ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

Cap. cxiv.

An Act for making a Railway from *Castle Douglas*, by *Dalbeattie*, to the *Glasgow and South-western* Railway at *Dumfries*, and for other Purposes.

[21st *July* 1856.]

WHEREAS the making of a Railway from the Town of *Castle Douglas* in the Stewartry of *Kirkcudbright*, by *Dalbeattie*, to join the Line of the *Glasgow and South-western* Railway at the Town of *Dumfries* in the County of *Dumfries*, would be of great local and public Advantage: And whereas the Persons hereinafter named, together with others, are willing at their own Expense to carry such Undertaking into execution: And whereas the making of the said proposed Railway would be beneficial to the *Glasgow and South-western* Railway Company, and the same when made might be beneficially worked in connexion with the Railways of that Company: And whereas the said Company are willing, and it is expedient that they should be authorized, to become Shareholders in the proposed Undertaking, and to work the Traffic thereof; but these several Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this

present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

8 & 9 Vict. cc. 17. 19. & 33. incorporated.

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

Short Title.

II. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Castle Douglas and Dumfries* Railway Act, 1856."

Subscribers incorporated.

III. *Wellwood Maxwell*, *Marmaduke Constable Maxwell*, *James Beaumont Neilson*, *William Gordon*, *James Cowan*, *Patrick Dudgeon*, *Francis Maxwell*, *Robert McKnight*, *David McNeillie*, *Wellwood Maxwell* junior, *George McKie*, *Matthew Craig*, *James McLaurin*, *Andrew Orr*, *William Jamieson*, and *Robert Smith*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be and are hereby united into a Company for the Purpose of making and maintaining the Railway herein-after described, and all proper Works and Conveniences connected therewith, and for that Purpose such Company shall be incorporated by the Name of "The *Castle Douglas and Dumfries* Railway Company," and by that Name shall be a Body Corporate with perpetual Succession and a Common Seal, and shall have Power to purchase, acquire, and hold Lands for the Purposes of the Undertaking, subject to the Provisions of this Act and the Acts incorporated herewith.

Capital.

IV. The Capital of the Company shall be One hundred and twenty thousand Pounds Sterling, which shall be applicable only to the Purposes authorized by this Act.

Number and Amount of Shares.

V. The Number of Shares into which the Capital shall be divided shall be Twelve thousand, and the Amount of each Share shall be Ten Pounds.

Calls.

VI. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Two Months at the least shall be the Interval between successive Calls, and the aggregate Amount of Calls to be made on any Share in any One Year shall not exceed Six Pounds in the whole.

Power to borrow Money on

VII. It shall be lawful for the Company from Time to Time to borrow on Mortgage or Bond, and if paid off again to borrow, any Sums

Sums not exceeding in the whole the Sum of Forty thousand Pounds Sterling, but no Part of such Sum shall be borrowed until the whole of the said Capital of One hundred and twenty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up: Provided always, that the Sums to be borrowed as aforesaid shall be applied solely to the Purposes authorized by this Act. Mortgage or Bond.

VIII. It shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any Mortgages by the Appointment of a Judicial Factor; and in order to authorize the Appointment of such Judicial Factor, in the event of the Principal Moneys due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Judicial Factor shall be made shall not be less than Five thousand Pounds in the whole. Arrears may be enforced by Appointment of a Judicial Factor.

IX. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay to any Shareholder Interest or Dividend on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein contained shall prevent the Company from paying to any Shareholder such Interest on Money advanced by him, beyond the Amount of the Calls actually made, as shall be in conformity with the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in that Behalf contained. Interest not to be paid on Calls paid up.

X. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking. Deposits for future Bills not to be paid out of Company's Capital.

