ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

****

Cap. ccclxxii.

An Act for making a Railway from the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway near *Cumnock* to the *Caledonian* Railway near the crossing of the River *Sark*, to be called "The *Glasgow, Dumfries, and Carlisle* Railway," with Branches.

[13th *August* 1846.]

WHEREAS the making of a Railway from the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway near *Cumnock*, by *Dumfries* and *Annan*, to the *Caledonian* Railway near its crossing of the River *Sark*, would be of great public Advantage: And whereas it would also be attended with public Advantage if Branches were formed from the said proposed Railway near *Sanquhar* to the *Caledonian* Railway near the Confluence of the River *Clyde* and *Duneaton* Water, and from the said Railway near *Annan* to the Harbour of *Waterfoot* of *Annan*: And whereas the Persons hereafter named, with others, are willing to carry such Undertaking into execution, if authorized and empowered by Parliament so to do: And

whereas it would be attended with Advantage and Convenience to the Public if the proposed Railway and Branch Railways were leased to or vested in the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company: And whereas Six several Acts were passed in the last Session of Parliament, called respectively "The Companies Clauses Consolidation Act, 1845," "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Railways Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation (*Scotland*) Act, 1845:" 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, That the Powers of the said several recited Acts of Parliament, (that is to say,) "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," except so far as the same may be inconsistent with the Provisions herein-after enacted, shall be incorporated with and form Part of this Act, as regards all Matters connected with such Portion of the Railway and Branch Railways by this Act authorized as may be situated in *England*, and the other Objects and Purposes of this Act as proposed to be carried into effect in *England*; and that the Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and of "The Railway Clauses Consolidation (*Scotland*) Act, 1845," except so far as the same may be inconsistent with the Powers herein-after contained, shall be incorporated with and form Part of this Act, as regards so much of the said Railway and Branch Railways as may be situate in *Scotland*, and the other Objects and Purposes of this Act as proposed to be carried into effect in *Scotland*.

8 & 9 Vict. cc. 16. 17. 18. 19. 20. & 33. incorporated with this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Glasgow, Dumfries, and Carlisle* Railway Act, 1846."

Subscribers incorporated.

III. And be it enacted, That *John Leadbetter* Esquire, Sir *James Campbell* Knight, *Marmaduke Constable Maxwell* Esquire, *William Maxwell Alexander* Esquire, *John Henderson* Esquire, *Archibald Smith* Esquire, *Robert Dykes* Esquire, *Alexander Brown* Esquire, *Samuel Russell Brown* Esquire, *William H. Crawford* Esquire, *William Brooks* Esquire, *John Ross* junior, Esquire, *Robert P. Adam* Esquire, *Robert Fleming* Esquire, *Alexander Drysdale* Esquire, *Andrew M'George* Esquire, 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 a Railway from the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway near *Cumnock*, by *Dumfries* and *Annan*, to the *Caledonian* Railway near the crossing of the River *Sark*, with Branches

to the said *Caledonian* Railway near the Confluence of the River *Clyde* and *Duneaton* Water, and to the Harbour of *Waterfoot* of *Annan*, together also with all proper Works and Conveniences belonging thereto, according to the Provisions of the said recited Acts as extended to this Act, and of this Act, and for other Purposes herein, and in the said recited Acts as extended to this Act, contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Glasgow, Dumfries, and Carlisle* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein, and in the recited Acts as extended to this Act, contained.

Capital.

IV. And be it enacted, That the Capital of the Company shall be One million three hundred thousand Pounds Sterling.

Number and Amount of Shares.

V. And be it enacted, That the Number of Shares into which the Capital shall be divided shall be Fifty-two thousand, and the Amount of each Share shall be Twenty-five Pounds.

Calls.

VI. And be it enacted, That Five 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 Three Months at the least shall be the Interval between successive Calls.

Interest to be paid on Calls till Railway completed.

