ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. cxxv.

An Act for making a Railway commencing by a Junction with the *Scottish Central* Railway at *Stirling*, and terminating by a Junction with the *Caledonian and Dumbartonshire Junction* Rail way at *Alexandria*, to be called "The *Forth* and *Clyde Junction* Railway.

[4th *August* 1853.]

WHEREAS the making of a Railway commencing by a Junction with the *Scottish Central* Railway at or near the Station thereof in or near the Royal Burgh of *Stirling* in the County of *Stirling*, and terminating by a Junction with the *Caledonian and Dumbartonshire Junction* Railway at or near the Village of *Alexandria*, in the County of *Dumbarton*, would be of great local and public Advantage, by opening up an additional, certain, and expeditious Means of Communication between the said Places, and also by facilitating Communication with more distant Towns and Places: And whereas the Persons herein-after named,

together with others, are willing, at their own Expense, to carry such Undertaking into execution: And whereas it is expedient that the said Persons should be incorporated for this Purpose, and that certain Powers should be granted to the said Persons so incorporated, and to other Persons and Corporations, in reference to the making and maintaining, and the Management, Working, and Use of the said Railway, and otherwise in relation thereto; but the Objects aforesaid 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:

8 & 9 Vict. cc. 17. 19. and 33. incorporated with this Act.

I. That the several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall, so far as the same are not hereby expressly altered or varied, be incorporated with and form Part of this Act.

Subscribers incorporated.

II. That *Robert Cunninghame Cunninghame Grahame*, *William Leckie Ewing*, *John Stirling*, *Robert Bruce*, *Archibald Orr Ewing*, *John Sawers*, *William Galbraith*, *James Morrison*, *Thomas Auchterlonie*, 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 united into a Company for the Purpose of making and maintaining the said Railway to be called "The *Forth and Clyde Junction* Railway," with all proper Works and Conveniencies necessary for completing the same, according to the Provisions of this Act and of the said Acts herewith incorporated; and for the Purposes herein and in the said Acts contained such Company shall be incorporated by the Name of "The *Forth and Clyde Junction* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands and Heritages for the Purposes of the Undertaking, within the Restrictions herein and in the said Acts contained.

Capital.

III. That the Capital of the Company shall be One hundred and fifty thousand Pounds.

Number and Amount of Shares.

IV. That the Number of Shares into which the Capital of the Company shall be divided shall be Fifteen thousand, and the Amount of each Share shall be Ten Pounds.

V. That

Calls.

V. That Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Fifths of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Two Months at the least shall be the Interval between successive Calls.

Power to borrow Money on Mortgage.

VI. That it shall be lawful for the Company to borrow on Mortgage or Bond, in addition to the Capital of the Company, any Sums of Money not exceeding in the whole the Sum of Fifty thousand Pounds, but no Part of the said Sum shall be borrowed until the whole of the said Capital of One hundred and fifty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Arrears may be enforced by Appointment of Judicial Factor.

VII. That it shall be lawful for the Mortgagees or Bondholders of the Company to enforce the Payment of Arrears of Interest or of Principal and Interest due on their respective Mortgages or Bonds by the Appointment of a Judicial Factor; and in order to authorize the Appointment of such Judicial Factor the Amount owing to the Mortgagees or Bondholders by whom Application for such Judicial Factor shall be made shall not be less than One thousand Pounds in the whole, in the event of the Interest due on such Mortgages or Bonds not being duly paid, and Five thousand Pounds in the whole in the event of the Principal Monies due on such Mortgages or Bonds not being duly paid.

Interest not to be paid on Calls paid

VIII. That 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 Interest or Dividends to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in that Behalf contained.

Deposits for future Bills not to be paid out of Company's Capital.

IX. That it shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, 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

the Company to construct any other Railway or execute any other Work or Undertaking.

Application of Money.

X. That the Money by this Act authorized to be raised by Calls in respect of Shares, and by borrowing, shall be applicable only to the Objects and Purposes by this Act authorized.

First and other Meetings.

