CHAPTER clxxxvi.

An Act for incorporating a Company and authorising them to make and maintain a Dock Railway and other works at Annan; and for other purposes. [11th August 1881.] A.D. 1881.

WHEREAS the construction of the dock railway and other works herein-after described and by this Act authorised would be of local and public advantage:

And whereas the persons herein-after in that behalf named with others are willing to execute the undertaking and it is expedient that they be incorporated into a company for that purpose:

And whereas it is expedient that the Company herein-after incorporated and the Solway Junction Railway Company and the Caledonian Railway Company should be empowered to exercise and carry into effect the running powers herein-after provided:

And whereas plans and sections showing the lines and levels of the dock railway and other works 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 Dumfries and are herein-after 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 for all purposes as the Annan Waterfoot Dock and Railway Act 1881. Short title.

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Incorporation of Acts.
8 & 9 Vict. c. 17.
26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 19.
23 & 24 Vict. c. 106.
10 & 11 Vict. c. 27.
8 & 9 Vict. c. 33.
26 & 27 Vict. c. 92.

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 Consolidation (Scotland) Act 1845 the Lands Clauses Consolidation Acts Amendment Act 1860 the Harbours Docks and Piers Clauses Act 1847 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: Provided always that the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to lifeboats and with respect to keeping a tide and weather gauge shall not be in force for the purposes of this Act except so far as may from time to time be required by the Board of Trade.

Interpretation of the words "work" and "railway" in the Railways Clauses Act, 1863.

3. In construing in connexion with this Act Part I. of the Railways Clauses Act 1863 the words "work" and "railway" shall be taken to mean the dock and other works connected therewith as well as the railway.

Interpretation.

4. 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 for the purposes of this Act the expression "the Company" means the Company incorporated by this Act the expression "the undertaking" means and includes the dock railway and other works by this Act authorised the expressions "the dock" and "the railway" mean respectively the dock and railway by this Act authorised.

Company incorporated.

5. William Eckersley, John Morrison Stobart, Horace Foster Tahourdin 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 dock and railway and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Annan Waterfoot Dock and 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 dock railway &c.

6. Subject to the provisions of this Act the Company may make and maintain in the lines or situation and according to the levels shown on the deposited plans and sections the dock railway and other works herein-after described together with all necessary and convenient rails sidings junctions turn-tables stations approaches cuts roads gates warehouses sheds building yards quays wharves wharf walls retaining walls river walls embankments jetties groynes shipping places staiths stairs stages tramways machinery graving docks cranes drops dolphins moorings buoys beacons and other works buildings and conveniences and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for the purposes of the undertaking and notwithstanding any provisions in this Act and the Acts incorporated herewith contained the Company may retain or dispose as they may think fit of any lands within the limits of deviation which may be reclaimed by the construction of the works. The works herein-before referred to and authorised by this Act will be situate wholly in the parish and royal burgh of Annan in the county of Dumfries or one of them and are:—

(1.) A dock on the eastern side of the River Annan occupying an area of $5\frac{1}{4}$ acres or thereabouts in lands belonging or reputed to belong to William Roxburgh and the provost and bailies of Annan or one or both of them together with chamber lock-gates jetties and cut on the south end of the said dock;

(2.) A railway 7 furlongs 2 chains and 30 links or thereabouts in length commencing at a point 110 yards or thereabouts from the southern end of the existing stone jetty at or near the foot of the River Annan and terminating by a junction with the Solway Junction Railway at a point 100 yards or thereabouts measured in a southerly direction from the mile post on the said Solway Junction Railway indicating $6\frac{1}{2}$ miles from Kirtlebridge.

Power to divert water into dock.

7. The Company may from time to time divert water from the River Annan for the purpose of supplying the dock with water.

Power to dredge near dock.

8. The Company shall have full power and authority from time to time to dredge scour and deepen the bed of the River Annan opposite and near to the entrance to the dock for the purpose of affording an uninterrupted means of access to the dock.