VII. And be it enacted, That after Five Pounds *per* Share shall have been paid up, it shall be lawful for the Company to pay Interest at the Rate of Four Pounds *per Centum per Annum* till the opening of the Railway, on the said Sum of Five Pounds *per* Share, on such farther Sums as shall from Time to Time be called by the Directors in respect of the said Shares, and shall be paid by the Proprietors thereof: Provided always, that no Interest shall accrue to the Proprietor of any Share who shall not have paid up the Calls due at the Time in respect of the whole Shares belonging to him as appearing from the Register of Shareholders.

Power to borrow Money on Mortgage.

VIII. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sum not exceeding in the whole the Sum of Four hundred and thirty-three thousand three hundred Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of One million three hundred thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

First and other Meetings.

IX. And be it enacted, 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 of *August* or *September*; and the first of such Ordinary Meetings shall be

be held in *February* or *March* One thousand eight hundred and forty-seven; and all Meetings, whether ordinary or extraordinary, shall be held in *Glasgow*.

Quorum of General Meetings.

X. And be it enacted, That the Quorum for every General Meeting of the Company shall be Fifteen Shareholders holding in the aggregate not less than Thirty thousand Pounds in the Capital of the Company.

Number and Qualification of Directors.

XI. And be it enacted, That the Number of Directors shall be Sixteen, and the Qualification of a Director shall be the Possession in his own Right of Forty Shares in the Undertaking.

Power to vary the Number of Directors.

XII. And be it enacted, That it shall be lawful for the Company to increase or reduce the Number of Directors, provided that the increased Number do not exceed Twenty, and that the reduced Number be not less than Ten.

First Directors.

XIII. And be it enacted, That *John Leadbetter*, Sir *James Campbell*, *Marmaduke Constable Maxwell*, *William Maxwell Alexander*, *John Henderson*, *Archibald Smith*, *Robert Dykes*, *Alexander Brown*, *Samuel Russell Brown*, *William H. Crawford*, *William Brooks*, *John Ross* junior, *Robert P. Adam*, *Robert Fleming*, *Alexander Drysdale*, *Andrew M'George*, shall be the first Directors of the Company.

Directors to continue in Office till first Ordinary Meeting.

XIV. And be it enacted, 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 Place of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

Subsequent Election of Directors.

XV. And be it enacted, 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, 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 said Companies Clauses Consolidation Act contained; and the several Persons elected at any such Meeting, being neither removed or disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the said Companies Clauses Consolidation Act.

Quorum.

XVI. And be it enacted, That the Quorum of a Meeting of Directors shall be Five.

XVII. And

Committees of Directors.

XVII. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Two nor more than Eight, and the Quorum of such Committees shall be the major Number of those appointed.

Period for balancing of Books, and for Inspection.

XVIII. And be it enacted, That the Period to which the Books of Account 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 the Shareholders and Loan Creditors of the Company shall be entitled to the Inspection of such Books shall be Ten Days before and Ten Days after each of the Ordinary Meetings of the Company.

Newspapers for Insertion of Advertisements.

XIX. And be it enacted, That the Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be the Newspapers published in *Glasgow*, or any One of them.

Railway to be made according to deposited Plans.

XX. And whereas Plans and Sections of the proposed Railway, Branch Railways, and connecting Line herein-before mentioned, showing the Lines and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners and Lessees and Occupiers of the Lands through which the same is intended to pass, have been deposited with the Sheriff Clerks of the Counties of *Ayr* and *Dumfries*, and with the Clerk of the Peace of the County of *Cumberland*; be it enacted, That, subject to the Provisions in this and the said recited Acts as extended to this Act contained, it shall be lawful for the said Company to make and maintain the said Railway and Branch Railways, connecting Line, and Works, in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Line of Railway.