XI. It shall be lawful for the *Glasgow and South-western* Railway Company and they are hereby required to contribute and apply their Funds, to the Extent of Sixty thousand Pounds, towards the Execution of the Railway, and to take and hold a corresponding Number of Shares in the Company; and, except as herein-after expressly provided, they shall, in respect of such Shares, have all the Powers, Rights, and Privileges, and be subject to all the Obligations and Liabilities, of Proprietors of Shares in the Company: Provided always, that the Shares so held by the *Glasgow and South-western* Railway Company shall not be transferable by them, and that they shall not vote Glasgow and South-western Railway Company to contribute Funds and hold Shares.

vote in respect of such Shares in relation to the Election of Directors by the Shareholders of the Company.

Power to Glasgow and South-western Railway Company to raise Money for that Purpose by the Creation of Shares.

XII. It shall be lawful for the *Glasgow and South-western* Railway Company, from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at any General Meeting of that Company called for the Purpose, to raise, for the Purpose of the Contribution herein-before mentioned, any Sums of Money not exceeding in the whole the Sum of Sixty thousand Pounds by the Creation and Issue of new Shares of such nominal Amount, to such Persons, on such Terms, and bearing (if they shall think fit) a guaranteed or preferential Dividend at such Rate, not exceeding Five Pounds *per Centum per Annum*, as the said Company may appoint, and such new Shares shall in other respects be subject to the same Provisions as and become Part of the general Capital of the said Company: Provided always, that any Guarantee or Priority of Dividend which may be granted in respect of such new Shares shall not prejudice or affect any Guarantee, Preference, or Priority in the Payment of Interest or Dividend on any other Shares or Stock which may have been granted by the *Glasgow and South-western* Railway Company in pursuance of, or which may have been created or confirmed by, any previous Act of Parliament, or which may otherwise be lawfully subsisting.

First and subsequent General Meetings.

XIII. The First Ordinary Meeting of the Company shall be held within Three Months next 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* respectively.

Quorum of General Meetings.

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

First Directors.

XV. *Wellwood Maxwell*, *Marmaduke Constable Maxwell*, *James Beaumont Neilson*, *William Gordon*, *James Cowan*, *Patrick Dudgeon*, *Francis Maxwell*, *Robert McKnight*, *Wellwood Maxwell* junior, *George McKie*, *Matthew Craig*, *Andrew Orr*, *William Jamieson*, and *Robert Smith* shall be the First Directors of the Company, and shall continue in Office until the First Ordinary Meeting of the Company held after the passing of this Act.

Future Directors.

XVI. From and after the First Ordinary Meeting of the Company held after the passing of this Act the Number of Directors shall be Ten, of whom Seven shall be elected by the Shareholders under the

the Provisions of this Act and the Companies Clauses Consolidation (*Scotland*) Act, 1845, and Three shall be appointed by the *Glasgow and South-western* Railway Company in manner hereinafter provided.

Election of Directors by Shareholders.

XVII. At the First Ordinary Meeting of the Company held after the passing of this Act the Shareholders present, personally or by Proxy, exclusive of the *Glasgow and South-western* Railway Company, shall elect Seven Directors, the several Directors appointed by this Act being capable of Re-election; and at the First Ordinary Meeting held in the Year next after the Year in which such last-mentioned Directors shall have been elected, and in every succeeding Year, the Shareholders present, personally or by Proxy, exclusive of the *Glasgow and South-western* Railway Company, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in the said Companies Clauses Consolidation (*Scotland*) Act contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the said last-mentioned Act.

Appointment of Directors by Glasgow and South-western Railway Company.

XVIII. It shall be lawful for the Directors of the *Glasgow and South-western* Railway Company, on or after the Date of the First Ordinary Meeting of the Company held after the passing of this Act, to appoint Three Directors of the Company, who shall respectively remain in Office until they shall respectively die or resign or become disqualified, or until their respective Appointments be revoked as after mentioned, and the Directors of the *Glasgow and South-western* Railway Company shall have Power from Time to Time to revoke the Appointment of any of the Directors of the Company who shall have been appointed by them, and to appoint new Directors of the Company in place of any whose Appointment shall have been so revoked, or who shall have died, resigned, or become disqualified: Provided always, that the total Number of Directors of the Company holding their Appointment from the Directors of the *Glasgow and South-western* Railway Company shall not at any Time exceed Three, and that a Writing given under the Common Seal of that Company, or under the Hands of their Chairman of Directors and Secretary, and deposited with the Secretary of the Company, shall be the Evidence of any such Appointment or Revocation: Provided also, that the Provisions of the Companies Clauses Consolidation (*Scotland*) Act, 1845, with respect to the Appointment and Rotation of Directors, shall not apply to the Directors appointed by the Directors of the *Glasgow and South-western* Railway Company.