Powers of lateral and vertical deviation.

9. The Company notwithstanding the provisions of the Harbours Docks and Piers Clauses Act 1847 may deviate from the lines of the several works by this Act authorised as delineated on the deposited plans to any extent within the limits of deviation shown

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on those plans and may deviate from the levels of the said works as delineated on the deposited sections to any extent not exceeding five feet: Provided that no deviation of any works authorised by this Act within the limits of deviation of which any public navigable river or channel is included shall be made from the lines thereof as shown on the deposited plans even within the limits of deviation shown on such plans in such manner as to diminish the navigable space of such river or channel without the previous consent of the Board of Trade or otherwise than in such manner as is expressly authorised by the Board of Trade.

Plans &c. of dock to be approved by Board of Trade.

10. Previously to commencing the dock the Company shall deposit at the office of the Board of Trade plans and sections and working drawings of the dock for the approval of the said Board such approval to be signified in writing under the hand of the secretary of the said Board and such dock shall be constructed only in accordance with such approval and when such dock shall have been commenced or constructed it shall not be lawful for the Company at any time to alter or extend the same without obtaining previously to making any such alteration or extension the like consent or approval and if the dock shall be commenced or completed or be altered extended or constructed contrary to the provisions of this Act it shall be lawful for the Board of Trade to abate alter and remove the same and to restore the site thereof to its former condition at the cost and charge of the Company and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs of suit.

Survey of work by Board of Trade.

11. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Company on in over through or across tidal lands or tidal waters or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Abatement of works abandoned or decayed.

12. If any of the works constructed by the Company on in over through or across tidal lands or tidal waters are abandoned or suffered to fall into disuse or decay the Board of Trade may abate or remove the same or any part of them and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same

may be recovered with costs as a penalty is recoverable from the Company. A.D. 1881.

Saving rights of the Crown in the foreshore.

13. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of her Crown without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice, diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty her heirs or successors.

Saving of rights as to future accretions.

14. Whereas all lands to the seaward of the lands by this Act authorised to be reclaimed now are below the line of ordinary high-water mark therefore if any land to the seaward of the lands by this Act authorised to be embanked or reclaimed shall at any time after the execution of any works under the authority of this Act become raised in height or reclaimed whether gradually or imperceptibly or otherwise so as to be above instead of below such line of ordinary high-water mark the Company shall not by virtue of the ownership of any lands which they are by this Act empowered to reclaim have any estate right or interest in or to the lands so raised in height or reclaimed by reason that such raising or reclamation has been gradual or imperceptible or has been either wholly or partially caused by the works by this Act authorised or otherwise but the right and title to the soil and freehold of such land when so raised or reclaimed shall continue vested in the Queen's Majesty or such other corporation or person or persons as is or are at the time of the passing of this Act entitled to the same and as if the same had continued as the same now is subject to the flow and reflow of the ordinary tides.

Any land reclaimed by the works not to be taken without the consent of the Board of Trade.

15. If in the course or by means of the execution of any of the works by this Act authorised any part of the shores or bed of the said River Annan or of the River Esk belonging to Her Majesty in right of her Crown shall be inned gained or reclaimed from the water the said Company shall not have or exercise any right upon the same or in respect thereof and shall not enter upon take use or interfere with the land so inned gained or reclaimed for any purpose whatsoever without the consent in writing of the Board of Trade on behalf of Her Majesty but such inning gaining or reclamation

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shall enure absolutely for the benefit of the Queen's Majesty her heirs and successors.

Lights on works.

16. The Company shall on or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve and (notwithstanding the enactments for the time being in force respecting lighthouses) shall also on or near the works when completed always maintain exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) for the guidance of ships as the Board of Trade from time to time require or approve.

If the Company fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Company to exhibit lights.

17. The Company shall at the outer extremity of their harbour works exhibit and keep burning from sunset to sunrise such light or lights (if any) as the Commissioners of Northern Lighthouses shall from time to time direct.

