



**CHAPTER ccxix.**

An Act for incorporating the Lochearnhead St. Fillans and Comrie Railway Company and authorising the construction of a Railway from Lochearnhead to Comrie in the County of Perth and for other purposes. A.D. 1897.

[6th August 1897.]

**W**HEREAS the construction of the railway from Lochearnhead viâ St. Fillans to Comrie in the county of Perth herein-after described would be of public and local advantage :

And whereas the persons herein-after named with others are willing to carry the undertaking into execution and it is expedient that they be incorporated into a company (herein after called "the Company") with all proper and necessary powers for the purpose :

And whereas it is expedient that the Company on the one hand and the Caledonian Railway Company on the other hand be empowered to enter into and carry into effect working and other agreements as herein-after provided :

And whereas plans and sections and an amended plan and sections showing the lines and levels of the railway authorised by this Act and books of reference thereto respectively containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the principal sheriff clerk of the county of Perth in his offices at Perth and Dunblane respectively and are herein-after respectively referred to as the deposited plans sections and books of reference and the amended deposited plan sections and books of reference :

And whereas the purposes of this Act 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

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A.D. 1897. Commons in this present Parliament assembled and by the authority  
— of the same as follows :—

Short title. 1. This Act may be cited as the *Lochearnhead St. Fillans and  
Comrie Railway Act 1897.*

Incorpora- 2. The Companies Clauses Consolidation (Scotland) Act 1845  
tion of Acts. Part I. (relating to cancellation and surrender of shares) and  
Part III. (relating to debenture stock) of the Companies Clauses  
Act 1863 as amended by any subsequent Act the Lands Clauses  
Acts the Railways Clauses Consolidation (Scotland) Act 1845 and  
Part I. (relating to construction of a railway) and Part III. (relating  
to working agreements) of the Railways Clauses Act 1833 are  
(except where expressly varied by this Act) incorporated with and  
form part of this Act.

Interpreta- 3. In this Act the several words and expressions to which  
tion. meanings are assigned by the Acts wholly or partially incorporated  
herewith have the same respective meanings unless there be some-  
thing in the subject or context repugnant to such construction And  
in this Act and the Acts wholly or partially incorporated herewith  
as applied to this Act the expression "the Company" means the  
Company incorporated by this Act the expression "the Caledonian  
Company" means the Caledonian Railway Company the expressions  
"the railway" and "the undertaking" mean respectively the  
railway and the undertaking by this Act authorised and the word  
"schoolmasters" means the clerks to parish councils or persons  
acting as such clerks.

Company 4. Colonel Henry Edward Stirling Home Drummond of Blair  
incorporated. Drummond Henry McGrady Lord Provost of Dundee John  
Alexander Dewar Lord Provost of Perth and John McLaren Fraser  
and all other persons and corporations who have already subscribed  
to or shall hereafter become proprietors in 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 and for other the purposes of this Act and for  
those purposes shall be and are hereby incorporated by the name of  
"The Lochearnhead St. Fillans and Comrie Railway Company" and  
by that name shall be a body corporate with perpetual succession  
and a common seal and with power to purchase take hold and dispose  
of lands and other property for the purposes of this Act.

Power to 5. Subject to the provisions of this Act the Company may make  
make rail- and maintain in the lines and according to the levels shown on the  
way. deposited plans and sections as altered by the amended deposited  
plan and sections the railway herein-after described with all proper

stations sidings junctions approaches viaducts bridges roads tunnels and other works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said respective plans and described in the deposited and in the amended deposited books of reference as may be required for that purpose:

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The railway herein-before referred to and authorised by this Act is—

A railway fifteen miles one furlong and two chains or thereabouts in length commencing in the parish of Balquhiddy by a junction with the Callander and Oban Railway at a point on that railway two hundred and eighty yards or thereabouts measured in a south-westerly direction along the same from the centre of the bridge carrying that railway over the public road at Lochearnhead Station and terminating in the united parishes of Monzievaird and Strowan by a junction with the Crieff and Comrie Railway at the termination of that railway at Comrie Station.

