granted or Debenture Stock to be issued by the Company under the Authority of this Act.

Rights of Mortgagees and Debenture Holders.

10. Subject to the Provisions of this Act, the Mortgages granted and the Debenture Stock issued under the Authority of this Act shall confer on the Holders thereof respectively the same Rights and Privileges, and entitle them to the same Remedies, as are conferred by "The *Scottish Central Railway Consolidation Act, 1859*," on the respective

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respective Holders of Mortgages granted and of Debenture Stock issued under the Authority of that Act.

11. The whole Sums by this Act authorized to be raised by the Issue of new Shares or new Stock, or by borrowing, or by the Issue of Debenture Stock, shall be applied to the Purposes sanctioned by this Act, and to no other Purpose whatsoever.

Application
of Money.

12. Whereas Plans describing the Lines of the Works, and the Lands intended to be taken for the Purposes thereof, and for the proposed Extension of the Stations at *Perth* and *Dundee*, and Sections showing the Levels of the Works, with a Book of Reference to the said Plans, have been deposited in the Offices of the Principal Sheriff Clerk of the County of *Perth* at *Perth* and *Dunblane* respectively, and in the Office of the Principal Sheriff Clerk of the County of *Forfar* at *Dundee*, and in the Office of the Principal Sheriff Clerk of the County of *Stirling* at *Stirling*: It shall be lawful for the Company, subject to the Provisions and with the Power of Deviation and other Powers contained in this Act and the Acts incorporated herewith, to extend the said Stations within the Lines described on the said Plans, and to make and maintain the Works in the Lines and on the Levels described on the said Plans and Sections, and all proper Conveniences in connexion therewith, and for the Purposes of such Extension, Works, and Conveniences, to enter upon, take, and use the Lands delineated on the said Plans, and described in the said Book of Reference, or such of them or such Portions thereof as they may deem necessary.

Power to
make Works
according to
deposited
Plans.

13. The Works shall consist of:

First, a Diversion of the Street in *Dundee* called *Yeaman Shore* by making a new Street, herein-after called Road No. 1., to the Northward thereof, between the Southern End of *Sea Wynd* and the House in *Yeaman Shore* known as the *Trinity House*:

Description
of Works.

Second, a new Road, herein-after called Road No. 2., diverging out of the *Stirling and Crieff* Turnpike Road on the East of and near its Crossing of the *Scottish Central Railway* on the Level at *Dunblane*, passing over the said Railway by a Bridge about Six Chains Southward from the said Crossing, and terminating by a Junction with the said Turnpike Road on the West of the said Railway, and about Twelve Chains from the said Crossing:

Third, a new Road, herein-after called Road No. 3., diverging out of the *Dunblane and Doune* Turnpike Road near *Rose Cottage* at *Dunblane*, and terminating by a Junction with Road No. 2. near the Bridge for carrying the same over the *Scottish Central Railway*:

[Local.]

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Fourth,

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Fourth, a new Road, herein-after called Road No. 4., diverging out of the Road No. 3. about a Chain and a Half Southward from its crossing of the *Dunblane and Anchorscross* Road, and terminating close to such Crossing on the East thereof, and the raising of the said *Dunblane and Anchorscross* Road so as more conveniently to connect it on the West of such Crossing with Road No. 3. :

Fifth, a new Road, herein-after called Road No. 5., diverging out of an Occupation Road which crosses the *Scottish Central* Railway on the Level near *Easter Greenyards* on the North of and near the said Crossing, and terminating by a Junction with the Road from *Bannockburn* to the *Stirling and Kersie* Turnpike Road about One hundred Yards Eastward from the Junction therewith of the present Line of the said Occupation Road :

Sixth, an Extension Southward of the Siding formed on the West of the *Scottish Central* Railway at *Dunblane*, in connexion with the *Dunblane, Doune, and Callander* Railway, to near the crossing of the *Scottish Central* Railway by the *Dunblane and Doune* Turnpike Road, and by the *Dunblane and Anchorscross* Road :

All within the Parishes of *East Church* of *Perth* and *Dunblane* in the County of *Perth*, *Dundee* in the County of *Forfar*, and *St. Ninians* in the County of *Stirling*.

Confirming Agreement with the Corporation and Commissioners of Police of Perth.

14. And whereas in making the Extension of the Station at *Perth* by this Act authorized it is intended by the Company to take certain Lands belonging to the Corporation of that City, and wholly or partly occupied by the Commissioners of Police of *Perth* as a Manure Depôt for the said City, and an Agreement in reference thereto has been entered into between the Company and the said Corporation and Commissioners of Police, dated the Twenty-first Day of *April* One thousand eight hundred and sixty-four, whereof a Copy is contained in the Schedule to this Act, and it is expedient that the same should be sanctioned by Parliament: Therefore the said Agreement is hereby sanctioned and confirmed.

Powers for compulsory Purchases limited.

15. The compulsory Powers of taking Lands conferred by this Act shall not be exercised after the Expiration of Three Years from the Date of the passing thereof.