XI. That 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 half-yearly in the Months of *February* or *March* and *August* or *September*; and the first of such Ordinary Meetings shall be held in the Month of *August* or *September* Eighteen hundred and fifty-three, and all Meetings of the Company, whether ordinary or extraordinary, shall be held in *Stirling*.

Quorum of General Meetings.

XII. That the Quorum of every General Meeting of the Company shall be Ten Shareholders present, personally or by Proxy, holding in the aggregate not less than Five thousand Pounds in the Capital of the Company.

Number and Qualification of Directors.

XIII. That the Number of Directors of the Company shall be Nine, and the Qualification of a Director shall be the Possession in his own Right of Fifty Shares in the Undertaking.

First Directors.

XIV. That *Robert Cunninghame Cunninghame Grahame*, *William Leckie Ewing*, *John Stirling*, *Robert Bruce*, *Archibald Orr Ewing*, *John Sawers*, *William Galbraith*, *James Morrison*, and *Thomas Auchterlonie* shall be the First Directors of the Company.

First Election of Directors by Shareholders.

XV. That the Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

Future Elections of Directors by Shareholders.

XVI. That at the First Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected, and in every Year thereafter, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," contained; and the several Persons elected at any such, Meeting,

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.

Quorum of Directors.

XVII. That the Quorum of a Meeting of Directors shall be Four.

Committees of Directors.

XVIII. That the Number of Directors of which Committees appointed by the Directors shall consist shall not be less than Three nor more than Five, and the Quorum of such Committees shall be a Majority of the Members of which such Committees consist respectively.

Period for balancing Books of Company.

XIX. That the Periods to which the Books of Accounts of the Company shall be brought to a Balance shall be the Thirty-first Day of *January* and the Thirty-first Day of *July* in each Year, and the Periods at which Shareholders and Loan Creditors of the Company shall be entitled to the Inspection of such Books shall be Fourteen Days before and Fourteen Days after each of the Ordinary Meetings of the Company.

Newspaper for Insertion of Advertisements.

XX. That the Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be any Newspaper published in *Stirling*.

Domicile of Company.

XXI. That the Domicile of the Company shall be held to be in *Stirling*.

Power to make Railway according to deposited Plans

XXII. That whereas Plans and Sections of the Railway and Works hereby authorized, showing the Lines and Levels thereof, and also a Book of Reference to the said Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands and Heritages through which the same are intended to be made, have been deposited in the Office in *Stirling* of the Principal Sheriff Clerk of the County of *Stirling*, in the Offices in *Perth* and *Dunblane* of the Principal Sheriff Clerk of the County of *Perth*, and in the Office in *Dumbarton* of the Principal Sheriff Clerk of the County of *Dumbarton*: It shall be lawful for the Company, subject to the Provisions of this Act and the Acts herewith incorporated, to make and maintain the said Railway and Works in the Lines and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands and Heritages as shall be necessary for such Purposes.

Period for compulsory Purchase of

XXIII. That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised

Lands limited.

ercised after the Expiration of Three Years from the passing of this Act.

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

XXIV. That 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," incorporated herewith, 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 by Feu by Parties entitled absolutely to dispose of Lands.

Grassums not to be taken.

XXV. 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.

XXVI. That 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 and 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 to the Person entitled for the Time being to Payment of such Feu Duties or Ground Annuals to recover the same from the Company, with Interest and Costs, by Action in the Sheriff Court of the County of *Stirling*, or summarily by Poinding and Sale of the Goods and Effects of the Company, on Application by Petition to the said Sheriff, whose Decision in either Case shall be final, and shall not be subject to Review

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in any Manner howsoever; 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, in respect thereto, or in respect to the said Feu Duties or Ground Annuals.

Lands for extraordinary Purposes.

XXVII. That the Company may purchase any Quantity of Land for extraordinary Purposes not exceeding in the whole Fifty Acres.

Line of Railway.