XXI. And be it enacted, That the said Railway shall commence by a Junction with the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway, at or near to its Southern Termination at *Horsecleuch*, and shall terminate by a Junction with the *Caledonian* Railway at or near to the crossing of the River *Sark*, and shall pass from, through, or into the Parishes or Places of *Old Cumnock* and *New Cumnock* in the County of *Ayr*, *Kirkconnel*, *Sanquhar*, *Durrisdeer*, *Morton*, *Closeburn*, *Kirkmahoe*, *Dunscore*, *Holywood*, *Dumfries*, *Saint Michael's* of *Dumfries*, *New Church* of *Dumfries*, *Torthorwald*, *Mousewald*, *Dalton*, *Ruthwell*, *Cummertrees*, *Annan*, *Dornock*, and *Gretna*, in the County of *Dumfries*, or some of them; and the said first-mentioned Branch shall diverge out of the Main Railway at or near to *Sanquhar*, and shall terminate by a Junction with the *Caledonian* Railway at or near to the Confluence of the River *Clyde* and *Duneaton* Water, and shall pass through or into the Parishes or Places of *Sanquhar* and *Kirkconnel* in the County of *Dumfries*, and of *Crawfordjohn*, *Wiston* and *Roberton* united, and *Wandell* and *Lamington* united, in the County of *Lanark*, or some of them; and the second-mentioned Branch shall diverge out of the Main Railway in or near to the

Burgh of *Annan*, and shall pass through and terminate in the said Burgh or Parish of *Annan* at or near to the Harbour of *Waterfoot* of *Annan*.

One only of alternative Lines to be made.

XXII. And whereas in the Plans deposited as aforesaid Two alternative Lines are shown between the Field numbered 19 of the Parish of *Ruthwell* on the Plans deposited as herein-before mentioned and the River *Annan*; be it therefore enacted, That it shall be lawful for the said Company to make the said Railway according to the Southernmost of the said Two alternative Lines.

Power to cross certain Roads on the Level.

XXIII. And be it enacted, That it shall be lawful for the Company in constructing the said Railway and Branch Railways to carry the same or any of them across and on the Level of the Roads numbered respectively on the Plans deposited as herein-before mentioned as follows; *videlicet*,

On the Main Railway:—
In the Parish of *New Cumnock*, the Road numbered 112:
In the Parish of *Kirkconnell*, the Roads numbered 68, 171, and 176:
In the Parish of *Sanquhar*, the Road numbered 140:
In the Parish of *Closeburn*, the Roads numbered 21, 28, 40, 54-3, 98, and 108:
In the Parish of *Holywood*, the Road numbered 30:
In the Parish of *Dumfries*, the Roads numbered 19, 64, 87-1, and 117:
In the Parish of *Torthorwald*, the Roads numbered 9 and 49:
In the Parish of *Mousewald*, the Road numbered 32:
In the Parish of *Ruthwell*, the Roads numbered 12, 40, 79, and 92:
In the Parish of *Annan*, the Roads numbered 10, 83, 84, 102, and 144:
In the Parish of *Dornock*, the Roads numbered 9, 54, 68, and 97:
In the Parish of *Gretna*, the Roads numbered 2-1, 17, and 18.

On the Branch to the *Caledonian* Railway near the *Duneaton* Water:—
In the Parish of *Kirkconnel*, the Road numbered 227, at Two several Points, *videlicet*, at Two Miles Seven Furlongs, and at Three Miles and One Half Furlong, as marked on the said Plans:
In the Parish of *Crawfordjohn*, the Roads numbered 43, 74, and 115.

On the Branch to the Harbour of *Waterfoot* of *Annan*:—
In the Parish of *Annan*, the Roads numbered 83, 176, and 187.

Lodge or Station to be erected at Points of crossing.

XXIV. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and for ever thereafter maintain a Lodge or Station at each of the Points where the Railway shall cross on the Level any of the Roads herein-before mentioned.

XXV. And

Inclination of certain Roads.

XXV. And be it enacted, That it shall be lawful for the Company to make the Inclinations of the following Roads numbered respectively on the Plans deposited as aforesaid, at the Points of crossing thereof by the said Railway, not steeper than those herein-after mentioned; *videlicet*,

On the Main Railway:—

The Road Number 83 of the Parish of *New Cumnock* shall not be made steeper than One Foot in Eleven Feet:

The Road numbered 44 of the Parish of *Sanquhar* shall not be made steeper than One Foot in Fifteen Feet.