Lands for extraordinary Purposes.

16. The Company may purchase by Agreement for the extraordinary Purposes specified in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," and may hold any Quantity of Land not exceeding Five Acres, in addition to the Lands already acquired or held in connexion with their Undertaking or the Undertaking of the
Dundee

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Dundee and Newtyle Railway Company, and to the Lands which may be taken compulsorily under the Powers of this Act.

17. The Period within which the Company shall sell and dispose of superfluous Lands held by them in connexion with their Undertaking or the Undertaking of the *Dundee and Newtyle* Railway Company shall be Seven Years after the passing of this Act. Period for disposing of superfluous Lands.

18. The Works shall be completed within Three Years from the passing of this Act, and if or in so far as not then completed the Powers by this Act granted with reference thereto shall cease. Period for completing Works.

19. In constructing the new Street and Roads by this Act authorized it shall be lawful for the Company to make lateral Deviations from the Lines thereof as shown on the Plans deposited as hereinbefore mentioned to such Extent as they think fit, provided such Deviations do not extend beyond the Limits of lateral Deviation marked on the said Plans, and to make vertical Deviations from the Levels of the said Street and Roads, as shown on the Sections deposited as hereinbefore mentioned, to any Extent not exceeding Five Feet. Powers of Deviation.

20. The Company may make the Portion of Road No. 3. which is situated between Road No. 2. and the present Line of the *Stirling* and *Crieff* Turnpike Road with any Inclination which they think fit, not steeper than One in Twenty. Regulating the Inclination of Road No. 3.

21. Road No. 1. shall be constructed of a uniform Width of not less than Fifty Feet, and shall be paved, flagged, sewered, and completed by and at the Expense of the Company to the Satisfaction of the Commissioners of Police for the Burgh of *Dundee*, or, in case of Dispute, to the Satisfaction of a Road Surveyor to be appointed, on the Application of the said Commissioners or of the Company, by the Sheriff of the County of *Forfar*, and on its Completion shall vest in and be accepted by the said Commissioners as a public Street, and shall be managed and maintained by them accordingly; and it shall be lawful for the Company at any Time after such Completion, and after acquiring the Lands situated between Road No. 1. and the present Line of *Yeaman Shore*, to stop up and appropriate so much of the said present Line as lies between the Southern End of *Sea Wynd* and *Trinity House* aforesaid, and also to stop up and appropriate so much of any Lanes or Passages leading into the said present Line of *Yeaman Shore* as lies between the Portion thereof to be stopped up as aforesaid and Road No. 1. Road No. 1. to be a public Street, and Company to have Power to stop up and appropriate the Street for which it is substituted.

22. Road

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Road No. 2.
to be deemed
Part of the
Stirling and
Crieff Turn-
pike Road,
and Surface
Crossing to
be discon-
tinued.

22. Road No. 2. shall be completed to the Satisfaction of the Trustees having the Management of the *Stirling and Crieff* Turnpike Road, or, in case of Dispute, to the Satisfaction of a Road Surveyor to be appointed, on the Application of the said Trustees or of the Company, by the Sheriff of the County of *Perth*, and on its Completion shall vest in and be accepted by the said Trustees as Part of the said Turnpike Road under their Charge, and shall be managed and maintained by them in the same Way and to the same Extent, and with the like Powers of levying Tolls on and for the Use thereof, and otherwise, as if it had originally formed Part of the said Turnpike Road; and it shall be lawful for the Company on the Completion of Road No. 2. to stop up and appropriate the Site of the *Stirling and Crieff* Turnpike Road at and adjoining the Point where it crosses the *Scottish Central* Railway on the Level at *Dunblane* to the Extent shown on the Plans deposited as herein-before mentioned, and to discontinue the said level Crossing.

Road No. 3.
to be deemed
Part of the
Dunblane
and Doune
Turnpike
Road.

23. Road No. 3. shall be completed to the Satisfaction of the Trustees having the Management of the *Dunblane and Doune* Turnpike Road, or, in case of Dispute, to the Satisfaction of a Road Surveyor, to be appointed, on the Application of the said Trustees or of the Company, by the Sheriff of the County of *Perth*, and on its Completion shall vest in and be accepted by the said Trustees as Part of the said Turnpike Road under their Charge, and shall be managed and maintained by them in the same Way and to the same Extent, and with the like Powers of levying Tolls on and for the Use thereof, and otherwise, as if it had originally formed Part of the said Turnpike Road.

Road No. 4.
to be deemed
a public
Carriage-
road.

24. Road No. 4. shall be completed, and the *Dunblane and Anchorscross* Road shall be raised on the West Side of the crossing thereof by Road No. 3. and conveniently connected therewith, to the Satisfaction of the Statute Labour Trustees having the Management of the *Dunblane and Anchorscross* Road, or, in case of Dispute, to the Satisfaction of a Road Surveyor to be appointed, on the Application of the said Trustees or of the Company, by the Sheriff of the County of *Perth*, and on the Completion of Road No. 4. it shall vest in and be accepted by the said Trustees as Part of the *Dunblane and Anchorscross* Road under their Charge, and shall be managed and maintained by them accordingly.