XXVIII. That the Line of Railway to be made and maintained under the Authority of this Act shall commence by a Junction with the *Scottish Central* Railway at or near the Station of that Railway in or near the Royal Burgh of *Stirling* in the Parishes of *Stirling* and *Saint Ninian's*, or one or other of them, in the County of *Stirling*, and terminate by a Junction with the *Caledonian and Dumbartonshire Junction* Railway at or near the Village of *Alexandria* in the Parish of *Bonhill* and County of *Dumbarton*, and will pass from, through, or into the following Parishes, Burghs, or other Places, or some of them, *viz.*, *Stirling*, *Saint Ninian's*, *Gargunnock*, *Kippen*, *Drymen*, *Balfron*, *Killearn*, in the County of *Stirling*, *Kippen* in the County of *Perth*, and *Kilmaronnock* and *Bonhill* in the County of *Dumbarton*.

Regulating Junctions with certain Railways.

XXIX. That the Junctions of the Railway by this Act authorized to be made with the *Scottish Central* Railway and the *Caledonian and Dumbartonshire Junction* Railway shall be made and completed at the Sight and to the Satisfaction of the Engineers for the Time being of the *Scottish Central* Railway and of the *Caledonian and Dumbartonshire Junction* Railway respectively, and according to Plans to be approved of by such Engineers respectively previously to the Commencement of the Works connected with such Junctions.

Lands and Works of certain Railway Companies not to be interfered with without their Consent.

XXX. That nothing herein contained shall be held to authorize the Company to enter upon, purchase, or take any Lands belonging to the *Scottish Central* Railway Company or the *Caledonian and Dumbartonshire Junction* Railway Company without the previous Consent of such Companies respectively first had and obtained, nor to alter or vary the Line or Levels of the said *Scottish Central* Railway or *Caledonian and Dumbartonshire Junction* Railway, without such Consent as aforesaid, nor shall it be in the Power of the Company to interfere with the said Railways, except for the Purpose of making and maintaining the Junctions before mentioned in the Manner herein provided, or in any Manner to interrupt or interfere with the Traffic passing on the said Railways; and the Company shall bear all the Expenses of effecting such Junctions as aforesaid, and of maintaining, watching, and working the same, and of the necessary Works for preventing

preventing Danger, Inconvenience, or Interruption to the Traffic on the said *Scottish Central* Railway and *Caledonian and Dumbartonshire Junction* 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 Junctions, and for preventing any such Danger, Interruption, or Inconvenience to the Traffic of the said *Scottish Central* Railway and the *Caledonian and Dumbartonshire Junction* Railway: Provided always, that if any Difference shall arise between the Company and the said other Companies or either of them 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 said *Scottish Central* Railway Company and the *Caledonian and Dumbartonshire Junction* Railway Company, or either of them, as the Case may be.

Saving Rights of certain Railway Companies.

XXXI. That nothing herein contained shall extend or be deemed or construed to extend to alter, vary, prejudice, or diminish any of the Rights, Powers, or Authorities vested in the *Scottish Central* Railway Company, or the *Caledonian and Dumbartonshire Junction* Railway Company, by virtue of the Acts or any of them relating to such Companies respectively.

Certain Roads may be crossed on the Level.

XXXII. That it shall be lawful for the Company, in constructing the Railway hereby authorized, to carry the same across and on the Level of the following Roads numbered respectively on the Plans deposited as aforesaid, as after mentioned; (that is to say,)

In the County of *Stirling*:

In the Parish of *Stirling* or *Saint Ninian's*, the Roads numbered 68 and 69:

In the Parish of *Stirling*, the Roads numbered 1, 7, and 39:

In the Parish of *Saint Ninian's*, the Road numbered 55:

In the Parish of *Gargunnock*, the Roads numbered 44 and 68:

In the Parish of *Kippen*, the Roads numbered 3 and 106:

In the Parish of *Drymen*, the Roads numbered 24, 119, 142, 166, and 176:

In the Parish of *Balfron*, the Roads numbered $\frac{8}{1}$ and 23:

In the Parish of *Killearn*, the Road numbered 16:

In the County of *Perth*:

In the Parish of *Kippen*, the Road numbered $\frac{23}{1}$:

In the County of *Dumbarton*:

In the Parish of *Kilmaronnock*, the Roads numbered 39, 76. 83, $\frac{106}{1}$, and 125:

In the Parish of *Bonhill*, the Roads numbered 4 and 23.