6. In the construction of the railway the slopes of embankments where exposed to view shall so far as practicable be planted with shrubs to the satisfaction of the Board of Trade and the railway shall be constructed across Glen Ogle at two miles fifteen chains on the deposited plans on a viaduct of not less than one hundred and thirty-five yards in length. The design of the viaduct shall be as nearly as possible in accordance with the drawing signed by Sir John Lubbock Baronet the chairman of the Select Committee of the House of Commons to whom the Bill for this Act was re-committed and deposited in the Private Bill Office of the House of Commons but should any modification of such design be found to be necessary such modification shall only be made with the consent of the Board of Trade who shall be the sole judges of the necessity and of the extent to which any such modification shall be permitted.

Planting of slopes and viaduct at Glen Ogle.

7. The capital of the Company shall be one hundred and sixty-five thousand pounds in sixteen thousand five hundred shares of ten pounds each.

Capital.

8. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Shares not to be issued until one fifth paid.

9. One fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Calls.

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Receipt in  
case of  
persons not  
sui juris.

Power to  
divide  
shares.

10. If any money is payable to a shareholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate or of his tutor or curator or curator bonis shall be a sufficient discharge to the Company.

11. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half shares of which one shall be called preferred half share and the other shall be called deferred half share but the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividends on  
half shares.

12. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) First in payment of dividend after such rate not exceeding four pounds ten shillings per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder if any in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends  
on preferred  
shares to be  
paid out of  
the profits  
of the year  
only.

13. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares  
to be regis-  
tered and  
certificates  
issued.

14. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but

the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it. A.D. 1897.

15. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share. Terms of issue to be stated in certificate.

16. The provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest. Forfeiture of preferred half shares.

17. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company. Preferred half shares not to be cancelled.

18. The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share. Half shares to be half shares in capital.

19. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole fifty-five thousand pounds but no part thereof shall be borrowed until the whole capital of one hundred and sixty-five thousand pounds is issued and accepted and one half thereof is paid up and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors Power to borrow.

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A.D. 1897. administrators successors or assigns are legally liable for the same and upon production to such sheriff of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

For appointment of a judicial factor.

**20.** The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than five thousand five hundred pounds in the whole.

Debenture stock.

**21.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

**22.** All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

First and subsequent ordinary meetings.

**23.** The first ordinary meeting of the Company shall be held within six months 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 or April and September or October or in such other months as the directors may from time to time appoint and all meetings of the Company whether ordinary or extraordinary shall be held in Perth or in such other place as the directors may from time to time appoint.

Quorum of meetings.

**24.** The quorum of every general meeting of the Company shall be ten shareholders present personally or by proxy holding in the aggregate not less than one twentieth of the capital of the Company issued for the time being.

Number of directors.

**25.** The number of directors shall be five but the Company may from time to time reduce and again increase the number provided that the number be not less than three nor more than five.

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- 26.** The qualification of a director shall be the possession in his own right of not less than thirty shares. A.D. 1897.  
Qualification of directors.
- 27.** The quorum of a meeting of directors shall be three. Quorum of directors.
- 28.** Colonel Henry Edward Stirling Home Drummond Henry McGrady John Alexander Dewar John McLaren Fraser and one person to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by that Act. First directors.  
  
Election of directors.
- 29.** The domicile of the Company with reference to all judicial proceedings or actions at law shall be and be deemed to be in Perth. Domicile of the Company.
- 30.** The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation (Scotland) Act 1845 shall not exceed ten acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken. Land for extraordinary purposes.
- 31.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.
- 32.** Subject to the provisions in the Railways Clauses Consolidation (Scotland) Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the railway carry the same with a single line. Power to cross a certain road on the level.

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A.D. 1897. only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the road next herein-after mentioned (that is to say) :—

No. on deposited and on amended deposited Plans	Parish.	Description of Road.
190	Comrie - - -	Public.

Inclinations of roads.

**33.** In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
18	Balquhidder - -	Public - - -	1 in 24
23	Balquhidder - -	Public - - -	1 in 20

Heights and spans of bridges.

**34.** The Company may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on deposited Plans.	Parish.	Description of Road.	Height.	Span.
18	Balquhidder - -	Public - - -	15 feet	30 feet
23	Balquhidder - -	Public - - -	15 feet	30 feet
92	Balquhidder - -	Public - - -	15 feet	30 feet
152	Comrie - - -	Public - - -	15 feet	25 feet
222	Comrie - - -	Public - - -	15 feet	25 feet
233	Comrie - - -	Public - - -	15 feet	25 feet
258	Comrie - - -	Public - - -	—	33 feet

Width of a certain roadway.

