



CHAPTER cxxii.

An Act for incorporating the Crieff and Comrie Railway Company and for authorising the construction of a railway from Crieff to Comrie in the county of Perth and for other purposes. A.D. 1890.
[25th July 1890.]

WHEREAS the construction of a railway from the Crieff Junction Railway of the Caledonian Railway Company at Crieff to Comrie would be of public and local advantage :

And whereas the persons in this Act 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 and the Caledonian Railway Company (herein-after in this Act called "the Caledonian Company") be empowered to enter into and carry into effect working and other agreements as herein-after provided :

And whereas plans and sections showing the line and levels of the railway authorised by this Act and also books of reference 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 and are herein-after respectively referred to as the deposited plans 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 Commons in this present Parliament assembled and by the authority of the same as follows :—

1. This Act may be cited as the Crieff and Comrie Railway Act Short title.
1890.

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—
Incorporation of
general Acts.

2. The Companies Clauses Consolidation (Scotland) Act 1845 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 the Companies Clauses Act 1869 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 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something 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 expressions "the railway" and "the undertaking" mean respectively the railway and the undertaking by this Act authorised.

Company incorporated.

4. Colonel David Robertson Williamson of Lawers Sir Robert Drummond Moncreiffe Baronet Colonel Henry Edward Stirling Home Drummond-Moray Robert McNaughtan James Crerar Peter Brough Peter Comrie William McIntyre 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 Crieff 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 make railway.

5. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railway herein-after described with all proper stations sidings junctions approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The railway herein-before referred to and authorised by this Act will be wholly situate in the county of Perth and is —

A railway 5 miles 7 furlongs and 5.20 chains or thereabouts in length commencing by a junction with the Crieff Junction

Railway of the Caledonian Company at a point on that railway in the parish of Crieff 210 yards or thereabouts measured in a south-easterly direction along the same from the eastmost wall of the offices of the existing railway station at Crieff and terminating at a point in the united parishes of Monzievaird and Strowan on the south side of the public road leading from Comrie to Crieff 127 yards or thereabouts measured in a north-easterly direction along the south side of that road from the Ordnance bench mark cut on the south parapet wall of the bridge of Lednock carrying the said road over the River Lednock at the east end of the village of Comrie.

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6. The capital of the Company shall be forty-five thousand pounds in nine thousand shares of five pounds each.

Capital.

7. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation 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.

8. 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.

9. If any money is payable to a shareholder or mortgagee or debenture stockholder being a pupil 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.

Receipt in case of persons not sui juris.

10. 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.

Power to divide shares.

11. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be

Dividends on hal shares.

A.D. 1890. — 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 six pounds 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.

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

12. 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 registered and certificates issued.

13. 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.

Terms of issue to be stated on certificate.

14. 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.

Forfeiture of preferred shares.

15. The provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the forfeiture of shares for non-payment 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.

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16. 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 or surrendered.

17. 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.

18. The Company may from time to time borrow on mortgage of the undertaking any sums not exceeding in the whole fifteen thousand pounds but no part thereof shall be borrowed until the whole capital of forty-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 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.

Power to borrow.

19. 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 one thousand five hundred pounds in the whole.

For appointment of a judicial factor.

20. 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

Debenture stock.

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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.

21. 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 ordinary meeting.

22. The first ordinary meeting of the Company shall be held within eight months after the passing of this Act.

Number of directors.

23. The number of the directors shall be eight but the Company shall as vacancies arise reduce the number to six and may thereafter from time to time further reduce and again increase the number but so that the number shall be never less than three nor more than six.

Qualification of directors.

24. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum.

25. The quorum of a meeting of directors shall be five so long as the number of directors shall be not less than seven and three when the number is less than seven.

First directors.

26. Colonel David Robertson Williamson Sir Robert Drummond Moncreiffe Baronet Colonel Henry Edward Stirling Home Drummond-Moray Robert McNaughtan James Crerar Peter Brough Peter Comrie and William McIntyre 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 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 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 powers herein-before contained for altering 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 the same Act.

Election of directors.

Lands for extraordinary purposes.

27. The Company may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation (Scotland) Act 1845 any quantity of land not exceeding five acres but

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nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section. A.D. 1890.

28. 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.

