ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. xciv.

An Act to enable the *Glasgow and South-western* Railway Company to make a Branch Railway to near *Mayfield* in the County of *Ayr*.

[8th *July* 1853.]

WHEREAS it will be attended with great public Advantage if the *Glasgow and South-western* Railway Company are authorized to form a Railway from the *Glasgow and South-western* Railway near *Drumliehill* to *Mayfield;* but this Purpose cannot be effected without the Aid 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. 19. and 33. incorporated with this Act.

I. That the Provisions of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and of the "Railways Clauses Consolidation (*Scotland*) Act, 1845," (except where the same are expressly varied by this Act,) shall be incorporated with and form Part of this Act.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Glasgow and South-western* Railway Branch Act, 1853."

"The Company."

III. That the Expression "the Company" in this Act shall mean the *Glasgow and South-western* Railway Company, unless there be something in the Subject or Context repugnant to such Construction.

Power to raise additional Capital by Creation of new Shares.

IV. And whereas the estimated Cost of the Railway and Works by this Act authorized is Five thousand Pounds: Be it enacted, That it shall be lawful for the Company from Time to Time to raise, for the Purposes of this Act, by creating new Shares, in addition to the Sums of Money which they are authorized to raise under and by virtue of the Acts relating to their Undertakings or any of them, or which they may be authorized to raise under or by virtue of any other Act or Acts to be passed in the present Session of Parliament, any Sum of Money not exceeding in the whole the Sum of Five thousand Pounds, with or without such guaranteed Preference or Priority of Dividend, not exceeding Five Pounds *per Centum per Annum*, as may be agreed upon, with the Consent of Three Fifths of the Votes of the Proprietors present in Person or by Proxy at any Special General Meeting or Meetings of the Company convened for the Purpose of considering the Terms on which such Shares shall be issued; and the new Shares so created may be of such Amount, and may be disposed of in such Manner, at such Time or Times, upon such Terms, and to such Persons as any such Special General Meeting or Meetings of the Company may determine: Provided always, that any Preference or Priority of Dividend which may be granted in respect of such new Shares in virtue hereof shall not prejudice or affect any Preference or Priority of Dividend or Interest on any other Shares or Stock which may have been granted by or in pursuance of any previous Act of Parliament, or which may be otherwise lawfully subsisting.

New Shares to be considered the same as original Shares.

V. That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital of the Company, and be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Non-payment of Calls, the Consolidation of Shares into Stock, or otherwise, as if it were Part of the original Capital, except as to the Amount of such Shares, and the Times of making Calls thereon, and the Amount of such Calls, which respectively shall be subject to the Provisions of this Act, and except also as to any special Advantages in favour of, or other Regulations in relation to, such Shares which may

may be resolved on by any such Special General Meeting or Meetings of the said Company according to the Provisions of this Act.

Calls.

VI. That the Company may from Time to Time make such Calls as they think proper upon the Holders of the Shares so to be created, provided that the greatest Amount of any One Call shall not exceed Twenty Pounds *per Centum* upon the nominal Value of such Share, and that there be an Interval of Three Months at the least between successive Calls, and that the aggregate Amount of Calls in any One Year do not exceed Four Fifths of the nominal Value of each Share.

Application of Money.

VII. That all Money to be raised under the Authority of this Act shall be applied to the Purposes of the Railway by this Act authorized, and to no other Purpose.

Power for Company to apply their Corporate Funds to Purposes of this Act.

VIII. That it shall be lawful for the Company to appropriate for or towards the Purposes of this Act any Sums of Money which they are authorized to raise under the Provisions of any existing Act or Acts relating to the Company, and which may not be required for the Purpose to which they are by any such Act or Acts made specially applicable.

Power to construct Railway.

IX. And whereas Plans and Sections of the proposed Railway showing the Line and Levels thereof, and also Books of Reference thereto containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited with the Sheriff Clerk of the County of *Ayr*: Be it enacted, That, subject to the Provisions in this and the "Lands Clauses Consolidation (*Scotland*) Act, 1845," and "Railways Clauses Consolidation (*Scotland*) Act, 1845," as extended to this Act, contained, it shall be lawful for the Company to make and maintain the said Railway, together with all proper Works and Conveniences, whether permanent or temporary, connected therewith, 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 to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Defining the Line of Railway.

X. That the said Railway to be made and maintained under the Authority of this Act shall be the following:

A Railway diverging from and out of the Branch of the *Glasgow and South-western* Railway, formed under the Authority of "The *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Amendment

ment and Branches Act, Number 3, 1846," at or near to *Drumliehill* in the Parish of *Riccarton* in the County of *Ayr*, and terminating in the said Parish at or near to *Mayfield*:

And the said Railway shall form Part of the Undertaking of the *Glasgow and South-western* Railway Company.

Lands for extraordinary Purposes.

XI. That the Company may purchase by Agreement and hold Lands, either on or near the Line of the said proposed Railway, for the extraordinary Purposes mentioned in the said recited Railways Clauses Consolidation (*Scotland*) Act, and that the Quantity of Land to be taken by the Company for such Purposes shall not exceed Five Acres.

Period for compulsory Purchase of Lands.

XII. That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of the Act shall not be exercised after the Expiration of One Year from the passing of this Act.

Period for Completion of Works.

XIII. That the Railway shall be completed within Three Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Tolls.

XIV. That it shall be lawful for the Company to demand any Tolls for the Use of the Railway by this Act authorized, not exceeding the following; (that is to say,)

Tonnage on Merchandise.