Regulating Dimensions of certain Bridges.

XXVI. And be it enacted, That it shall be lawful for the Company to make the Bridges or Arches at the Roads numbered respectively on the Plans deposited as aforesaid of Dimensions not less than those herein-after mentioned; *videlicet*,

The Arch at the Road Number 154 of the Parish of *New Cumnock* shall not be less than Thirteen Feet in Height, having Iron Beams:

The Arch at the Road Number 115 of the Parish of *Kirkconnel* shall not be less than Twelve Feet in Height:

The Arch at the Road Number 40 of the Parish of *Closeburn* shall not be less than Thirteen Feet in Height.

Power to shut up certain Streets.

XXVII. And be it enacted, That it shall be lawful for the Company to stop up and close permanently the intended Street or Road marked Number 30 of the Parish of *Sanquhar* on the Plans deposited as hereinbefore mentioned, at the Point where the Railway is intended to be carried across the same.

Lands for extraordinary Purposes.

XXVIII. And be it enacted, That the Company may purchase by Agreement and hold Lands either on or near the Line of the said Railway, or on or near the Line of any Railway communicating therewith, and over which the Traffic therefrom may pass, or in any City or Town adjoining such Railways, for the extraordinary Purposes mentioned in the said recited Railway Clauses Consolidation Acts, and that the Quantity of Land to be taken by the Company for such Purposes shall not exceed Fifty Acres.

Compulsory Purchase of Lands limited.

XXIX. And be it enacted, That 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.

XXX. And be it enacted, That the Railway shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the recited Acts 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.

As to Communications with the

XXXI. And be it enacted, That all Communications between the Railway hereby authorized and the *Caledonian* Railway shall be effected

Caledonian Railway.

effected in a substantial and workmanlike Manner, by means of Connexion Rails and Points, of the Construction and laid in the Manner most approved from Time to Time, and to the reasonable Satisfaction of the Engineer for the Time being of the *Caledonian* Railway Company.

Company not to interfere with the Caledonian Railway or Works.

XXXII. And be it enacted, That it shall not be lawful for the Company hereby incorporated, or for any other Person, in execution of this Act, either permanently or temporarily, to enter upon, take, or use any of the Land or Property of the said *Caledonian* Railway Company, or in any Manner to alter, vary, or interfere with the said *Caledonian* Railway, or any of the Works appertaining thereto, save only for the Purpose of effecting the Junction hereby authorized in manner aforesaid.

Saving Rights of the Caledonian Railway Company.

XXXIII. And be it enacted, That, save as by this Act specifically provided, nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, Franchises, or Authorities of or vested in or belonging to the said *Caledonian* Railway Company, but all their Rights, Privileges, Powers, Franchises, and Authorities under their several Acts of Parliament are hereby expressly saved and reserved.

Tolls:

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

On Articles of Merchandize:

1st. In respect of the Tonnage of all Articles conveyed upon the 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 Two-pence; 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 Merchandize, *per* Ton *per* Mile not exceeding Two-pence 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, Stones, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Three-pence; 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 Four-pence:

And

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:

On Passengers and Cattle.

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

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

For every Horse, 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 Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding Three-pence *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.

XXXV. And be it enacted, That the Toll which the Company may demand for the Use of Engines for propelling Carriages on the said Railway or Branch Railways, 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.

Regulations as to the Tolls.

XXXVI. And be it enacted, 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 or Branch Railways 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 Expence of stopping, loading, and unloading:

For a Fraction of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Passengers and Merchandize 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 Fractions, 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.

Tolls for small Parcels and Articles of great Weight.

XXXVII. 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,) 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, and to Parcels not being aggregate Quantities of the same Description of Articles sent in the same Package:

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 Twelve-pence *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.