29. 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 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):— Power to cross a certain road on the level.

No. on deposited Plans.	Parish.	Description of Road.
88 88 88 - -	Crieff -	Occupation road and footpath.

30. 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):— Inclination of roads.

No. on deposited Plans.	Parish.	Description of Road.	Intended inclination.
17	Crieff - -	Public carriage road -	1 in 20.
43	Crieff - -	Public carriage road -	1 in 20.
78	Crieff - -	Public carriage road -	1 in 20.
52	Monzievaird and Strowan.	Public carriage road -	1 in 28.

31. 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):— Height and span of bridges.

No. on deposited Plans.	Parish.	Description of Road.	Height.	Span.
2	Monzievaird and Strowan	Private road -	12	10
5	Monzievaird and Strowan	Private road -	12	10

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Widths of certain roadways.

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

No. on deposited Plans.	Parish.	Description of Road.	Width of Roadway.
17	Crieff - - -	Public carriage road -	20 feet.
78	Crieff - - -	Public carriage road -	20 feet.

Power to divert roads as shown on deposited plans.

33. The Company may divert the public roads 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):—

Parish.	No of Road on deposited Plans.
Crieff - - - - -	17
Crieff - - - - -	78
Monzievaird and Strowan - - - - -	52

And when and so soon as 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 road stopped up as far as the same is bounded on both sides by lands of the Company.

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

34. 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 maintenance and tolls (where tolls are leviable) 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.

Power to take easements &c. by agreement.

35. 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 easement servitude right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges ground annuals or feu duties so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements servitudes rights and privileges as aforesaid respectively.

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36. Subject to the provisions herein-after contained it shall be lawful for any limited owner named in the First Schedule to this Act of any lands shown on the deposited plans and described in the deposited books of reference required by the Company for the purposes of their undertaking to 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 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:—

Power to
limited
owners to
take shares
for land.

- (1) For the purposes of this section the expression "limited owner" includes any person or persons named in the said schedule and empowered under the seventh section of the Lands Clauses Consolidation (Scotland) Act 1845 to sell and convey or release 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 shall be inserted as such in the register of shareholders.
- (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 immediately before the conveyance of such lands to the Company.
- (4) The Company shall make an entry in their register of shareholders of the uses trusts and purposes aforesaid and subject to the uses trusts and purposes affecting such shares such 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.

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Power to
limited
owners to
convey lands
free of charge
in certain
cases.

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

37. It shall be lawful for any limited owner named in the First Schedule to this Act whose land the Company are authorised to take for the purposes of their undertaking to grant convey or dispose of the same or any portion thereof to the Company free of cost and without consideration other than the construction of the railway.

38. 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 houses or other buildings or manufactories 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 ninety of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the Second 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 Provided always that nothing in this section contained shall be held as determining that the properties described in the said Second Schedule are subject to the provisions of section ninety of the Lands Clauses Consolidation (Scotland) Act 1845.

Restriction
on taking
houses of
labouring
class.

39. The Company shall not under the powers of this Act without the consent of the Secretary for Scotland purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

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a week and the families of any of such persons who may be residing with them. A.D. 1890.

40. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of one thousand eight hundred and sixty-two 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 said 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 completion of the railway open the same for the public conveyance of passengers 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 portion 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 order the portion of the deposit fund specified in the certificate to be paid or transferred 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.

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

41. 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

Application of deposit.

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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 either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the court thinks fit to order on the application of the Solicitor to the Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the court if the Company is insolvent and has been ordered to be wound up or a judicial factor has been appointed shall wholly or in part be paid or transferred to such judicial factor or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof Provided that until the deposit fund has been repaid 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.

42. 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.

Tolls.

43. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following (that is to say) :—

In respect of passengers and animals conveyed on the railway :—

For passengers.

For every person twopence per mile and if conveyed in or upon a carriage belonging to or provided by the Company an additional sum of one penny per mile :

For animals.

Class 1. For every horse mule ass or other beast of draught or burden threepence per mile and if conveyed in or upon a carriage belonging to or provided by the Company an additional sum of twopence per mile :

Class 2. For one ox cow bull or head of neat cattle threepence per mile for two oxen cows bulls or neat cattle the property of the same person twopence per head per mile and for more than two oxen cows bulls or neat cattle the property of the same person one penny halfpenny per head per mile and if conveyed in or upon a carriage belonging to or

provided by the Company an additional sum of one penny halfpenny per mile : A.D. 1890.