Saving rights of William Roxburgh and others.

18. Nothing in this Act contained shall operate to take away or abridge the right title or interest (if any) which William Roxburgh Mrs. Katherine Halliday and the burgh of Annan or any of them may have in to or over the foreshore within the limits of this Act: Provided always that nothing herein contained shall be held to recognise or confirm any right title or claim of the said William Roxburgh Mrs. Katherine Halliday or the burgh of Annan of or in the foreshore aforesaid but the right and title to such foreshore shall remain in the same state as if this Act had not been passed.

Capital and number and amount of shares.

19. The capital of the Company shall be sixty-six thousand pounds in six thousand six hundred shares of ten pounds each.

Shares not to be issued until one-fifth part thereof shall have been paid.

20. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the persons 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.

Calls.

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

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Receipt in case of persons not sui juris.

22. If any money is payable to a shareholder 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.

Power to divide shares.

23. 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 so 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.

24. 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 six 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.

25. 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.

26. 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

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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 certificates.

27. 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.

28. 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.

Preferred shares not to be cancelled or surrendered.

29. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

30. 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.

Power to borrow.

31. The Company may from time to time borrow on mortgage any sum not exceeding in the whole the sum of twenty-two thousand pounds but no part thereof shall be borrowed until the whole capital of sixty-six 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.

Appointment of a judicial factor.

32. The mortgagees of the Company 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 two thousand pounds in the whole.

Debenture stock.

33. 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 at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

34. All money raised under this Act whether by shares debenture stock or borrowing shall be applied for the purposes of this Act only.

First and subsequent meetings.

35. The first ordinary meeting shall be held within three 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 February or March and August or September and all meetings of the Company whether ordinary or extraordinary shall be held in such place in the United Kingdom as the directors may from time to time appoint.

Number of directors.

36. The number of directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors.

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

Quorum of directors.

38. The quorum of a meeting of directors shall be three so long as the number of directors shall be five otherwise the quorum shall be two.

First directors.

39. William Eckersley, John Morrison Stobart, Horace Foster Tahourdin, and such other persons not exceeding two to be nominated by them or the majority of them and consenting to such

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Election of directors.

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 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 the same Act.

Lands for extraordinary purposes.

40. 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 and in the Harbours Docks and Piers Clauses Act 1847 shall not exceed five acres altogether.

Power to take easements &c. by agreement.

41. Persons empowered by the Lands Clauses Consolidation (Scotland) Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 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.

Period for compulsory purchase of lands.

42. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Deposit money not to be repaid until line opened or half the capital paid

43. 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 the sum of two thousand five hundred and fifty-eight pounds New Three per Centum Annuities being equal to the sum of two thousand five hundred and nineteen

pounds which is the aggregate of six hundred and eighty-one pounds being five per centum upon the amount of the estimate of the expense of the railway by this Act authorised (herein-after referred to as "the railway deposit") and a sum of one thousand eight hundred and thirty-eight pounds being four per centum upon the amount of the estimate of the expense of the dock by this Act authorised (herein-after referred to as "the dock deposit") has been deposited with the Chancery Division of the High Court of Justice in England in respect of the application for this Act: Be it enacted that notwithstanding anything contained in the said Act the said railway deposit 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 either open the railway for the public conveyance of passengers or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares and have expended for the purposes of this Act a sum equal in amount to one half of the said capital and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers or have given such proof as aforesaid to the satisfaction of the Board of Trade the said railway deposit shall be applied in the manner herein-after specified and the certificate of the Board of Trade shall be sufficient evidence of the fact so 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.

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up and expended.

44. The said railway deposit shall be applicable and after due notice in the London Gazette and the Edinburgh Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who may 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 shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Chancery Division of the High Court of Justice in England may seem fit and if no such compensation shall be payable or if a

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portion of the said railway deposit shall have been found sufficient to satisfy all just claims in respect of such compensation then the said railway deposit 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 Chancery Division of the High Court of Justice in England thinks fit to order on the application of the Solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the Chancery Division 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 said railway deposit 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 person or persons or the majority of the persons named in such warrant or order as aforesaid or the survivors or survivor of them.