1st. In respect of the Tonnage of all Articles conveyed upon the said Railway or any Part thereof, as follows:

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile not exceeding Twopence; and if conveyed by Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny:

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, 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, *per* Ton *per* Mile not exceeding Twopence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices,

Vices, and Chains, *per* Ton *per* Mile Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny Halfpenny:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Fish, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Fourpence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Twopence:

And 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 not exceeding Sixpence;

And a like Sum of Sixpence *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 not exceeding Sixpence:

And for the Trouble occasioned by loading or unloading, or for the Use of any Wharf, Basins, Loading Place or Station, such reasonable Sum as to the Company shall seem fit.

Tolls for Passengers or Cattle.

2. In respect of Passengers and Animals conveyed in Carriages upon the said Railway or any Part thereof, as follows:

For any Person conveyed in or upon such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding Twopence *per* Mile:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding Threepence *per* Mile:

For every Calf or Pig, Sheep, Lamb, or Hog, or other small Animal, conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Penny Halfpenny *per* Mile.

Tolls for propelling Power.

XV. That the Toll which the Company may demand for the Use of Engines for propelling Carriages on the said Railway, or any Part thereof, shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Tolls for small Parcels and Articles of great Weight.

XVI. And with respect to small Packages, and single Articles of great Weight, be it enacted, That the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels (that is to say, Parcels not exceeding Five hundred Pounds Weight each,) on the Railway or any Part thereof, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Fourpence;

For any Parcel not exceeding Fourteen Pounds in Weight, Eightpence;

For any Parcel not exceeding Twenty-eight Pounds in Weight, One Shilling and Fourpence;

For any Parcel not exceeding Fifty-six Pounds in Weight, Two Shillings;

And for any Parcel exceeding Fifty-six Pounds in Weight the Company may demand any Sum which they think fit: 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 Eight Tons, the Company may demand such Sum as they think fit, not exceeding Twelvepence *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Passengers Luggage.

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

Limiting Charges for Conveyance of Passengers.

XVIII. That it shall not be lawful for the said Company to demand or receive any greater Sum in respect of the Carriage of Passengers conveyed on the Railway by this Act authorized, or any Part thereof, than Twopence Halfpenny *per* Passenger *per* Mile in respect of any Passenger travelling in a First-class Carriage, One Penny Halfpenny *per* Passenger *per* Mile in respect of any Passenger travelling in a Second-class Carriage, and One Penny *per* Passenger

per

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, unless in the Case of Passengers travelling by Special Trains.

Limiting Charge for Conveyance of Goods and Cattle.

XIX. That it shall not be lawful for the said Company to charge in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals, hereafter mentioned, conveyed on the Railway by this Act authorized, any greater Sum, including the Charges for the Use 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 loading and unloading where such Service is performed by the Company), than the several Sums hereafter mentioned; (that is to say,)

For all Dung, Compost, and all Sorts of Manure, Lime, Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile One Penny Halfpenny:

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig, Bar, Rod, Hoop, Sheet, and all other Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per* Ton *per* Mile Twopence:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Threepence:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, and Things, *per* Ton *per* Mile Fourpence:

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

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

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

For every Calf or Pig, *per* Mile Three Farthings:

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

Regulations as to the Tolls.

XX. That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Articles or Persons conveyed on the said Railway for a less Distance than Six Miles the Company may demand Tolls as for Six Miles, and in addition to the prescribed Tolls for Conveyance a reasonable Charge for the Expense of loading and unloading: Provided nevertheless, that in ascertaining the Distance

Distance for which the Tolls, Rates, and Charges may be demanded and received by the Company in respect of the Railway by this Act authorized, such Railway shall be deemed and taken to be a Portion of the *Glasgow and South-western* Railway:

For a Fraction of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Toll on Passengers and Merchandise for One 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, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone or Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so on in proportion for any smaller Quantity.

Company may take increased Charges by Agreement.

XXI. Provided further, That nothing herein contained shall be held to prevent the said Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance of such Goods (except small Parcels) by Passenger Trains, or by reason of any other special Service performed by the said Company in relation to such Goods.

Interest not to be paid on Calls paid up.

XXII. That the Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised, pay to any Shareholder Interest or Dividend on the Amount of 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-before contained shall be deemed to prevent the said 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.

XXIII. 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 any Act authorizing the said

said Company to construct any other Railway, or execute any other Work or Undertaking.

Dividends suspended if Railway not opened within a limited Period.

XXIV. That if the Railway by this Act authorized to be constructed shall not be completed and opened for public Traffic within Five Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company to declare or pay any Dividend on the ordinary or unguaranteed Capital of the Company until the said Railway shall have been completed and opened for public Traffic.

Railway and Company 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.

XXV. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railways*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year 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 Eighth Year of the Reign of Her present 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*: Be it enacted, That nothing in this Act contained shall be held to exempt the said Railways or the Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Company so far as the same are applicable.

Railway not exempt from Provisions of future General Acts.

XXVI. That nothing herein contained shall be deemed or construed to exempt the Railways by this or any other Act relating to the Company authorized to be made, or the Company, from the Provisions of any General Act relating to such Acts, or of any General Act relating to Railways, or the better and more impartial Audit of the Accounts of Railway Companies, now in force, or which may hereafter pass during 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, and of the Rates for small Parcels, authorized by this or any other Act relating to the Company.

Expenses of Act.

XXVII. That all the Costs, Charges, and Expenses of and incident to the obtaining of this Act, and preparatory thereto, shall be paid by the Company.

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