XXXVIII. And be it enacted, That every Passenger travelling upon the Railway may take with him, at his own Risk, 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; and may take with him the said Amount of Luggage, at the Risk of the Company, provided he delivers the same to them, and pays such reasonable Sum for Booking as shall be fixed by them, not exceeding Two-pence for each separate Alteration.

Limiting Charges for Conveyance of Passengers.

XXXIX. And be it enacted, 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 or Branch Railways by this Act authorized, or any Part thereof, than Two-pence 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,

Carriage, and One Penny *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, unless in the Case of Passengers travelling by Special Trains.

Limiting Charges for Conveyance of Goods and Cattle.

XL. And be it enacted, 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 or Branch Railways 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 Expence 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 Merchandize, *per* Ton *per* Mile Two-pence:

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 Three-pence:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Fish, Articles, Matters, and Things, *per* Ton *per* Mile Four-pence:

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

For every Horse, Mule, or Ass, *per* Mile Five-pence:

For every Ox, Cow, Bull, or Neat Cattle, *per* Mile Two-pence:

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

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

Tolls for a less Distance than Six Miles.

XLI. Provided always, and be it enacted, That if any Passengers, Animals, or Goods be conveyed for a less Distance than Six Miles on the said Railway or Branch Railways, or any of them, the said Company shall be entitled to demand and receive Tolls as for Six Miles.

Company may take increased Charges by Agreement.

XLII. Provided further, and be it enacted, 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 thereof by Passenger Trains, or by reason of any other

other special Service performed by the said Company in relation thereto.

Works to be executed to Satisfaction of an Engineer.

XLIII. And be it enacted, That the Railway and Branch Railways hereby authorized to be made shall be executed under the Superintendence and Control and to the Satisfaction of *John Miller* Esquire, Civil Engineer in *Edinburgh*, whom failing, of the Engineer for the Time being of the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company.

Power to Company to amalgamate with Glasgow, Paisley, Kilmarnock, and Ayr Railway Company.

XLIV. And whereas the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company are desirous that the Railway hereby authorized to be made should be vested in them; be it enacted, That it shall be lawful for the Company by this Act incorporated, with the Concurrence of Three Fifths of the Shareholders present, personally or by Proxy, at any Special General Meeting to be held within Six Months after the passing of this Act, to resolve and determine that the said Company shall, on the Completion and opening of the said Main Line of Railway to *Annan*, be, and the said Company shall upon such Completion and opening thereupon be, united and amalgamated with the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, subject to the Conditions herein-after mentioned.

Upon such Amalgamation, Company dissolved, and Powers of this Act to be exercised by Glasgow, &c. Railway Company.

XLV. And be it enacted, That in the event and upon the Completion of such Amalgamation the Company hereby incorporated shall cease to exist, and the Provisions of the Companies Clauses Consolidation (*Scotland*) Act, 1845, as extended to this Act, shall cease to form Part thereof; and the Railway and Branch Railways hereby authorized to be made, and all Works, Chattels, Monies, Property, and Effects of, belonging, or due to the Company hereby incorporated, and all Rights, Privileges, Powers, and Authorities by this Act given to or conferred on such Company, shall and may be lawfully held, used, exercised, and enjoyed by and in Name of the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, in the same Manner and to the same Extent as if the Undertaking hereby authorized had been authorized to be made and maintained by them, or as if their Name had been inserted in this Act in lieu of the Name of the *Glasgow, Dumfries, and Carlisle* Railway Company.

Conveyances, &c. to Company to remain valid.

XLVI. And be it enacted, That in the event of and upon the Completion of the said Amalgamation, all Conveyances, Contracts, Agreements, Obligations, Bonds, Covenants, Liabilities, and Securities made or entered into before the Date thereof, to, with, by, or for the Company by this Act incorporated, shall (subject to the Provisions in this Act contained) be and remain as good, valid, and effectual, for or or against or with reference to the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, to all Intents and Purposes, as if the last-mentioned Company had been Party to and had executed the same, or had been named or referred to therein instead of the *Glasgow, Dumfries, and Carlisle* Railway Company.