**35.** The Company may make the roadway over the bridge by which the following road will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the width herein-after mentioned in connexion therewith (that is to say) :—



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No. on deposited Plans.	Parish.	Description of Road.	Width of Roadway.
18	Balquhidder	Public - - -	20 feet

**36.** The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of the sheriff and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road (that is to say) :—

Power to divert roads as shown on deposited plans.

Parish.	No. of Road on deposited Plans.
Balquhidder - - - - -	8
Balquhidder - - - - -	23
Comrie - - - - -	84

And when and so soon as such portion of each of the said roads is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the portion of road stopped up as far as the same is bounded on both sides by lands of the Company.

**37.** All new portions of road authorised by the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 as incorporated with this Act to be formed in lieu of roads altered or diverted shall as respects management and maintenance and in all other respects but subject to the provisions of section thirty-nine of the said Act be held as parts of and be subject to the same provisions as the existing roads altered or diverted as aforesaid respectively.

New portions of roads to be subject to same provisions as existing roads.

**38.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any servitude right or privilege (not being a servitude right or privilege of water in which other than the grantors have an interest) required for the

Power to take easements &c. by agreement.

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A.D. 1897. — purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands feu-duties and ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Power to deviate from lines delineated on plans &c.

**39.** The Company notwithstanding the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 incorporated with this Act may deviate from the lines of the railway authorised by this Act as delineated on the deposited plans thereof to any extent within the limits of deviation shown on those plans and may deviate from the levels of the said railway as delineated on the deposited sections thereof to any extent upwards or downwards as may be agreed upon in writing with the owners of any lands through which and with the owners lessees and occupiers of any house affected by or through the curtilage of which such deviations are intended to be made and may increase any inclination or gradient of the said railway shown on the deposited sections thereof as not steeper than one in fifty to such an extent as they may see fit Provided that such inclinations or gradients where so increased be not steeper than one in fifty and they may diminish the radius of any curve described on the deposited plans of the said railway to any extent which shall leave a radius of not less than one furlong.

Owners may be required to sell parts only of certain properties.

**40.** And whereas in the construction of the railway and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the properties shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the properties described in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbiters oversman or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

41. The Company shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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Restriction  
on taking  
houses of  
labouring  
class.

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

42. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of eight thousand pounds being equal to five per centum upon the amount of the estimate in respect of the railway has been deposited with the Queen's and Lord Treasurer's Remembrancer on behalf of the Court of Exchequer in Scotland in respect of the application to Parliament for this Act (which sum is referred to in this Act as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred 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 (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railway open the same for the public conveyance of passengers and if the Company shall make default in so opening the railway the deposit fund shall be applicable and shall be applied as provided by the next following section. Provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the proportion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred

Deposit  
money not  
to be repaid  
except so  
far as  
railway is  
opened.

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A.D. 1897. — to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application  
of deposit.

**43.** If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the *Edinburgh Gazette* shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a judicial factor has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such judicial factor or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or transferred to the depositors. Provided that until the deposit fund has been repaid or transferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for  
completion  
of works.

**44.** If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Power to  
limited  
owners to  
subscribe.

**45.** Subject to the provisions herein-after contained any limited owner named in the Second Schedule to this Act of any lands

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shown on the deposited plans and described in the deposited books of reference required by the Company for the purposes of this Act may agree with the Company that the consideration to be paid for the same and the compensation (if any) to be paid for any permanent damage or injury to any such lands shall be wholly or in part the allotment or transfer to such limited owner of such number of shares in the capital of the Company as shall be agreed upon between such owner and the Company :