On Comple-
tion of Roads
Nos. 3. and
4. Surface
Crossing to
be discon-
tinued.

25. On the Completion of Road No. 3. and Road No. 4., and on raising the *Dunblane and Anchorscross* Road and connecting it with Road No. 3. as aforesaid, it shall be lawful for the Company to stop up and appropriate the Sites of the *Dunblane and Doune* Turnpike Road and of the *Dunblane and Anchorscross* Road, at
and

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and adjoining the Point where these Roads cross the *Scottish Central Railway* on the Level at *Dunblane*, to the Extent shown on the Plans deposited as herein-before mentioned, and to discontinue the said level Crossing.

26. Road No. 5. shall be completed to the Satisfaction of the Owner of the Occupation Road numbered on the Plans deposited as herein-before mentioned 1. of the Parish of *Saint Ninians*, or, in case of Dispute, to the Satisfaction of a Road Surveyor to be appointed, on the Application of such Owner or of the Company, by the Sheriff of the County of *Stirling*, and on the Completion of Road No. 5. it shall vest in such Owner, and be maintained by him, and it shall be lawful for the Company to stop up and discontinue the crossing of the *Scottish Central Railway* on the Level by the said Occupation Road.

Road No. 5. to be deemed an Occupation Road, and Surface Crossing to be discontinued.

27. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Powers of borrowing, or by the Issue of Debenture Stock, to pay to any Shareholder any 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 that nothing herein contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in that Behalf contained.

Interest not to be paid on Calls paid up.

28. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purposes thereof, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament in force for the Time being, 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 Capital.

29. Nothing herein contained shall be deemed or construed to exempt the Works by this Act or the recited Acts authorized to be made from the Provisions 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

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

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Rates of Fares and Charges, and of the Rates for small Parcels, authorized by this Act or the recited Acts.

Saving Rights of Magistrates, Police Commissioners, and Harbour Trustees of Dundee.

30. Nothing in this Act contained shall extend or be construed to extend to diminish, alter, or affect any Rights of Property or other Rights, Powers, Dues, Duties, Privileges, Authorities, or Jurisdictions of the Magistrates and Town Council of *Dundee*, or of the Police Commissioners of *Dundee*, or of the Trustees of the Harbour of *Dundee*, all which Powers, Rights, Dues, Duties, Privileges, Authorities, and Jurisdictions are hereby reserved entire, except in so far as the same may be altered or varied by this Act.

Expenses of Act.

31. The Costs, Charges, and Expenses of applying for and obtaining this Act, and preparatory and incidental thereto, shall be paid by the Company.

SCHEDULE.

MEMORANDUM OF AGREEMENT between the Scottish Central Railway Company and the Corporation and Police Commissioners of Perth for the Withdrawal of the Opposition of the said Corporation and Commissioners to the Bill being promoted by the Scottish Central Railway Company for extending their Station at Perth.

FIRST. The Company shall not be entitled to exercise the compulsory Powers in the said Bill, so far as relates to the Portion of the Manure Depôt coloured Red on the Plan, signed as relative hereto.

SECOND. The Company shall convey to the Corporation the Portion of Ground coloured Blue on said Plan.

THIRD. The Company shall enclose the Ground coloured Red and Blue for a Manure Depôt with a Wall Fourteen Feet in Height, and shall level and causeway the same, all in manner similar to the present Depôt.

FOURTH. The Company shall form a Siding into the Depôt, with a Turn-table in the Depôt, for the Purpose of conveying the Manure to their Main Line; the Corporation and Commissioners shall uphold the Portion of said Siding inside the Depôt and the Turn-table, and the Company the Portion of the Siding outside.

FIFTH. The Company shall take the Remainder of the Ground at present occupied as a Manure Depôt and adjoining Angle, and not coloured Red, and they shall pay, and the Corporation and Commissioners for their respective Rights and Interests shall accept in full of all Compensation, a Price at the Rate of Eight hundred Pounds per Acre on Three thousand four hundred and forty-three Yards or thereby; the Difference between the Extent of the Two Portions of Ground coloured Red and Blue being Three thousand five hundred Yards or thereby, and the Extent of the Area of the Ground at present occupied as a Manure Depôt and adjoining Angle being Six thousand nine hundred and forty-three Yards or thereby.

SIXTH.

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SIXTH. This Agreement shall be confirmed by a Clause in the Bill which shall be adjusted to the Satisfaction of Mr. Pritt, if the Parties differ.

Signed at Westminster this 21st Day of April One thousand eight hundred and sixty-four by David Ross, Lord Provost of Perth, on behalf of the Corporation and Commissioners of Police of Perth, and by Alexander Macduff, Esquire, of Bonhard, Deputy Chairman of the Scottish Central Railway Company, on behalf of the said Railway Company.

(Signed) DAVID ROSS,
 Lord Provost of the City of Perth.
 ALEX. MACDUFF,
 For Scottish Central Railway

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