Qualification of Directors.

XIX. The Qualification of a Director appointed by the Shareholders shall be the Possession in his own Right of Twenty-five Shares in the Capital of the Company, and the Qualification of a Director appointed by the Directors of the *Glasgow and South-western* Railway Company shall be the Possession in his own Right of Twenty-five Shares in the Capital of the Company, or of Shares or Stock of the nominal Amount of Five hundred Pounds in the Capital of the *Glasgow and South-western* Railway Company.

Quorum of Directors.

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

Periods for balancing and inspecting Account Books of Company.

XXI. The Periods as at which the Books of Account of the Company shall be balanced shall be the Thirty-first Day of *January* and the Thirty-first Day of *July* in each Year, and the Periods during which Shareholders, Mortgagees, and Bond Creditors of the Company shall be entitled to the Inspection of such Books shall be Fourteen Days before and Fourteen Days after each Ordinary Meeting of the Company.

Domicile of Company, and Newspaper for Advertisements.

XXII. The Domicile of the Company shall be held to be in the Town of *Castle Douglas*, and all Notices relating to the Company required to be given by Advertisement shall be advertised in some Newspaper published in the Stewartry of *Kirkcudbright* or in the County of *Dumfries*.

Power to make Railway according to deposited Plans and Sections.

XXIII. Whereas Plans and Sections showing the Line and Levels of the Railway after mentioned, together with Books of Reference to the said Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited for public Inspection in the Office at *Kirkcudbright* of the principal Steward Clerk of the Stewartry of *Kirkcudbright* and in the Office at *Dumfries* of the Principal Sheriff Clerk of the County of *Dumfries*: It shall be lawful for the Company, with the Powers of Deviation and other Powers, and subject to the Provisions contained in this Act and in the Acts incorporated herewith, to make and maintain a Railway to be called "The *Castle Douglas and Dumfries* Railway," commencing at a Point near the Cattle Market of the Town of *Castle Douglas* in the Stewartry of *Kirkcudbright*, and terminating by a Junction with the *Glasgow and South-western* Railway at a Point near *Albany Place* within the Parliamentary Boundary of the Burgh of *Dumfries* in the County of *Dumfries*, in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and all proper Works and Conveniences in connexion therewith, and

to enter upon, take, and use such of the said Lands as they may find necessary for those Purposes.

As to Junction with Glasgow and South-western Railway.

XXIV. The Junction of the Railway by this Act authorized to be made with the *Glasgow and South-western* Railway shall be made and completed at the Sight and to the Satisfaction of the Engineer for the Time being of the *Glasgow and South-western* Railway Company, and according to a Plan to be approved of by such Engineer previously to the Commencement of the Works connected with such Junction, or, in case of Difference, according to a Plan to be approved of by an Engineer to be appointed by the Board of Trade previously to the Commencement of such Works.

Lands and Works of Glasgow and South-western Railway Company not to be interfered with except by Consent.