- (1) For the purposes of this section the expression "limited owner" includes any person or corporation empowered under the seventh section of the Lands Clauses Consolidation (Scotland) Act 1845 to sell convey and dispose of lands or any estate or interest therein to the promoters of the undertaking :
- (2) All shares issued pursuant to this section to any limited owner shall be deemed to be fully paid-up shares in the capital of the Company and the names of the holders thereof respectively shall be registered as such in the register of shareholders and such issue and registration shall for the purposes of sections 74 75 and 76 of the Lands Clauses Consolidation (Scotland) Act 1845 be deemed equivalent to and have the same effect as the deposit in the bank of purchase money or compensation :
- (3) All shares issued pursuant to this section to any limited owner shall be held upon the like uses and trusts and for the same purposes and in the same manner as the lands in consideration for which such shares are issued stood settled or were subject immediately before the conveyance of such lands to the Company and as if such shares were an investment of purchase money or compensation duly authorised by section 68 of the Lands Clauses Consolidation (Scotland) Act 1845 :
- (4) The Company shall make an entry in their register of shareholders to the effect that the said shares are subject to such uses and purposes as aforesaid and subject to the uses trusts and purposes affecting such shares the limited owner in respect thereof shall have all the other rights and powers of a shareholder of the Company :
- (5) The Company shall not be bound to see to the application of any dividend payable to a limited owner or be in any way responsible with respect to the application thereof.

**46.** Any limited owner named in the Second Schedule to this Act whose land the Company are authorised to take for the purposes of their undertaking may grant convey dispone or dispose of the

Power to  
limited  
owners to  
convey

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lands free  
of charge  
in certain  
cases.  
Tolls.

same or any portion thereof to the Company free of cost to the Company and without consideration other than the construction of the railway.

47. The Company may demand and take for the use of the railway or any part thereof by any other company or person with engines and carriages such reasonable tolls as they think fit.

Rates for  
merchandise.

48. The classification of merchandise traffic including perishable merchandise by passenger train and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the Railway Rates and Charges No. 19 (Caledonian Railway &c.) Order 1892 (which Order is scheduled to and confirmed by the Railway Rates and Charges No. 19 (Caledonian Railway &c.) Order Confirmation Act 1892) shall be applicable and apply to the Company as if it were the Company named in the Order confirmed by the said Act:

Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.

Charges for  
small parcels.

49. For the conveyance on the railway of small parcels not exceeding five hundred pounds in weight by passenger trains the Company may demand and take any charges not exceeding the following (that is to say):—

For any parcel not exceeding seven pounds in weight threepence;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence;

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum they think fit:

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

Maximum  
rates for  
passengers.

50. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway including every

expense incidental to such conveyance shall not exceed the following (that is to say) :— A.D. 1897.

For every passenger conveyed in a first-class carriage threepence per mile ;

For every passenger conveyed in a second-class carriage twopence per mile ;

For every passenger conveyed in a third-class carriage one penny per mile ;

For every passenger conveyed on the railway for a less distance than three miles the Company may charge as for three miles and every fraction of a mile beyond three miles or any greater number of miles shall be deemed a mile.

51. Every passenger travelling upon the railway may take with him his ordinary luggage not exceeding one hundred and twenty 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.

52. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers upon the railway. Foregoing charges not to apply to special trains.

53. The Company on the one hand and the Caledonian Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 enter into agreements with respect to the following purposes or any of them (that is to say) :— Power to enter into working agreements with Caledonian Company.

The working and maintenance by the Caledonian Company of the railway and works of the Company or any of them or any part or parts thereof respectively ;

The management regulation interchange collection accommodation transmission and delivery of traffic upon the railway or coming from or destined for the railways of the contracting companies or either of them ;

The supply during the continuance of any agreement for the railway being worked and used by the Caledonian Company of engines rolling stock and plant necessary for the purposes thereof and the employment of officers and servants for the conduct of traffic ;

The fixing subject to the authorised maximum rates and collection payment division appropriation and distribution of the tolls

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rates charges revenues and profits arising from the respective railways and works of the contracting companies;

The payments allowances or rebates to be made and the conditions to be performed with respect to the matters aforesaid;

The appointment of joint committees for the purposes of any such agreements.

Agreement with Caledonian Company confirmed

**54.** The agreement between the Caledonian Company of the first part and Colonel Henry Edward Stirling Home Drummond John Alexander Dewar John McLaren Fraser and Henry McGrady being four of the promoters of the Company of the second part set forth in the Third Schedule to this Act is hereby confirmed and made binding on the Caledonian Company and the Company respectively.

For protection of Postmaster-General.