XXXIII. That

Company to erect Stations or Lodges where Roads crossed on the Level.

XXXIII. That the Company shall, for the Security of the Public, erect and maintain either a Station or a Lodge at the Points where the said Railway shall cross the before-mentioned Roads on the Level thereof, in the event of the Trustees of such Roads requiring them to do so, and shall be subject to and 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 Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations; and if the Company shall fail to erect or at all Times maintain such Stations or Lodges, or to appoint proper Persons to watch or superintend the Crossings at such Points or Stations, 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.

XXXIV. That it shall be lawful for the Lords of the said Committee, 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 thereof shall have been completed and opened for Public Traffic, to require the Company, within such Time as the said Lords 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 Lords best adapted for removing or diminishing the Danger arising from such level Crossings.

Prescribing Ascents and Descents of certain Roads.

XXXV. That it shall be lawful for the Company to make the Ascents and Descents of the following Roads to be crossed on the Level, and numbered respectively on the Plans deposited as aforesaid, not steeper than herein-after mentioned; (that is to say,)

In the County of *Stirling*:

In the Parish of *Stirling*, the Road numbered 39, Ascent One in Ten, Descent One in Ten.

In the County of *Dumbarton*:

In the Parish of *Bonhill*, the Road numbered 4, Ascent One in Ten, Descent One in Ten.

Power to deviate Part of Line.

XXXVI. That it shall be lawful for the Company, with the Consent in Writing of the Owners, Lessees, and Occupiers of the Lands required for the Purpose, and of all Lands within Two hundred Yards of the Line of Railway when deviated as after

mentioned, to deviate beyond the Limits of Deviation shown on the Plans deposited as aforesaid to, at, or near the Turnpike Road leading from *Stirling* to *Drymen*, so much of the Line of the said Railway as lies between the Sixth and Tenth Miles from the Town of *Stirling* shown on the said Plans; but no Part of the Railway shall be constructed on the South Side of the said Road between the said Points.

Period for Completion Works.

XXXVII. That the Railway hereby authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act or 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.

Provision in favour of G. W. Graham, Esq.

XXXVIII. That whereas *George William Graham* Esquire, of *Meiklewood*, is Proprietor of the *Meiklewood* Suspension Bridge across the River *Forth*, and of the adjoining House, Offices, and Garden connected therewith, in the Parish of *Gargunnock*: And whereas, in constructing the said Railway, the Company will require to take the said House, Offices, and Garden for the Purposes thereof: They shall be bound to purchase the whole of the said Property, including the said Suspension Bridge, at such Price as has been or may be agreed on between the Company and the said *George William Graham*.

Provision in favour of A. Smollett, Esq.

XXXIX. That whereas *Alexander Smollett* Esquire, of *Bonhill*, is Proprietor under Entail of a Right of Ferry across the River *Leven* at *Bonhill*, for which Ferry a Bridge has been substituted, and in respect of which he has Right and has been in use to levy Ferry or Pontage Dues for and on account of Persons, Animals, Carriages, Minerals, Goods, Articles, and other Things crossing the said River by the said Ferry or Bridge: And whereas by the Construction of the Railway Viaduct across the said River at or near *Bonhill* aforesaid Traffic may be diverted from the said Ferry or Bridge, and the Revenues thereof thereby diminished: The Company shall be obliged, in the event of any such Diminution of Revenue arising from the opening of the said Railway Viaduct, to compensate the said *Alexander Smollett* for the same in the Manner herein-after provided; (that is to say,) that after the opening of the said Railway Viaduct for public Traffic an Average shall be taken of the net yearly Rent or Revenue which shall have been realized by the said *Alexander Smollett* from the said Ferry or Pontage Dues for the Period of Five Years previous to the Term of *Whitsunday* One thousand eight hundred and fifty-three, and a like Average shall also be taken of such net Rent or Revenue for the Period of Five Years subsequent