XXV. Nothing herein contained shall be held to authorize the Company to enter upon, purchase, or take any Lands belonging to the *Glasgow and South-western* Railway Company without the previous Consent of such Company first had and obtained, nor to alter or vary the Line or Levels of the *Glasgow and South-western* Railway without such Consent as aforesaid, nor shall it be in the Power of the Company to interfere with the said Railway, except for the Purpose of making and maintaining the Junction before mentioned in the Manner herein provided, or in any Manner to interrupt or interfere with the Traffic passing on the said Railway; and the Company shall bear all the Expenses of effecting such Junction as aforesaid, and of maintaining, watching, and working the same, and of the necessary Works for preventing Danger, Inconvenience, or Interruption to the Traffic on the *Glasgow and South-western* Railway, and shall also at their own sole Costs and Charges construct and for ever after maintain such and so many Switches, Turn-tables, Sidings, and other Works and Conveniences as may be necessary or convenient in connexion with the said Junction, and for preventing any such Danger, Inconvenience, or Interruption to the Traffic on the *Glasgow and South-western* Railway: Provided always, that if any Difference shall arise between the Company and the *Glasgow and South-western* Railway Company as to the Nature or Necessity of any such Works as aforesaid, the same shall be referred to Arbitration, or to the Decision of the Board of Trade, at the Option of the *Glasgow and South-western* Railway Company.

Certain Roads may be crossed on the Surface.

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

The Road numbered 41 in the Parish of *Buittle*;
The Roads numbered 110 and 121 in the Parish of *Kirkgunzeon*; and
The Road numbered 28 in the Parish of *Terregles*.

XXVII. For

Lodges or Stations to be erected at level Crossings.

XXVII. For the Security of the Public the Company shall erect and maintain either a Station or a Lodge at each of the Places where the Railway shall cross the before-mentioned Roads on the Level; and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rules or Regulations as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridges to be erected in lieu of level Crossings.

XXVIII. It shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the public Safety, at any Time either before or after the Railway hereby authorized to be carried across the said Roads on the Level shall have been completed and opened for public Traffic, to require the Company, within such Time as the said Board shall direct, and at the Expense of the Company, to carry any of the said Roads either over or under the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board best adapted for removing or diminishing the Danger arising from such level Crossing.

Regulating the Inclinations of certain Roads.

XXIX. It shall be lawful for the Company to alter the Inclinations of the Roads numbered as after mentioned on the said deposited Plans to such an Extent as they may think fit, provided that such altered Inclinations shall not be steeper than the following; (that is to say,)

The Road numbered 18 in the Parish of *Buittle*, 1 in 25;
The Road numbered 19 in the Parish of *Buittle*, 1 in 20;
The Road numbered 41 in the Parish of *Buittle*, 1 in 20;
The Road numbered 79 in the Parish of *Buittle*, 1 in 11;
The Road numbered 9 in the Parish of *Urr*, 1 in 22;
The Road numbered 69 in the Parish of *Kirkgunzeon*, 1 in 18.

Power to shut up a Road with Consent of Road Trustees.

XXX. It shall be lawful for the Company, with the Consent of the Statute Labour Road Trustees of the Stewartry of *Kirkcudbright*, at a Meeting specially called for the Purpose of considering whether such Consent shall be given, permanently to stop up the Road numbered 69 of the Parish of *Kirkgunzeon* on the said deposited Plans.

XXXI. The

Lands for extraordinary Purposes.

XXXI. The Quantity of Land to be purchased by the Company for the extraordinary Purposes mentioned in the said Railways Clauses Consolidation (*Scotland*) Act shall not exceed Five Acres.

Power to Parties having limited Interests to convey Lands by Feu Right.

XXXII. It shall be lawful for all Parties having a limited Right or Interest in any Lands required to be taken for the Purposes of this Act, or being under any Disability or Incapacity to sell or convey within the Meaning of Section Seven of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and being only entitled to sell or convey such Lands, or any Right or Interest therein, under the Powers by this Act and the said Consolidation Act granted, to sell and convey to the Company such Lands or any Part thereof, or any Right or Interest therein, in consideration of an annual Feu Duty or Ground Annual payable by the Company to such Parties and their Successors in the Lands or in the Right or Interest therein so conveyed, and that in the Form prescribed by the said Consolidation Act with respect to Conveyances in Feu by Parties entitled absolutely to dispose of Lands.