Release of balance of money deposited.

45. On the application of the persons named in the warrant or order issued in pursuance of the said Act of the ninth year of Her present Majesty chapter twenty or of the survivor or survivors of them or of the majority of such persons or survivors or of the executors or administrators of the last survivor by petition in a summary way at any time after the passing of this Act the Chancery Division of the High Court of Justice in England may and shall order that the dock deposit and the interest and dividends thereof shall be transferred and paid to the persons or person so applying or to any other person or persons whom they or he may appoint in that behalf.

Period for completion of works.

46. If the dock railway and other works are 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 dock railway and other works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Rates payable on vessels using the dock.

47. The Company may from time to time demand and take for or in respect of every vessel or craft both on entering the dock and departing therefrom any sum not exceeding one shilling for every registered ton of such vessel and every such rate or sum shall be payable by the owner or master of such vessel.

Rates payable on goods.

48. The Company may from time to time demand and take for all passengers landing and embarking at the dock and for all animals and goods mentioned in the schedule to this Act which shall be shipped or unshipped received or delivered within the dock any sum not exceeding the several rates in the said schedule specified and every such rate shall be payable by the owner or consignee of the goods.

Further tonnage rates for vessels remaining in dock longer than fourteen days.

49. If any vessel using the dock whether the same vessel shall previously have paid or been liable to pay tonnage rates or not shall remain in the dock for any longer space than fourteen days the Company may demand and take for every such vessel a further rate of one penny per registered ton for every four weeks and so on in proportion for any period less than four weeks during which any such vessel shall remain as aforesaid beyond the said period of fourteen days in addition to the tonnage rates payable by virtue of this Act: Provided always that such additional rates shall not be payable for any vessel which shall have been detained by stress of weather so far as the delay is fairly attributable to that cause.

Company may provide steamers tugs &c.

50. The Company may from time to time purchase contract for or hire and may maintain and use steamers tugs lighters and other ships and boats and may from time to time fix such rates or charges as may appear to them reasonable for or in respect of the use thereof and such rates or charges shall be paid by the owner agent master consignee or other person having charge of any vessel obtaining or demanding the assistance or use of any such steamers tugs or lighters or other ships or boats to the Company or to the person with whom they may contract as the case may be and such rates and charges shall be due and payable whether such steamers tugs lighters or other ships or boats shall be actually employed or not provided the assistance or use thereof shall have been required and shall in consequence of such requisition have been tendered by the master or other person having the command of such steamer tug lighter or other ship or boat: Provided always that nothing in this Act contained shall be deemed or construed to authorise the Company to require any owner agent master consignee or other person having charge of any vessel lighter or river craft to employ hire or use any such steamer tug lighter or other ship or boat.

Rates to be charged for the use of cranes and weighing machines.

51. The Company may demand and take for the use of their warehouses wharves staiths cranes weighing and measuring machines of and from the owner consignee or person having the charge of any goods articles or things deposited in such warehouse or loaded

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or unloaded weighed or measured by means of such wharves staiths cranes weighing and measuring machines such rates as the Company shall from time to time with the approval of the Board of Trade appoint.

Company may charge for the trouble of warehousing unloading &c.

52. The Company may receive for shipping unshipping landing relanding loading weighing and warehousing any goods wares and merchandise whatsoever which shall be shipped or landed at the dock or shall be warehoused upon the premises of the Company or for all or any such acts or for any other works or labour performed by the Company in respect of such goods wares and merchandise such reasonable rates and sums of money as the Company shall from time to time fix and determine and which rates and sums of money may be recovered or recoverable by the Company in the same manner and by the same means as the other rates tolls and duties imposed by this Act are or shall be recoverable.