to

to the Term of *Whitsunday* which shall first happen after the opening of the said Railway Viaduct; and in the event of the latter Average being less in Amount than the former Average, the Difference shall be held to be the yearly Deficiency for each of the said last-mentioned Five Years, and for each and every Year thereafter, and, subject to the Conditions after mentioned, shall be held to be the Compensation payable by the Company to the said *Alexander Smollett* in respect of the Diminution of Rent or Revenue from the said Ferry and Bridge: Provided always, that the Company shall in no Case be liable for such Loss or Deficiency to any greater Extent than the Sum of One hundred Pounds yearly, although the actual Deficiency should exceed that Amount, and that such Compensation shall be in full of all Claims which the said *Alexander Smollett* may have against the Company for any alleged Loss in respect of the said Ferry or Bridge arising from the Construction and Use of the said Railway Viaduct; and provided also, that the said Ferry or Pontage Dues to be levied during the last-mentioned Period of Five Years shall be the same as those levied for the said first-mentioned Period of Five Years; reserving to the said *Alexander Smollett* Power to let the said Ferry or Pontage Dues privately, without public Competition, and to compound with certain Parties for the Dues in certain Cases, as heretofore, as he shall see fit; and in case the said Ferry or Pontage Dues shall be reduced by lawful Authority during the last-mentioned Period of Five Years, a proportionate Reduction shall be made in favour of the Company in ascertaining the Amount of Compensation payable as aforesaid; and if any Difference shall arise between the Parties as to the Amount of the said Averages and Compensation, the same shall, on the Application of either Party, be settled by the Sheriff, whose Decision thereon shall be final and conclusive; and the said Amount of Compensation so to be ascertained shall be payable by the Company to the said *Alexander Smollett* and his Heirs and Successors as and from the Second Term of *Whitsunday* after the opening of the said Railway Viaduct for public Traffic as aforesaid for the Year preceding, and so on thereafter as at *Whitsunday* yearly, with legal Interest on each Year's Payment from the Time it shall fall due until paid, the Company making such interim Payments to the said *Alexander Smollett* and his aforesaids during the Currency of the said last-mentioned Period of Five Years as may be agreed on by and between them and the Company: Provided nevertheless, that it shall be in the Power of the Company to redeem the said annual Payment by paying to the said *Alexander Smollett* or his aforesaids a Sum equal to Twenty Years Purchase thereof, and thereupon such annual Payment shall cease and determine; or, in the Option of the said *Alexander Smollett* and his aforesaids, it shall be lawful to them to enter into Agreements for the absolute Sale to the Company of their

their Right in the said Ferry and Bridge, at such Price as may be agreed upon, and for the Company to make and complete such Purchase; and in case of such Redemption or Purchase as aforesaid the Proceeds thereof shall be applied in the Manner provided by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to Compensation to Parties having limited Interests.

Provision in favour of Sir J. Colquhoun, Bart.

XL. That whereas the Company are by this Act authorized to carry the Railway across the River *Leven* by means of a Viaduct at or near *Jamestown*, at or near which Place there is a Bridge across the said River belonging to Sir *James Colquhoun* of *Luss*, Baronet, on which certain Duties are levied: The Company, as agreed between the Parties, shall not use or permit to be used the said Viaduct by any Person or Persons on Foot, excepting always the Servants of the Company on the lawful Business of the Company; and farther, the Company shall not construct the said Viaduct within the Bounds of any of the Shots or Stations used in the Salmon Fishing in the said River *Leven* belonging to the said Sir *James Colquhoun*, or so as to injure or interfere in any manner of way with the said Fishings, unless upon Payment to him, or his Heirs and Successors, of any Damage which they may sustain thereby.

Tolls.

XLI. That it shall be lawful for the Company to demand and recover any Tolls for the Use of the Railway and Works hereby authorized, not exceeding the following; (that is to say,)

In respect of Passengers.