Grassums not to be taken by such Parties.

XXXIII. Provided always, That it shall not be lawful for the Company to pay, nor for any Party having a limited Interest in, or being under Disability or Incapacity to sell or convey, any Lands, or any Right or Interest therein as aforesaid, to receive or take, any Grassum, Fine, or Premium, or any Consideration in the Nature thereof, for the Lands or Rights or Interests to be so conveyed, other than the annual Feu Duties or Ground Annuals made payable by such Conveyance; and the Amount of such Feu Duties or Ground Annuals shall, in case of Difference, be ascertained and settled by Valuators in the Manner prescribed by the said Consolidation Act with respect to the Valuation of Lands sold by Agreement by Parties under legal Disability or Incapacity to convey as aforesaid.

Provision for recovering all Feu Duties.

XXXIV. All Feu Duties or Ground Annuals for any Lands, or any Right or Interest therein, required for the Purposes of the Railway, and made payable by any Conveyance under this Act or the said Consolidation Act, shall be a first Charge on the Tolls and Rates leviable under this Act and other Revenues of the Company, anything in this Act or in any of the Consolidation Acts herewith incorporated to the contrary notwithstanding; and if at any Time any such Feu Duties or Ground Annuals remain unpaid for Thirty Days after they respectively become payable, it shall be lawful for the Person entitled for the Time being to such Feu Duties or Ground Annuals to recover the same from the Company, with Interest and Costs, by Action in the Steward Court of the Stewartry of *Kirkcudbright*, or summarily by Poinding and Sale of the Goods and Effects of the Company, on

Application by Petition to the Steward of that Stewartry; and it shall not be lawful for any such Person to resume Possession of the Lands, or Rights or Interests therein, so conveyed, or to proceed by any Action of Declarator or Reduction, or by real Diligence, or any other Process whatever (saving as herein-before mentioned) in respect thereto, or in respect to the said Feu Duties or Ground Annuals.

If Lands purchased by way of Feu, borrowing Powers to be reduced proportionally.

XXXV. In the event of the Company agreeing with any Person under the Powers of this Act or of the said Consolidation Act for the Purchase of any Lands, or any Right or Interest therein, in consideration of an annual Feu Duty or Ground Annual payable by the Company, the Powers by this Act granted for borrowing on Mortgage or Bond shall be reduced by an Amount equal to Twenty Years Purchase of the Feu Duty or Ground Annual so payable.

Powers for compulsory Purchases limited.

XXXVI. 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.

Period for Completion of Works.

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

Tolls for Use of Railway and Carriages.

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

In respect of Passengers.

First, in respect of all Passengers conveyed upon the Railway or any Part thereof, as follows:

For every Person so conveyed, *per* Mile Twopence; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum *per* Mile of One Penny:

In respect of Goods and Minerals.

Second, in respect of all Articles, Matters, and Things conveyed upon the Railway or any Part thereof, as follows:

For all Dung, Compost, and Manure (except Guano and artificial Manures), and all Lime, Limestone, and undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile One Penny; and if conveyed in or upon Carriages belonging to or provided by the Company, an additional Sum *per* Ton *per* Mile of One Penny;

For all Coal, Coke, Culm, Charcoal, Cinders, Guano, artificial Manures, Stones for building, pitching, and paving, Bricks, Slates, Clay, Sand, Ironstone, Iron Ore, and Pig Iron, *per* Ton *per* Mile

Mile One Penny Halfpenny; and if conveyed in or upon Carriages belonging to or provided by the Company, an additional Sum *per* Ton *per* Mile of One Penny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Tiles, Timber, Staves, Deals, and Metals (except Iron), and all Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Twopence; and if conveyed in or upon Carriages belonging to or provided by the Company, an additional Sum *per* Ton *per* Mile of One Penny:

For all Cotton and other Wools, Drugs, Fish, Earthenware, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, and Things, *per* Ton *per* Mile Fourpence; and if conveyed in or upon Carriages belonging to or provided by the Company, an additional Sum *per* Ton *per* Mile of One Penny:

For every Carriage of whatever Description, having more than Two Wheels, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile Sixpence; and 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:

In respect of Animals.