Class 3. For every calf or pig twopence per mile and for every sheep lamb or other small animal three farthings per mile and if conveyed in or upon a carriage belonging to or provided by the Company an additional sum of one halfpenny per mile :

In respect of goods and minerals conveyed on the railway :— For goods.

Class 4. For all coals culm cinders cannel ironstone iron ore limestone chalk sand slag and clay (except fire-clay) dung compost manure (except guano and artificial manures) and all undressed materials for the repair of public roads or highways per ton per mile one penny and if conveyed in or upon a carriage belonging to or provided by the Company an additional sum per ton per mile of one penny :

Class 5. For all guano and artificial manures coke charcoal stones for building pitching and paving bricks tiles slates salt fire-clay lime pig iron bar iron rod iron hoop iron and all other similar descriptions of wrought iron heavy iron castings railway chairs slabs billets and rolled iron copper ore lead ore tin ore antimony and manganese and all other ores minerals and semi-metals per ton per mile two pence halfpenny and if conveyed in or upon a carriage belonging to or provided by the Company an additional sum per ton per mile of one penny :

Class 6. For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings per ton per mile threepence and if conveyed in or upon a carriage belonging to or provided by the Company an additional sum per ton per mile of one penny halfpenny :

Class 7. For all cotton and other wools drugs and chemicals manufactured goods and all other wares merchandise fish articles matters or things (except small parcels and single articles of great weight as herein-after defined) per ton per mile fourpence and if conveyed in or upon a carriage belonging to or provided by the Company an additional sum per ton per mile of twopence :

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 conveyed on a truck or platform belonging to or provided by the Company sixpence per mile and one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

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- Tolls for propelling power.
- Regulations as to tolls and charges.
- Short distances.
- Fractional parts of a mile.
- Fractional parts of a ton.
- General weight.
- Weight of stone and timber.
- Tolls for small parcels and articles of great weight or length.
44. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal or for each ton of goods in addition to the several other tolls or sums by this Act authorised to be taken.
45. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say) :—
- For all passengers animals or goods conveyed on the railway for a less distance than three miles the Company may demand tolls and charges as for three miles :
- For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls and charges on animals and goods for such fraction in proportion to the number of quarters of a mile contained therein and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile :
- For a fraction of a ton the Company may demand tolls and charges 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 imperial avoirdupois weight :
- With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.
46. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight or length notwithstanding anything contained in this Act the Company may demand and take any tolls not exceeding the following (that is to say) :—
- For the carriage of small parcels on the railway :—
- For any parcel not exceeding seven pounds in weight three-pence :
- 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 in weight such sum as the Company may 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 articles in separate packages.

For the carriage of single articles of great weight or length on the railway :—

For any one boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage shall exceed one ton but shall not exceed four tons the Company may demand such sum as they think fit not exceeding fourpence per ton per mile and if such weight shall exceed four tons but shall not exceed eight tons the Company may demand such sum as they think fit not exceeding eightpence per ton per mile and if such weight shall exceed eight tons the Company may demand such sum as they think fit :

For any single consignment of timber stone machinery or other single article which on account of the length thereof may require more than one carriage the Company may demand such sum as they think fit.

47. The maximum rate of charge to be made by the Company for the conveyance of passengers on the railway including the tolls for the use of the railway and for carriages and locomotive power and every other expense incidental to such conveyance shall not exceed the following (that is to say) :—

Maximum rates for passengers.

For every passenger conveyed in a first class carriage the sum of threepence per mile :

For every passenger conveyed in a second class carriage the sum of twopence per mile :

For every passenger conveyed in a third class carriage the sum of one penny per mile.

48. The maximum rate of charge to be made by the Company for the conveyance of animals goods and minerals (except such small parcels and single articles of great weight or length as afore-said) on the railway including the tolls for the use of the railway and for waggons or trucks and locomotive power and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of

Maximum rates for animals and goods.