(1.) In respect of Passengers conveyed in Carriages upon the Railway or any Part thereof, as follows:

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

In respect of Goods.

(2.) In respect of Articles, Matters, and Things conveyed in Carriages, Waggons, or Trucks upon the Railway or any Part thereof, as follows:

For all Dung, Compost, and all sorts of Manure, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile Twopence; and if conveyed in Carriages, Waggons, or Trucks belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

For all Coals, Coke, Culm, Charcoal, or Cinders, Stones for building, pitching, or paving, Limestone, Lime, Bricks, Slates, Tiles, Clay, Sand, Ironstone, calcined or raw, Iron Ore, Pig-Iron, Bar Iron, Rod Iron, Hoop Iron, or any other similar Description of Wrought Iron or Iron Castings not manufactured into Utensils, *per* Ton *per* Mile Twopence Halfpenny; and if conveyed in Carriages, Waggons, or Trucks belonging

belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

For Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Threepence; and if conveyed in Carriages, Waggons, or Trucks belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny Halfpenny:

For all Cotton and other Wools, Sugars, Drugs, Fish, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, or Things, *per* Ton *per* Mile Fourpence; and if conveyed in Carriages, Waggons, or Trucks belonging to the Company, an additional Sum *per* Ton *per* Mile of Twopence:

For every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile Sixpence; and a Sum of Fourpence *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile of Fourpence for every Ton or Quarter of a Ton respectively which any such Carriage may weigh:

And for the Use of any Station or Depôt such reasonable Sum as to the Company shall seem fit:

In respect of Animals.

(3.) In respect of Animals conveyed in Carriages upon the Railway or any Part thereof, as follows:

For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any such Carriage, *per* Mile Fourpence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile of Twopence:

For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile Threepence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile of Twopence:

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

Tolls for propelling Power.

XLII. That the Tolls which the Company may demand for the Use of Engines for drawing or propelling Carriages, Waggons, or Trucks shall not exceed One Penny *per* Mile for each Passenger or

Animal, or for each Ton of Goods or other Articles, Matters, or Things of any kind whatever, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Limiting Charge for Conveyance of Passengers.

XLIII. That it shall not be lawful for the Company to demand or receive any greater Sum in respect of the Carriage of Passengers conveyed on the said Railway, except in the Case of Passengers conveyed by special Trains, 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 the Railway, and of Carriages, and for locomotive Power, and all other Charges incidental to such Conveyance.

Passengers Luggage.

XLIV. That every Passenger travelling upon the said Railway may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, Eighty Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Charge for Passengers by special Trains.

XLV. That in respect of the Carriage of Passengers conveyed by special Trains the Company may demand such Sum as they shall think fit.

Limiting Charge for Conveyance of Goods and Animals.

XLVI. That it shall not be lawful for the Company to charge, in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals, herein-after mentioned, conveyed on the said Railway, any greater Sum, including the Charges for the Use of the Railway, and of Carriages, Waggons, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance (except a reasonable Charge for the Expense of stopping, or for loading or unloading, where such Service is performed by the Company, or for the Use of any Station or Depôt), than the several Sums hereafter mentioned; (that is to say,)

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

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

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

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

For

For every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile Sixpence; and a Sum of Fourpence *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh:

For every Horse, or other Animal herein-before classed therewith, *per* Mile Fivepence:

For every Ox, or other Animal herein-before classed therewith, *per* Mile Threepence:

For every Calf, or other Animal herein-before classed therewith, *per* Mile One Penny Halfpenny.

Company may take increased Charge for such Conveyance by Agreement.

XLVII. That nothing herein contained shall be held to prevent the Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Animals, or of Articles, Matters, or Things, by Agreement with the Owners or Persons in charge thereof, either in respect of the Conveyance of such Animals, or of such Articles, Matters, or Things, except small Parcels, by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto.

Regulations as to the olls.