Third, in respect of all Animals conveyed upon the Railway or any Part thereof, as follows:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, so conveyed, *per* Mile Fourpence; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum *per* Mile of One Penny:

For every Calf, Pig, Sheep, Lamb, Hog, or other small Animal so conveyed, *per* Mile One Penny; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum *per* Mile of One Halfpenny:

In respect of loading and unloading, &c.

Fourth, in respect of the Trouble occasioned by loading or unloading, or for the Use of any Wharf, Basin, Loading Place, or Station, such reasonable Sum as to the Company shall seem fit:

Tolls for small Parcels and Articles of great Weight.

Provided always, that with respect to small Parcels (that is to say, Packages not weighing more than Five hundred Pounds each,) and single Articles of great Weight conveyed on the Railway, the Company may, notwithstanding the Rates of Tolls prescribed by this Act, lawfully demand the Tolls following; (that is to say,)

For every Parcel not exceeding Seven Pounds in Weight, Sixpence; exceeding Seven Pounds but not exceeding Fourteen Pounds in Weight,

Weight, Eightpence; exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, One Shilling; exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, Two Shillings; and exceeding Fifty-six Pounds in Weight, any Sum which the Company may think fit: Provided nevertheless, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Sums following; (that is to say,) if the Weight thereof, including the Carriage, shall be less than Four Tons, Sixpence *per* Ton *per* Mile; if such Weight shall exceed Four Tons but shall not exceed Eight Tons, One Shilling *per* Ton *per* Mile; and if such Weight shall exceed Eight Tons, such Sum as the Company may think fit.

Tolls for propelling Power.

XXXIX. The Toll which the Company may demand for the Use of Engines for drawing or propelling Carriages shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, Matters, or Things, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Limiting Charges for Conveyance of Passengers.

XL. It shall not be lawful for the Company to demand any greater Sum in respect of the Carriage of Passengers conveyed on the Railway than Threepence *per* Passenger *per* Mile in respect of any Passenger travelling in a First-class Carriage, Twopence *per* Passenger *per* Mile in respect of any Passenger travelling in a Second-class Carriage, and One Penny Halfpenny *per* Passenger *per* Mile in respect of any Passenger travelling in a Third-class Carriage, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance.

Passengers Luggage.

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

Limiting Charges for Conveyance of Goods, Minerals, and Animals.

XLII. It shall not be lawful for the Company to demand in respect of the Conveyance on the Railway of the several Articles, Matters, and Things, and of the several Descriptions of Animals, herein-after mentioned,

mentioned, any greater Sum, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance, except a reasonable Charge for the Expense of loading and unloading, where such Service is performed by the Company, and for the Use of any Wharf, Basin, Loading Place, and Station, than the several Sums herein-after mentioned; (that is to say,)

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

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

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

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

For every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, *per* Mile Ninepence:

For every Horse, Mule, or Ass, *per* Mile Fivepence:

For every Ox, Cow, Bull, or Neat Cattle, *per* Mile Fourpence:

For every Calf or Pig, *per* Mile Twopence:

For every Sheep, Lamb, or other small Animal, *per* Mile One Penny.

Company may take increased Charges for such Conveyance by Agreement.

XLIII. Nothing herein contained shall prevent the Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Articles, Matters, or Things of any Description (except small Parcels), or of Animals, by Agreement with the Owners or Persons in charge thereof, either in respect of the Conveyance thereof by Passenger or Express Trains, or by reason of any other special Service performed by the Company in relation thereto.

Regulations as to the Tolls.