A.D. 1890. — such goods and for delivery and collection and any other service incidental to the business or duty of a carrier where any such service is performed by the Company) shall not exceed the following sums (that is to say) :—

- For every animal in Class 1 fivepence per mile :
- For every animal in Class 2 threepence per mile :
- For every animal in Class 3 except calves and pigs three farthings per mile and for calves and pigs twopence halfpenny per mile :
- For everything in Class 4 one penny halfpenny per ton per mile :
- For everything in Class 5 twopence halfpenny per ton per mile :
- For everything in Class 6 threepence per ton per mile :
- For everything in Class 7 fourpence per ton per mile :

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 belonging to or provided by the Company per mile sixpence and if weighing more than one ton one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which such carriage may weigh :

Provided that when a separate waggon or truck shall be retained or engaged by one person for the conveyance only of cattle or sheep belonging to him or under his charge the aggregate of the tolls to be paid for such waggon or truck capable of containing six cattle or twenty-five sheep and not containing more than that number shall not exceed ninepence per mile.

Passengers
luggage.

49. 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.

Terminal
station.

50. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat or therefrom to the consignee.

Foregoing
charges not
to apply to
special trains.

51. 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 and goods upon the railway.

Company
may take
increased

52. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited

[53 & 54 VICT.] *Crieff and Comrie Railway Act*, 1890. [Ch. cxxii.]

for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof either by reason of any special service performed by the Company in relation thereto or in respect to the conveyance of animals or goods (other than small parcels) by passenger trains. A.D. 1890.
charges by
agreement.

53. Section twenty-four of the Railway and Canal Traffic Act 1888 and any enactment which may be passed in the present or any future session of Parliament extending or modifying that enactment shall with any necessary modifications apply to the Company in all respects as if it were one of the companies to which the provisions of the said enactment in terms applied Provided that the time within which the revised schedule of maximum rates and charges prescribed by the said section shall be submitted to the Board of Trade shall be three years from the date of the passing of this Act or such further time as the Board of Trade may permit. Application
of provisions
of Railway
and Canal
Traffic Act
1888 as to
revision of
rates.

54. 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 from time to time enter into agreements with respect to the following purposes or any of them (that is to say):— Power to
enter into
working
agreements
with Cale-
donian Com-
pany.

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

The management interchange regulation 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 rolling stock and machinery necessary for the purposes thereof and the employment of officers and servants for the conduct of traffic:

The fixing and collection and apportionment of the tolls rates charges receipts and revenues levied taken or arising in respect of the traffic aforesaid:

The payments to be made and the conditions to be performed with respect to the matters aforesaid:

The appointment of joint committees for carrying into effect any such agreements.

55. Any joint committee which may be appointed by the Company and the Caledonian Company for carrying into effect the purposes of any agreement that may be entered into under the powers contained in the last preceding section shall be composed of Joint com-
mittee.

A.D. 1890.

such equal number of their directors respectively as they may think proper and in the event of any difference of opinion arising between the members appointed by and for the said companies composing the said joint committee the same shall be determined by an arbitrator to be appointed by such committee or on the application of either of the companies by the Board of Trade.

Tolls on traffic conveyed partly on the railway and partly on railways of the Caledonian Company.

56. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railway or any part thereof by the Caledonian Company the railways of the Company and of the Caledonian Company shall for the purposes of short distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railways of the Caledonian Company for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond three miles tolls and charges as for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals or goods partly on the railway and partly on the railways of the Caledonian Company.

Confirmation of agreement with Caledonian Company.

57. The agreement between the Caledonian Company of the first part and the promoters of the Company of the second part as set forth in the Third Schedule to this Act is hereby confirmed and made binding on the Caledonian Company and the Company respectively Provided always that the said agreement shall notwithstanding anything therein contained be subject to revision in the manner provided by section 27 of the Railways Clauses Act 1863 as amended by the Railway and Canal Traffic Acts 1873 and 1888 Provided further that the grant of user of the Caledonian Company's stations at Crieff as contemplated by Article 6 of the said agreement shall be evidenced by the production by the Company to the Commissioners of Inland Revenue within three months after the passing of this Act of a Queen's Printers copy thereof stamped with ad valorem conveyance duty on the total amount which will be payable to the Caledonian Company during the period of twenty years next after the opening for traffic of the railway and in default of production the ad valorem stamp duty with interest at the rate of five pounds per centum per annum from the date of the passing of this Act to the date of payment shall be recoverable from the Company together with full costs of suit and all costs and charges attending the same.