XLVIII. That the following Provisions and Regulations shall be applicable to the fixing of the Tolls, Rates, and Charges hereby granted; (that is to say,)

For Passengers, Animals, Articles, Matters, and Things conveyed on the Railway or any Part thereof for a less Distance than Six Miles, the Company may demand and receive Tolls as for Six entire Miles:

For a Fraction of a Mile beyond Six Miles or any greater Number of Miles the Company may demand Tolls for such Fraction, in respect of Passengers and Animals, as for an entire Mile; and in respect of Articles, Matters, and Things, in proportion to the Number of Quarters of a Mile contained in such Fraction; 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 Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, Matters, and Things (except Stone and Timber) the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, and Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, or Fifty Cubic Feet of any other Timber, shall be deemed

One

One Ton Weight, and so in proportion for any smaller or greater Quantity.

Tolls for small Parcels and Articles of great Weight.

XLIX. That with respect to small Packages, and single Articles of great Weight, the Company may demand the following Tolls; (that is to say,)

For the Carriage of every Parcel not exceeding Seven Pounds in Weight, Sixpence; exceeding Seven Pounds but not exceeding Fourteen Pounds in Weight, One Shilling; exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, Two Shillings; exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, Three Shillings; exceeding Fifty-six Pounds but not exceeding One Hundredweight, Four Shillings; and any Sum not exceeding One Shilling for every Hundredweight beyond One Hundredweight up to Five Hundredweight: Provided always, 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 the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Seven Tons, such Sum as they shall think fit, not exceeding One Shilling *per* Ton *per* Mile:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Seven Tons, such Sum as they shall think fit.

Limiting Weights to be carried on Railway.

L. That without the special Licence of the Company no Carriage shall carry or bear at any One Time upon the Railway, including the Weight of such Carriage, more than the Weight of Four Tons, except any One Boiler, Cylinder, or single Piece of Machinery, or any single Piece of Timber or Stone, or any other single Article, and no such excepted Article, the Weight of which, including the Carriage, shall exceed Seven Tons, shall be carried upon the Railway without the special Licence of the Company.

Providing as to Agreements for Use by the Company of certain Stations of Scottish Central

LI. That, subject to the Provisions of "The Railways Clauses Consolidation (*Scotland*) Act, 1845," it shall be lawful for the Company, and the *Scottish Central* Railway Company, and the *Caledonian and Dumbartonshire Junction* Railway Company respectively, to make and enter into Contracts and Agreements for the Use by the Company of any Station or Stations and Depôts belonging to or to be

be made and acquired by the *Scottish Central* Railway Company at *Stirling*, or the *Caledonian and Dumbartonshire Junction* Railway Company at or near *Alexandria* or *Balloch*, and generally to enter into and carry into effect such Arrangements in reference thereto, and the Rates or other Remuneration to be paid for the Use thereof, as may be mutually agreed upon between the said Companies; and every such Contract, Agreement, or Arrangement may contain such Covenants, Clauses, Powers, Provisions, and Conditions as may be mutually agreed on between the said Companies. nian and Dumbartonshire Junction Railway Companies.

LII. That, subject to the Provisions of "The Railways Clauses Consolidation (*Scotland*) Act, 1845," it shall be lawful for the Company, and the *Scottish Central* Railway Company, and the *Caledonian and Dumbartonshire Junction* Railway Company respectively, to make, enter into, and complete any Contracts, Arrangements, and Agreements which may by them be deemed necessary or advisable for the Passage over or along the Railway hereby authorized, or the *Scottish Central* Railway, or the *Caledonian and Dumbartonshire Junction* Railway respectively, of any Engines, Waggons, or Carriages belonging to or used by the Company, or the *Scottish Central* Railway Company, or the *Caledonian and Dumbartonshire Junction* Railway Company respectively, and for the Use of the Stations, Depôts, and Offices of the said respective Companies, upon such Terms and Conditions and on Payment of such Tolls as may be mutually agreed upon. Providing for Agreements for passing over Railway and the Scottish Central and Caledonian and Dumbartonshire Junction Railways.