XLIV. The following Provisions and Regulations shall be applicable to the fixing of the several Tolls and maximum Charges herein-before specified; (that is to say,)

For Passengers, Animals, Articles, Matters, and Things conveyed on the Railway for a less Distance than Six Miles, the Company may demand Tolls and Charges as for Six entire Miles, and in addition to the prescribed Tolls and Charges a reasonable Charge for the Expense of loading and unloading, and for the Use of Wharves, Basins, Loading Places, and Stations:

For a fractional Part of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Tolls and Charges in respect of Passengers as for an entire Mile, and in respect of Animals, Articles, Matters, and Things, according to the

the Number of Quarters of a Mile included in such fractional Part of a Mile; and if there be a Fraction of a Quarter of a Mile, such Fraction shall be deemed a Quarter of 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.

Restriction as to Charges not to apply to Special Trains.

XLV. The Restrictions herein-before contained as to the Tolls and Charges to be demanded in respect of the Conveyance of Passengers shall not extend to any Special Train that may be required to be run on the Railway, but shall apply only to the Ordinary and Express Trains to be appointed from Time to Time by the Company.

Power for the Company and the Glasgow and South-western Railway Company to enter into Traffic Arrangements.

XLVI. The Company and the *Glasgow and South-western* Railway Company may from Time to Time enter into Agreements with each other for and in relation to the following Purposes, or any of them; (that is to say,)

The Use and working by the *Glasgow and South-western* Railway Company of all or any Part of the Railway of the Company, and the Use of the Works and Conveniences belonging thereto:

The Conveyance by the *Glasgow and South-western* Railway Company of the whole or any Part of the Traffic upon the said Railway:

The Division and Apportionment of such Traffic between the said Companies:

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

The Purchase, Hire, or Use by the Company of any Part of the Rolling or Working Stock belonging to the *Glasgow and South-western* Railway Company:

The Management, Maintenance, and Repair of the said Railway:

The Costs and Expenses of such working, Management, Maintenance, and Repair:

The Forwarding, Interchange, and Transmission upon or over the respective Railways of the said Companies of any Passenger or other Traffic which may be conveyed upon and from the Railway hereby authorized to and along the *Glasgow and South-western* Railway, or any Part thereof, or which may be conveyed upon and from the *Glasgow and South-western* Railway to and along the Railway hereby authorized, or any Part thereof:

The Collection, Delivery, and general Conduct of such Traffic:

The fixing of the Tolls, Rates, and Charges to be levied or taken by the said respective Companies in respect of the Traffic conveyed over their several Railways, or any Part thereof respectively,

tively, not exceeding the maximum Tolls, Rates, and Charges authorized by the Acts of Parliament relating to such Railways respectively:

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

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

Agreement to be for a Term not exceeding Ten Years, and to be approved by Board of Trade.

XLVII. No such Agreement shall be for more than Ten Years, or shall have any Operation until the same shall have been approved of by the Board of Trade, or shall (except as herein-after provided) in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the said Companies shall for the Time being be respectively authorized and entitled to demand and receive from any Person or any other Company; but all other Persons and Companies shall, notwithstanding any such Agreement, be entitled to the Use and Benefit of the Railways to which the said Agreement may relate, upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges (except as herein-after provided), as they would have been in case no such Agreement had been entered into: Provided always, that the said Board shall not approve such Agreement without being satisfied that the same has been duly assented to by the Shareholders of the several Companies Parties thereto in Special Meeting assembled for that Purpose.

Appointment of joint Committee for carrying the Agreement into effect.

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

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

XLIX. At the Expiration of the said Agreement the said Companies, with the Consent in Special Meeting of the Shareholders of such Companies respectively, and subject to the Approval of the Board of Trade, may enter into a further Agreement for all or any of the

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

the Purposes aforesaid; provided that, before such Companies shall enter into any such further Agreement as aforesaid, they shall give Notice of their Intention to enter into such Agreement by Advertisement, in a Form to be approved of by the Board of Trade, inserted once in each of Three successive Weeks in some Newspaper published or circulating in each County in which any Part of the Railways to which such proposed Agreement relates is situated; and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Agreement, and desiring to object thereto, may bring such Objections before the Board of Trade; and no such Agreement shall be valid at Law or in Equity until the same shall have been approved of by the Board of Trade.