**55.** Nothing in this Act or in the agreement set forth in the Third Schedule to this Act relating to the working by the Caledonian Company of the railway by this Act authorised shall extend to impose upon the Postmaster-General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement made in pursuance thereof between the Postmaster-General and the Caledonian Company any larger number of telegraphic messages of that company free of charge than the Postmaster-General would have been bound to transmit had such working not been hereby authorised or to authorise the Postmaster-General by himself or his agents to place and maintain without the consent of the Caledonian Company telegraphic lines in under upon along over or across the railway and works by this Act authorised to any greater extent than the Postmaster-General would otherwise be entitled without such consent to place and maintain such telegraphic lines in virtue of any existing Act or agreement.

Power to pay interest out of capital during construction.

**56.** Notwithstanding anything in this Act or in any Act or Acts incorporated therewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say):—

(A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same:



(B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear : A.D. 1897.

(c) The aggregate amount to be so paid for interest shall not exceed ten thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :

(D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares :

(E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section :

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act 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 is in conformity with the Companies Clauses Consolidation (Scotland) Act 1845.

57. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking. Deposits for future Bills not to be paid out of capital.

58. Nothing in this Act contained shall exempt any company named in this Act or the railways of any such company from the provisions of any general Act relating to railways or 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 or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act. Provision as to general Railway Acts.

59. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Costs of Act.

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SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

DESCRIBING PROPERTIES WHEREOF PARTS ONLY ARE REQUIRED.

Parish.	Numbers on deposited Plans.
Comrie - - - -	Nos. 265 and 266.

THE SECOND SCHEDULE.

NAME OF LIMITED OWNER.  
Colonel David Robertson Williamson.

THE THIRD SCHEDULE.

A.D. 1897.

AGREEMENT between the CALEDONIAN RAILWAY COMPANY incorporated by Act of Parliament (herein-after called "the first party") of the first part and COLONEL HENRY EDWARD STIRLING HOME DRUMMOND of Blair Drummond JOHN ALEXANDER DEWAR Esquire Lord Provost of the city of Perth JOHN McLAREN FRASER Esquire of Rosemount Perth and HENRY McGRADY Esquire Lord Provost of the city of Dundee being four of the Promoters of and named in the Bill herein-after mentioned for themselves and the other Promoters of the said Bill and specially authorised to enter into these presents on behalf of the Promoters any three of them being a quorum (herein-after called "the second party") of the second part.

WHEREAS the second party with others are promoting a Bill in the present session of Parliament for the purpose of forming themselves and others into a company to be called the Lochearnhead St. Fillans and Comrie Railway Company and for authority to construct the railway in the county of Perth described in the said Bill and herein-after called "the railway":

And whereas the first party have agreed to enter into the agreement herein-after written for the working and maintenance of the railway in manner herein-after provided:

Therefore the parties agree with each other in manner following (that is to say):—

First. The second party shall (subject as after-mentioned) make construct and complete at their own expense the railway as a single line of railway and shall also before the railway is opened for traffic construct or provide all necessary stations station-masters' houses platelayers' gate-keepers' porters' pointsmen's signalmen's and other workmen's dwellings station accesses elevators hydraulic machinery and appliances goods sheds engine sheds water tanks supplied with water with the necessary works and arrangements for affording a permanent supply of water sidings offsets loading banks turning tables cranes at stations weighing machines stationary signals connected and interlocked with the point-handle levers and concentrated in signal cabins all on the most approved system wires speaking telegraphic or telephonic apparatus for working the trains on the most approved block system and all other furnishings and conveniences of the nature of fixtures required for efficiently and economically working and carrying on the traffic of the railway which works machinery and conveniences shall be constructed or provided in a good sufficient substantial and workmanlike manner and to the reasonable satisfaction of the chief engineer of the first party for the time being or in case of any difference of opinion between him and the engineer or engineers of the second party respecting the same to the satisfaction of an engineer to be named by the Board of Trade on the application of either party.