LIII. That, subject to the Provisions of "The Railways Clauses Consolidation (*Scotland*) Act, 1845," it shall be lawful for the Company, and the *Scottish Central* Railway Company, and the *Caledonian and Dumbartonshire Junction* Railway Company, or either of them, to make, enter into, and complete any Contracts, Arrangements, and Agreements which may by them be deemed necessary or advisable for the working and Use of the said Railway hereby authorized, or any Part thereof, and for the Regulation or Management of the Traffic thereon, or on Railways communicating therewith, and generally for or in respect of all such Matters and Things as may be deemed necessary or advisable for the proper and efficient working of the said Railway or any Part thereof, when completed, and in such Manner as may be agreed upon. Providing for Agreements for working the Railway.

LIV. That whereas the Magistrates and Town Council of the Royal Burgh of *Stirling* claim Right to levy Dues and Customs upon certain Goods, Animals, Matters, and Things entering, leaving, or passing through the said Burgh: Nothing herein contained shall affect or impair any Right which the said Magistrates and Town Council may have to levy the said Dues and Customs upon such Goods, Animals, Matters, and Things as shall enter, leave, or pass through the said Burgh by the Railway by this Act authorized; and it shall be Providing as to any Dues or Customs leviable by the Magistrates and Town Council of Stirling.

be lawful for the Company, and the said Magistrates and Town Council, to make, enter into, and complete any Arrangements and Agreements which may by them be deemed necessary or advisable in relation to such Dues and Customs; and it shall also be lawful for the said Magistrates and Town Council to lease such Dues and Customs to the Company, or to arrange and compound the same for the Payment by the Company to the said Magistrates and Town Council of a fixed or annual Sum, and for the Company to accept such Lease, or make and carry into effect such other Arrangements aforesaid: Provided always, that until a final Arrangement shall be made and completed the Company shall admit to their Station at all reasonable Hours any Officer duly appointed by the said Magistrates and Town Council for the Purpose of levying the said Dues and Customs, should they be entitled so to do.

Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

LV. That whereas an Act was passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Third and Fourth Years of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Fifth and Sixth Years of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways and for the Conveyance of Troops;* and another Act was passed in the Seventh and Eighth Years of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and another Act was passed in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Fourteenth and Fifteenth Years of the Reign of Her said Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Nothing in this Act contained shall be held to exempt the Railway hereby authorized, or the Company, from the Provisions of the said several Acts respectively, but such Provisions shall be in force in respect to the said Railway and Company, so far as the same shall be applicable thereto, and not otherwise specially provided for by this Act.

Railway not exempt from Provisions of future General Acts.

LVI. That nothing herein contained shall be deemed or construed to exempt the Railway hereby authorized to be made from the Provisions of any General Act relating to this Act, or any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force, or which may hereafter pass during the present 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.

LVII. That

Sum deposited pursuant to standing Orders not to be repaid except in certain Events.

LVII. That whereas pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Eleven thousand three hundred and two Pounds, being more than One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited with the Court of Exchequer in *Scotland* in respect of the Application to Parliament for this Act: Notwithstanding anything contained in the said Act of the Ninth Year of Her present Majesty, the said Sum of Eleven thousand three hundred and two Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as is herein-after mentioned, 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, 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 Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred, by the Officer or Person in whose Name they shall then be deposited or invested, to the Account of Her Majesty's Exchequer, and when so paid and transferred 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 Eleven thousand three hundred and two 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 Eleven thousand three hundred and two 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

the Company have paid up One Half of the Amount of the said 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 such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends 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 of the Ninth Year of Her present Majesty to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends 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.

Provision as to the Rights of the Crown.

LVIII. That nothing in this Act contained shall extend to authorize the Company to purchase, take, use, or otherwise interfere with any Land, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners or Commissioner for the Time being of Her Majesty's Woods, Forests, and Land Revenues having the Management and Direction of the same Premises first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities which now are or hereafter may be vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Expenses of Act.

LIX. That all the Costs, Charges, and Expenses of obtaining and passing this Act, and in any way incident thereto, shall be paid and defrayed by the Company.

Short Title.

LX. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression, "The *Forth and Clyde Junction* Railway Act, 1853."

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