Power for Company to recover rents and charges for goods by sale &c.

53. If default be made in payment to the Company of any rent or charge with respect to any goods at on or in the dock quays yards warehouses or other works of the Company the Company (first paying the customs duties and inland revenue duties if any are due and payable thereon) may detain and sell the goods or any part thereof and after retaining the amount so paid may retain for themselves the rent or charges so due and payable to them and the expenses of detention and sale rendering on demand the surplus (if any) of the proceeds of sale (subject to any lien for freight of which the Company shall have received notice under the Merchant Shipping Acts Amendment Act 1862) and such (if any) of the goods as remain unsold to the person appearing to them to be entitled thereto: Provided that the Company if they do not sell the goods or if the proceeds of the sale thereof be insufficient may recover the amount of the rents charges and expenses due and payable to them or the balance thereof in any court of competent jurisdiction.

25 & 26 Vict. c. 63.

Restrictions as to time of sale by Company for recovery of charges.

54. Provided that (except with respect to goods of a perishable nature which in the judgment of the Company would be materially lessened in value by being retained by them) the Company shall not so sell any goods until after the expiration of six months after the time at which the goods are unshipped or delivered at their dock quays yards warehouses or other works.

Sale of perishable goods.

55. The Company may if they think fit sell any goods of a perishable nature deposited and lodged with them at any time when in their judgment the goods would be materially lessened in value by being retained by them and whether or not they have notice of

the nonpayment of freight claimed on the goods or notice to retain the same.

Application of proceeds of sale of perishable goods.

56. When the Company so sell any perishable goods they shall apply the proceeds of the sale so far as they suffice (subject to any lien for freight of which the Company shall have received notice under the Merchant Shipping Acts Amendment Act 1862) in the first place in payment of the customs duties and inland revenue duties if any payable in respect of the goods and in the next place in payment of the rates rents and charges due and payable to the Company in respect thereof and the expenses of the sale rendering on demand the surplus (if any) of the proceeds and the unsold goods (if any) to the person appearing to them to be entitled thereto.

Tolls on railway.

27 & 28 Vict. c. clviii.

57. The Company may demand and take in respect of the railway and the traffic thereon the like tolls fares rates and charges as by the Solway Junction Railway Act 1864 are authorised to be demanded and taken in respect of the Solway Junction Railway and the traffic thereon except that section 39 of that Act relating to the charge for articles animals and persons conveyed on the railway for a less distance than four miles shall for the purposes of this Act be read as if the words "three miles" had been written therein.

Officers and men from Queen's ships not to be charged except for use of the railway.

58. The Company shall not make any charge upon or in respect of any officer or man in any branch of Her Majesty's service or any workman or boy for the time being actively employed in any branch of Her Majesty's service who may come from or go on board any of Her Majesty's ships hired transports training ships or hospital ships when on duty to or from any land which the Company may acquire under the powers of this Act but nothing herein contained shall prevent the Company from charging the proper fare in every such case for the use of the railway.

Power to appoint meters and weighers.

59. The Company may appoint and license a sufficient number of persons to be meters and weighers.

Limits within which dockmaster may exercise his authority.

60. The limits within which the powers of the dockmaster for the regulation of the dock shall be exercised shall be the dock works and premises of the Company and a distance of fifty yards measured in every direction from the southern extremity of either of the jetties at the entrance to the dock. Provided that nothing contained in this Act and in the Acts incorporated herewith shall entitle the dockmaster to order any vessel or vessels trading to or from the harbour of Annan but not intending to land or embark goods or passengers in the dock to enter the dock.

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Byelaws as to disposal of ballast.

61. In order to prevent ballast from being thrown or allowed to fall overboard within the before-mentioned limits the Company may from time to time make alter and repeal such byelaws as they think fit for regulating the removal and disposal within those limits of all ballast brought by vessels entering those limits and for regulating the mode of supply of ballast to vessels within the said limits and the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to byelaws shall extend and apply to any byelaw which may be made under this enactment and the word "ballast" in this Act includes all substances used as ballast.