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Second. In the formation of the railway the first party shall afford the second party the usual facilities for its construction at its junctions with the first party's railways but in such construction the second party shall not interfere unnecessarily with the first party's railways stations station appurtenances sidings and lines of rails and traffic thereon and they shall restore the said railways stations station appurtenances sidings and lines of rails to as nearly as possible the same or as good a state as they were in before the commencement of their operations and if any difference shall arise between the first and second parties with reference to such interference or restoration the same shall be determined by an engineer to be appointed by the Board of Trade on the application of either of the parties and such engineer shall have power to determine all questions of costs connected therewith The second party shall pay for any injury caused to the first party's property not including interruption to traffic The second party shall not otherwise than with the consent of the first party take any property belonging to the first party at and adjacent to the said junctions The second party shall in accordance with and subject to the provisions of the Railways Clauses Act 1863 receive from the first party an easement or servitude for making and maintaining thereon the said junctions and other works in so far as the first party can competently give such easement or servitude.

Third. Upon the construction completion and opening for traffic with the sanction of the Board of Trade of the railway the first party shall but subject always to the conditions as to the determination of this agreement as hereinafter expressed in perpetuity work and manage the traffic upon the railway in a proper safe and efficient manner and they shall from the expiry of six months after the opening of the railway maintain the railway and relative works The first party shall provide the locomotive power rolling stock and plant of every kind (except the conveniences to be provided by the second party as mentioned in article first hereof) necessary for effectually working the traffic and shall work the traffic so as fully and fairly to develop the traffic from to and on the railway.

Fourth. The first party shall have the power (subject as herein-after mentioned) of selecting appointing suspending or dismissing all officers agents book-keepers booking and other clerks servants enginemen firemen guards signalmen porters carters surfacemen and all others employed on and connected with the railway or required for keeping in their general offices the accounts connected with the traffic of the railway or employed in superintending or directing or actually engaged in conducting the said traffic and the said officers agents servants and others shall be paid by the first party and shall be exclusively under their control and the second party shall have the selection appointment and control of and shall pay the secretary and other officers actually engaged and required by them in the management of the capital financial and directorial departments of their undertaking.

Fifth. The first party shall collect and receive all revenues due and payable for and in respect of the traffic using the railway or any part thereof and all other revenues of the second party as specified in article sixth (herein-after referred to as the gross revenues) and shall on the last day of every month or as soon thereafter as reasonably practicable make up a statement of the gross

revenues during the preceding month and render to the second party statements and abstracts of such gross revenues and the proportion thereof accruing and due and payable to the second party as provided in article sixth shall thereupon be paid over by the first party to the directors for the time being of the said intended Company or to their treasurer or secretary or such banker or other person as they shall direct and appoint. A.D. 1897.

Sixth. The gross revenue shall consist of and include—

First. All receipts in respect of local traffic (that is to say such traffic which shall both arise and terminate on the railway) after deduction of the expense of cartage of goods and the expense of the collection and delivery of parcels fish and other traffic:

Second. A mileage proportion of all receipts arising from through traffic (that is to say traffic which shall pass over the railway or any part thereof and over the railways of the first party or any part thereof or over the railways of any other company or any part thereof) corresponding to the distance which such traffic shall be carried over the railway after deduction therefrom of—

(1) Terminals on such traffic which terminals shall belong and be paid to the companies respectively entitled thereto and the expense of cartage collection and delivery when included in the through rate and not in the terminals nor separately charged for; and

(2) Any portion of such receipts as may be due to any railway or other company or to any person or persons other than the parties hereto who may be parties to the conveyance of such through traffic:

Third. The terminals payable to the second party in respect of such through traffic after deduction of the expense (when included in such terminals) of the cartage of goods and the expense of the collection and delivery of parcels fish and other traffic: and

Fourth. Rents for the use of any property lands or buildings of the second party and all other revenues of the second party except (1) rents of superfluous properties and (2) transfer fees.

The first party shall retain 50 per cent. of the gross revenues as their remuneration for maintaining the railway works and conveniences and working and managing the traffic thereon and collecting the gross revenues and shall pay over the balance to or for behoof of the second party in manner provided by article fifth.

Seventh. Out of the proportion or balance of the gross revenues accruing to the second party as provided by article sixth the second party shall pay the expenses of directors and the salary of the secretary treasurer and other officers and servants employed by them in the management of the capital financial and directorial departments of their undertaking as also office expenses government duty all rates taxes and public and local burdens of every kind payable in respect of the railway feu duties ground annuals rents and other periodical or annual payments if any payable in respect of any lands acquired feued or held on lease by them all compensation if any to tenants in respect of any lands acquired or injuriously affected in so far as not chargeable against the capital

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of the second party and all interest upon money borrowed by the second party in the exercise of their statutory powers whether upon mortgage or debenture stock.