Agreement inoperative until approved by the Board of Trade.

Working Arrangements, &c. not to take effect unless approved by Three Fifths of the Shareholders.

L. None of the said Powers and Provisions with respect to the Use, working, or managing of the Railway by the *Glasgow and South-western* Railway Company shall have any Operation or Effect unless and until the Contracts or Arrangements intended to be made for such Purposes shall have been submitted to and approved by a Majority of not less than Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at Meetings of the Company and of the *Glasgow and South-western* Railway Company respectively specially convened for that Purpose.

Meetings, how to be convened.

LI. Such Meetings shall be called by Advertisements inserted once in each of Two successive Weeks in a Morning Newspaper published in *Edinburgh* and in some Newspaper of the County in which the principal Office of each of the said Companies is situate, or if there be no Newspaper published therein, then in a Newspaper of some County adjoining or near thereto, the last of which Advertisements shall be published not less than Seven Days before such respective Meetings, and also by a Circular addressed to each Shareholder entitled to vote at Meetings of the respective Companies, to be served in the Manner prescribed by "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to Notices requiring to be served by the Company upon the Shareholders.

During Continuance of Working Arrangement Tolls to be the same as on Glasgow and South-western Railway.

LII. While and so long as the Railway shall be worked by the *Glasgow and South-western* Railway Company under any such Agreement as aforesaid the Railway shall, in all Matters relating to Tolls and Charges, be considered as a Part of the *Glasgow and South-western* Railway; and it shall be lawful to demand and recover for the Use of the Railway, and of Carriages and Engines thereon, Tolls and Charges at the same Rates as shall for the Time be leviable for the Use of the *Glasgow and South-western* Railway, and of Carriages and Engines on that Railway, in lieu of the Tolls and

Charges

Charges authorized by this Act; and all the Powers and Provisions with respect to Tolls and Charges contained in the *Glasgow and South-western* Railway Consolidation Act, 1855, or in any other Act for the Time in force in relation to the *Glasgow and South-western* Railway, shall apply to the Railway and to the Conveyance of Passengers, Animals, Articles, Matters, and Things thereon, in lieu of the Powers and Provisions with respect to Tolls and Charges contained in this Act.

Reserving Rights of Burgh of Dumfries.

LIII. Nothing in this Act contained shall be held to alter, qualify, or prejudicially affect any Rights, Privileges, or Immunities belonging to the Royal Burgh of *Dumfries*.

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

LIV. Whereas pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, certain Sums amounting to upwards of Nine thousand Pounds (such Sum of Nine thousand Pounds being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway authorized by this Act) have been deposited with the Court of Exchequer in *Scotland* in respect of the Application to Parliament for this Act: Be it enacted, That notwithstanding anything contained in the said last-mentioned Act, the Sum of Nine thousand Pounds, Part of the Sums so deposited as aforesaid in respect of the Application for this Act, or the Interest of such Sum of Nine thousand Pounds, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Nine thousand Pounds, Part of the Sums so deposited as aforesaid, and the Interest thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid by the Officer or Person in whose Name it shall then be deposited

to the Account of Her Majesty's Exchequer, and when so paid shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland;* provided, that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Nine thousand Pounds shall have been executed by the Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Nine thousand Pounds if the Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by the Company by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Nine thousand Pounds, and the Interest thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said Act to the contrary notwithstanding; and the Moneys to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Nine thousand Pounds and the Interest thereof would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified: Provided always, that nothing in this Act contained shall apply to or prevent the Repayment in the Manner provided by the said Act of the Surplus of the Moneys deposited as aforesaid above the said Sum of Nine thousand Pounds.

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

LV. Nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

LVI. All

LVI. All the Costs, Charges, and Expenses of applying for and obtaining this Act, and in any way preparatory or incidental thereto, shall be paid by the Company. Expenses of Act.

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