Ballast to be brought to side of vessels and thrown in immediately.

62. All ballast supplied to any vessel in the dock unless the vessel lies at a wharf or quay shall be brought in a proper and sufficient ballast lighter to the side of the vessel and thence immediately thrown into the vessel by the crew or other persons and every person offending against this enactment shall for every such offence forfeit not exceeding five pounds and the expression "ballast lighter" in this Act includes all vessels used for receiving or conveying ballast.

Penalty for improperly discharging or taking up ballast.

63. If any master of any ballast lighter employed to receive or take ballast for any vessel or to remove or discharge any ballast or to take up or dredge for ballast in the dock discharge or deposit the ballast or take up any ballast in or from any other part of the dock than the part thereof which the dockmaster from time to time directs he shall for every such offence forfeit not exceeding five pounds.

Penalty for casting ballast without portsail.

64. If any person cast or unload into or out of any vessel in the dock or if any person having the command of any vessel in the dock knowingly permit to be cast or unloaded into or out of the vessel any ballast and the respective person have not a wooden stage or portsail sufficiently large and properly fastened to such vessel (during the whole time of such casting or unloading) into or out of which the ballast is to be cast or unloaded to the upper edge or highest part of the wharf or quay or to the other vessels into from or upon which the ballast is to be cast or unloaded and so as to prevent any ballast from falling into the dock he shall for every such offence forfeit not exceeding forty shillings over and above the cost of removing the ballast from the dock.

Occupiers of wharves not to allow ballast to remain near edge of wharf.

65. If any owner tenant or occupier of any wharf or quay or land adjoining to the dock permit any ballast placed thereon after it is placed thereon and the apparatus used in placing it is removed to be on and within three yards of the edge of the wharf or quay or land next to the dock or permit any ballast to be placed on or so

near to any watercourse upon or adjoining to the wharf or quay or land as that the ballast or any part thereof is or may be washed into the dock to the prejudice thereof he shall for every such offence forfeit not exceeding forty shillings.

Company may remove ballast.

66. If any owner tenant or occupier of any wharf quay or other land adjoining to the dock whereon any ballast is placed contrary to the provisions of this Act fail to remove it from the wharf quay or land within twenty-four hours after notice in writing from the Company to remove it the Company may remove all or any part of it to such places as they think fit and the charges of removing it shall and in addition to the penalty by this Act imposed on the respective person be paid by him and be recoverable as a penalty.

Ballast not to be cast into the dock or the River Annan.

67. If any officer of the Company or other person under any pretence save in the execution of works hereby authorised cast or unload any ballast into the dock or into the River Annan outside the dock he shall for every such offence forfeit not exceeding five pounds.

Company to dispose of ballast.

68. The Company may use or sell or dispose of in such manner as they think proper all ballast removed by them from the dock under this Act.

Junction of railway with the Solway Junction Railway.

69. Subject to the provisions in this Act contained the railway hereby authorised shall join and communicate at or near the point shown upon the plans aforesaid with the lines and rails of the Solway Junction Railway. Such junction shall be made at such point within the limits of deviation shown on the plans deposited as aforesaid and according to such plans as may have been or may be agreed upon between the Solway Junction Railway Company and the Company and the Company shall construct and maintain such sidings works and conveniences as may be necessary for facilitating the transfer or interchange of traffic between the railway and the Solway Junction Railway according to a plan to be agreed upon as aforesaid or in case of difference as may be determined by a referee to be appointed by the Board of Trade and notwithstanding anything in this Act contained it shall not be lawful for the Company to make such junction until such plans have been so agreed on or determined.

Power to use Solway Junction Railway.