XLVII. And

Agreements with Company to be valid as against purchasing Company.

XLVII. And be it enacted, That in the event of and upon the Completion of the said Amalgamation, all and every Purchase, Sale, Conveyance, Grant, Lease, Agreement, Security, Right, Liability, Privilege, Omission, and Matter or Thing whatsoever, made, done, executed, granted, incurred, obtained, transacted, commenced, or instituted under or by virtue or in pursuance of this Act, shall (subject to the Provisions in this Act contained) be and the same are hereby declared to be as good, valid, and effectual, and of the same Condition and Quality, to all Intents and Purposes whatever, by, to, for, on behalf of, against, or in respect of the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, as they respectively were immediately before the Completion of such Amalgamation, with reference to the *Glasgow, Dumfries, and Carlisle* Railway Company, and shall and may (subject as aforesaid) be executed, done, performed, continued, completed, and terminated by, to, for, on behalf of, against, or with respect to the *Glasgow, Dumfries, and Carlisle* Railway Company, under and subject to the Provisions and Regulations of this Act, as fully and effectually as the same could or might have been by, to, for, on behalf of, against, or with respect to the *Glasgow, Dumfries, and Carlisle* Railway Company, if such Amalgamation had not taken place.

Incorporating Shareholders of Glasgow, Dumfries, and Carlisle Company in Glasgow, Paisley, Kilmarnock, and Ayr Company.

XLVIII. And be it enacted, That in the event and upon the Completion of such Amalgamation every Person or Corporation who at the Date thereof shall be the Proprietor of One or more Shares in the Company hereby incorporated shall be and be deemed to be the Owner of a Share or Shares of equal Amount in the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, and shall thereafter be entitled to all the Rights and Privileges of a Shareholder therein, except as regards the Dividend payable in respect of such Shares, which shall be restricted in manner herein-after mentioned.

Providing for separate Register of Stock assigned to such Shareholders.

XLIX. And be it enacted, That such Shares shall be kept by the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company as a separate Stock, and the Certificates thereof shall be separately numbered, and the Transfers thereof shall be recorded in a separate Register.

Apportionment of Profits in respect of such Shares.

L. And be it enacted, That in the event and upon the Completion of such Amalgamation every Proprietor of One or more such Shares shall receive, in respect of so much thereof as shall from Time to Time have been paid up, a Dividend out of the Profits of the said *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, according to the Scale herein-after mentioned; *viz.* so long as the Dividend to the other ordinary Shareholders in the said Company shall continue at the Rate of Seven *per Centum per Annum* the Dividend to the Holders of the Shares hereby created shall be at the Rate of Five *per Centum per Annum*, and the Dividend on such last-mentioned Shares shall increase or diminish One Quarter *per Centum* in respect of every Increase or Diminution of One Half *per Centum* in the Dividend on the ordinary Shares of the said *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, unless the Dividend on such last-

last-mentioned Shares shall exceed Ten *per Centum*, or be reduced to less than Five *per Centum*, in which event, and so long as such Excess or Diminution continues, each Class of Shares shall participate equally in the Excess, and shall suffer equally from the Diminution, as the Case may be.

Glasgow, Paisley, Kilmarnock, and Ayr Railway Company may raise the Capital and borrow the Money authorized to be raised by this Act.

LI. And be it enacted, That all Payments which shall have been made in respect of the Shares in the Company hereby incorporated before the Completion of such Amalgamation shall be held to have been Payments made to the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company; but the said *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company shall have all the same Powers with regard to making Calls for the Balance of the said Shares, and with regard to enforcing such Calls, or the Forfeiture and Disposal of Shares in case of Nonpayment thereof, and otherwise with reference thereto, and also with regard to the raising by Mortgage, or on Loan, on the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway, any Sums of Money which the Company hereby incorporated are authorized to raise by virtue of this Act, and with regard also to the Conversion of such Monies into Capital of the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company as are contained in the Acts relating to the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company with reference to the Shares thereby authorized to be created, and the Monies thereby authorized to be raised on Mortgage or on Loan, and the Conversion of such Monies into Capital: Provided always, that the Monies by this Act authorized to be raised by Mortgage or Loan shall not after the Completion of the said Amalgamation be raised by or converted into Shares or Capital Stock of the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, until the whole of the Capital hereby directly authorized to be raised by Shares shall have been previously called up and paid.