Eighth. The first party shall subject as herein-after provided fix the tolls rates dues and charges for and in respect of all traffic using the railway or any part thereof.

Ninth. The tolls rates dues and charges for local traffic as before defined shall if desired by the second party be fixed and regulated from time to time by a joint committee composed of three directors of the first party and an equal number of directors of the said intended Company. The chairman of the committee shall be appointed by the board of directors of the intended Company but he shall not have a casting vote and in the event of any difference arising between the said sections of the committee the same shall be determined by arbitration as herein-after provided and such tolls rates and charges shall be so fixed as best to develop the traffic.

Tenth. The first party shall cause to be kept regular accounts of all receipts of money and other transactions of or in relation to the several descriptions of traffic herein-before mentioned and shall permit the secretary for the time being or any other party duly authorised by the directors of the said intended Company to have free access to and to inspect such accounts and other documents relating to such traffic at all reasonable times.

Eleventh. This agreement shall be in perpetuity but subject nevertheless to the unconditional determination thereof by the second party so far as respects the provisions relating to the working management and maintenance of the railways and works at the end of ten years from the passing of the Act confirming this agreement upon twelve months notice in writing to the first party previous to the expiration of the said term of ten years.

Twelfth. This agreement is conditional on the passing of the Bill and is subject to such alterations as Parliament may think fit to make thereon and shall be scheduled to and confirmed by the said Bill. Should any alteration be made on this agreement by Parliament which in the opinion of Charles Alfred Cripps Esquire Q.C. M.P. is material thereto either of the parties may withdraw therefrom.

Thirteenth. All differences which may arise between the parties hereto in relation to this agreement or to the import or meaning thereof or to the carrying out of the same except as otherwise provided in articles first and second hereof shall be referred to arbitration under and in terms of the Railway Companies Arbitration Act 1859.

Fourteenth. Upon the passing of the said Bill confirming this agreement all personal liability in reference thereto on the part of the individual promoters shall be at an end and the Company thereby incorporated shall thereupon become and be the second party to this agreement in their place.

In witness whereof this agreement consisting of this and the four preceding pages is executed in duplicate by the parties hereto as follows viz. By Hugh Brown and James Neilson two of the directors and John Blackburn secretary all of the said Caledonian Railway Company for and on behalf of that Company and sealed with the common or corporate seal thereof all at Glasgow on the seventh day of April one thousand eight hundred and ninety-seven before these

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witnesses John Johnstone Haining and John Smeaton both clerks to the said Caledonian Railway Company in their secretary's office in Glasgow. And by the said Colonel Henry Edward Stirling Home Drummond John Alexander Dewar and John McLaren Fraser being three and a quorum of and on behalf of the promoters as follows viz. By the said Colonel Henry Edward Stirling Home Drummond at Dunblane upon the eighth day of said month of April and year last mentioned before these witnesses Thomas Chalmers clerk to R. and J. Robertson and Dempster solicitors Perth and Alexander Macdonald joiner Dunblane by the said John Alexander Dewar at Perth upon the said eighth day of said month of April and year last mentioned before these witnesses Thomas Dempster and John Begg both solicitors in Perth and by the said John McLaren Fraser at Perth on the twenty-third day of said month of April and year last mentioned before these witnesses Peter Macdougall clerk 23 Queen Street Perth and William Finlayson clerk 113 High Street Perth.

A.D. 1897.

J. J. HAINING Witness.  
JOHN SMEATON Witness.

HUGH BROWN Dr.  
JAS. NEILSON Dr.  
J. BLACKBURN Secy.



THOMAS CHALMERS Witness.  
ALEXANDER MACDONALD

Witness.

THOMAS DEMPSTER Witness.  
JOHN BEGG Witness.

WILLIAM FINLAYSON Witness.  
PETER MACDOUGALL Witness.

H. S. HOME DRUMMOND.

JOHN A. DEWAR.

J. M. FRASER.

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