58. The several facilities powers privileges and provisions by the Caledonian and Scottish Central Railways Amalgamation Act 1865 granted secured and provided as regards east coast traffic as defined by that Act shall if and so long and so often as the railway is worked by the Caledonian Company extend and apply to the railway in all respects as if it had been a railway in extension of or connected with the Scottish Central Railway belonging to or leased by the Caledonian Company but the running powers by that Act granted shall not extend to the railway.

A.D. 1890.
Facilities
as regards
east coast
traffic.

59. Nothing in the agreement set forth in the Third Schedule to this Act or in any agreement made between the Company and the Caledonian Company under the authority of this Act shall affect the rights of Her Majesty's Postmaster General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railway and works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster General shall be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company is worked by the Caledonian Company.

Saving for
Postmaster
General.

60. 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):—

Power to pay
interest out
of capital
during con-
struction.

- (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 :
- (C) The aggregate amount to be so paid for interest shall not exceed six thousand pounds and the amount so paid shall not be

A.D. 1890.

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 or any other 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.

Deposits
for future
Bills not to be
paid out of
capital.

61. 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.

Provision as
to general
Railway
Acts.

62. Nothing in this Act contained shall exempt the Company or the railway or the Caledonian Company or their railways 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.

Costs of Act.

63. 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.

[53 & 54 VICT.] *Crieff and Comrie Railway Act*, 1890. [Ch. cxxii.]

SCHEDULES referred to in the foregoing Act.

A.D. 1890.

THE FIRST SCHEDULE.

Sir PATRICK KEITH MURRAY of Ochtertyre Baronet.

DAVID ROBERTSON WILLIAMSON of Lawyers.

GILBERT HENRY HEATHCOTE-DRUMMOND-WILLOUGHBY Baron Willoughby
De Eresby.

Reverend JOHN HUNTER Minister of the Gospel Crieff.

THE SECOND SCHEDULE.

DESCRIBING HOUSES OR OTHER BUILDINGS OR MANUFACTORIES PARTS
WHEREOF ONLY ARE REQUIRED BY THE COMPANY.

Parish.	Numbers on deposited Plans.
Monzievaird and Strowan	22 46

A.D. 1890.

THE THIRD SCHEDULE.

AGREEMENT between the CALEDONIAN RAILWAY COMPANY herein-after called "the Caledonian Company" of the first part and the Promoters of the CRIEFF AND COMRIE RAILWAY herein-after called "the Comrie Company" of the second part.

WHEREAS the Comrie Company are at present promoting a Bill for powers to construct a railway from Crieff to Comrie commencing by a junction with the Caledonian Company's line eastward of the present station at Crieff it is agreed between the parties as follows viz. :—

1. Except as otherwise herein provided the Comrie Company shall complete the said railway with all necessary stations sidings signals water supply for station and locomotive purposes and all other works and conveniences as a single line of railway with an overbridge for a double line at King Street Crieff to the requirements of the Board of Trade.

2. On completion of said railway and other works and conveniences the Caledonian Company shall enter upon work and maintain the same and provide all necessary locomotive power rolling stock and plant of every description for working the traffic on the said railway and shall appoint and pay all officers and servants required for such purposes.

3. A joint committee of the Caledonian Company and the Comrie Company consisting of two directors appointed by each Company shall fix the rates and fares for all local traffic of the Comrie Company and the Caledonian Company shall collect all the revenues of the Comrie Company and in respect of such collection and of the working of the station at Crieff and the working and maintenance of the said railway and relative works and conveniences the Caledonian Company shall be entitled to retain 50 per cent. of the gross revenue derived from the traffic on the Comrie Railway the balance of said revenue with an account of the same to be handed over to the secretary or treasurer of the Comrie Company monthly The Caledonian Company shall have the exclusive power of fixing all rates and fares for through traffic.