70. It shall be lawful for the Company for the purposes of traffic of all kinds arising or terminating at the dock or on the railway of the Company but for such traffic only to run over and use in perpetuity with their engines carriages and waggons of every description and with their officers and servants in

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charge of engines or trains the railways or portions of railways of the Solway Junction Railway Company together with all stations sidings tramways buildings offices warehouses landing places platforms water watering places telegraphs signals machinery approaches junctions points and other works and conveniences on or connected with the railways of that company.

Power to Caledonian Railway Company to run over railway subject to their existing agreement with the Solway Junction Railway Company. 32 & 33 Vict. c. cxxvi.

71. During the subsistence of the agreement set forth in Schedule B. to the Caledonian Railway (Abandonment &c.) Act 1869 it shall be lawful for the Caledonian Railway Company (who under that agreement work the railways of the Solway Junction Railway Company) and on and after the termination of that agreement it shall be lawful for the Solway Junction Railway Company for the purposes of traffic of all kinds to run over and use with their engines carriages and waggons of every description and with their officers and servants in charge of engines or trains the railway and dock of the Company together with all stations sidings tramways buildings offices warehouses landing places platforms water watering places telegraphs signals machinery approaches junctions points and other works and conveniences on or connected with the railway and dock of the Company.

Terms of running powers.

72. The terms conditions and regulations to which the Company the Solway Junction Railway Company and the Caledonian Railway Company shall be subject in respect of the running over and user provided for in the two immediately preceding sections of this Act shall if not agreed upon between the Company and the Solway Junction Railway Company or between the Company and the Caledonian Railway Company as the case may be, be from time to time determined by an arbitrator to be appointed by the Board of Trade on the application of any party in difference and the decision of any such arbitrator shall be binding and conclusive on the parties in difference in each case as aforesaid and the costs and expenses of such arbitrator shall be defrayed as the arbitrator shall direct.

Short-distance charges *in connexion* with running powers.

73. In relation to the powers conferred by this Act of running over and using the said railways stations and conveniences the railway and the Solway Junction Railway shall for the purposes of 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 so run over and used for a less distance than four miles tolls and charges may only be charged as for four miles and in respect of passengers for every mile or fraction of a mile beyond four 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 four 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 so passed over and used.

Interest not to be paid on calls paid up.

74. The Company shall not out of any money by this Act authorised to be raised pay interest or dividend 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.

75. 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 for Merchant Shipping Act and general Acts. 17 & 18 Vict. c. 104.

76. Nothing in this Act contained shall exempt the dock or the Company from the provisions of the Merchant Shipping Act 1854 or any general Acts relating to docks or dues on shipping or on goods carried in ships now in force or which shall be passed during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the dock rates or duties by this Act authorised.

Provisions as to general Railway Acts.

77. Nothing in this Act contained shall exempt the Company or the railway 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.

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

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The SCHEDULE referred to in the foregoing Act.

	s.	d.
For every passenger embarking or disembarking including his luggage not exceeding 56 lbs. weight	1	0
For all passengers luggage beyond 56 lbs. for every cwt.	0	3
For every ton of coal coke culm cinders iron ore stone lime tiles or bricks	0	2
For every ton of pig iron	0	4
For every ton of iron or steel rails bar bolt or cast iron	0	6
For every fifty cubic feet of pine or fir timber	0	8
For every fifty cubic feet of any other description of timber	1	0
And in case any such timber as aforesaid shall continue in the dock for a longer period than one week then for each week beyond such first week	0	6
For every fifty cubic feet of deals deal ends battens or batten ends	0	8
For every fifty cubic feet of lathwood	0	6
For every one hundred and twenty staves	0	6
For every ton weight of goods wares or merchandise of every other kind character or description and whether liquid or solid	1	6
Or at the option of the Company for every forty cubic feet of such goods and merchandise	2	0
For every package or parcel of goods wares or merchandise less than a ton the same sum is payable in respect of a ton.		
For every horse mule and other beast of draught or burthen	1	6
For every ox cow bullock steer or heifer	1	6
For every calf pig sheep lamb or other small animal	0	6
For every bird	0	1

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