4. Notwithstanding the provisions in article first or of the Act of Parliament authorising the railway the Comrie Company shall not enter upon or take possession of any ground belonging to the Caledonian Company at Crieff nor shall they construct the portion of the said railway between the east side of King Street Crieff and the junction of the said railway with the Caledonian Railway at Crieff which portion of the said railway and the station to be erected at Crieff as herein-after provided shall be constructed by the Caledonian

Company and shall be completed as soon as the Comrie Railway is opened for traffic. A.D. 1890.

5. The Comrie Company shall not construct any station for passenger or goods traffic at Crieff without the written consent under common seal of the Caledonian Company and the Caledonian Company shall remove and alter their present passenger and goods stations at Crieff so as to accommodate the whole traffic of the Comrie Company in accordance with a plan to be prepared by the Caledonian Company's engineer and signed as relative hereto.

6. In respect of the use of the Caledonian Company's passenger and goods stations at Crieff the Comrie Company shall pay to the Caledonian Company in all time coming the annual rent of one hundred and fifty pounds to be paid half yearly at Whitsunday and Martinmas beginning the first term's payment of the said rent at the first term of Whitsunday or Martinmas after the opening for traffic of the Comrie Railway for the period from the opening of the Comrie Railway to said term.

7. The Caledonian Company shall put in operation through booking through rates and fares between stations on the Comrie Railway the same as if they were situated upon their own railway.

8. The Comrie Company shall appoint and pay the secretary treasurer or other officials necessary for the transaction of their business and shall pay all feu duties or other such annual burdens in respect of the said railway.

9. The Comrie Company shall endeavour to obtain the consent of all parties interested to the shutting up of the level crossing on Duchlage Road No. 17 of the parish of Crieff on the deposited plans without erecting a bridge to carry the said road over the railway and that failing the obtaining of such consent and a bridge carrying the road over the railway being necessary the Comrie Company shall contribute such sum towards the cost of the said bridge as shall failing agreement between the Comrie Company and the Caledonian Company be fixed by George Miller Cunningham civil engineer Edinburgh The Comrie Company shall communicate to the Caledonian Company the necessary powers to enable them to execute the said works.

10. This agreement shall be in perpetuity subject in so far as applicable to working and maintenance to unconditional termination at the end of ten years from its commencement on either party giving one year's previous notice in writing to that effect.

11. This agreement is made subject to the sanction of Parliament being obtained to the construction of the said railway and to such alterations as Parliament may think fit to make thereon but if any alteration is made by Parliament which in the opinion of Herbert Clifford Saunders Esquire Q.C. materially affects its provisions it shall be in the power of either party to withdraw therefrom.

12. All questions 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 shall be referred to arbitration under and in terms of the Railway Companies Arbitration Act 1859.

[Ch. cxxii.] *Crieff and Comrie Railway Act, 1890.* [53 & 54 VICT.]

A.D. 1890.

In witness whereof these presents printed on this and the two preceding pages are executed in duplicate as follows videlicet They are subscribed by Colonel David Robertson Williamson of Lawers and Robert McNaughtan of Cowden two of the promoters of the said Crieff and Comrie Railway Company for themselves and for and on behalf of the other promoters of the said Company both at London on the twenty-sixth day of April eighteen hundred and ninety as follows viz. by the said Colonel David Robertson Williamson before these witnesses Joseph Gams manager of the Alexandra Hotel Hyde Park Corner London and Henry Moore hall porter of said hotel and by the said Robert McNaughtan before these witnesses Thomas Dempster solicitor Perth and David Nairn Shaw contractor Perth They are also subscribed by Sir James King Baronet and Hugh Brown directors and by Archibald Gibson secretary all of the said Caledonian Railway Company for and on behalf of the said Company at Westminster the twenty-ninth day of the said month of April and year last mentioned before these witnesses George Jackson solicitor and William Patrick assistant traffic superintendent both of the said Caledonian Railway Company Declaring that this testing clause is written by the said Thomas Dempster.

JOSEPH GAMS *Witness*
HENRY MOORE *Witness*

DAVID R. WILLIAMSON *Chairman.*

THO. DEMPSTER *Witness*
D. N. SHAW *Witness*

ROBERT MCNAUGHTAN *Prov. Director.*

JAMES KING *Director.*

GEORGE JACKSON *Witness*

HUGH BROWN *Director.*

W. PATRICK *Witness*

ARCH. GIBSON *Secy.*

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