Restricting Amount to be raised by Shares.

LII. And be it enacted, That in the event of such Amalgamation being agreed to it shall not be lawful for the Company hereby incorporated, without the Consent of the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, to call up more than Two Thirds of the Capital hereby authorized to be raised by Shares, until they shall have borrowed and expended on the Execution of the said Railway and Branch Railways the Sums which they are by this Act empowered to raise by Mortgage or Loan.

Railways to be leased to Glasgow, Paisley, Kilmarnock, and Ayr Railway Company, if not vested in them.

LIII. And be it enacted, That in the event of the said Amalgamation not taking place the Company by this Act incorporated shall and they are hereby required, on the Completion of the Railway from the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway to *Annan*, or any of the Branch Railways hereby authorized to be made, or any Part thereof, to the Satisfaction of the Engineer, to grant and convey the same, by a Deed duly stamped, in perpetual Lease to the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, and such last-mentioned Company is hereby required to accept the said Lease, subject to the Conditions herein-after contained.

LIV. And

Powers of Company to be exercised by Glasgow, Paisley, Kilmarnock, and Ayr Railway Company.

LIV. And be it enacted, That upon the Execution of the said Deed of Conveyance and Lease all the Powers and Authorities conferred by this or the recited Acts on the Company hereby incorporated, with respect to the Maintenance, Protection, and Use of the said Railway and Branch Railways, or of so much thereof as may be so completed and leased, and with respect to the fixing, levying, and recovering of Tolls, Rates, and Charges thereon, shall and may be exercised by the said *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, subject nevertheless to the same Provisions, Rules, and Regulations as are thereby imposed on the Company hereby incorporated.

As to Traffic passing partly over both Railways.

LV. And with respect to Traffic passing over the whole or some Part of the said Railway or Branch Railways, and also over some Part of the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway, be it enacted, That it shall be lawful for the Company hereby incorporated, and for the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, or the Directors of the said respective Companies, to make Agreements among themselves, fixing the Proportion or Manner in which the Revenue from such last-mentioned Traffic, or from any other Traffic passing partly over the said Railway or Branch Railways, and partly over some other Railway communicating therewith, shall be divided between them, or in which they shall be interested therein; and in default of such Agreement the same shall be fixed by Arbitration, regard being had to the Use made by such Traffic of each respective Railway, and of the Stations, Watering Places, and other Accommodation thereon, and of any Services rendered in the Receipt or Delivery of such Traffic, or otherwise with respect thereto.

Rent to be paid for Railway.

LVI. And be it enacted, That upon the Execution of the said Deed of Conveyance and Lease the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company shall maintain the Works so completed in good and sufficient Order, and shall pay to the Company hereby incorporated an annual fixed Rent or Consideration for the Use thereof, equal to Four *per Cent.* on the Amount which shall have been expended in obtaining this Act, and in completing the said Works, as the said Amount shall be ascertained, in case of Dispute, by the Engineer herein-before mentioned; and shall also pay to the said Company a farther fluctuating and contingent Rent or Consideration, equal to One Half of the whole Receipts which shall appear from their Books to have been drawn by them during the preceding Year in respect of the Traffic on the said Railway and Branch Railways, after deducting the said fixed Rent of Four *per Cent.*, and a Sum equal to Thirty-three *per Cent.* on such gross Receipts, in respect of the Expence of maintaining and working the said Railway and Branch Railways, or such Portion thereof as aforesaid.

Glasgow, Paisley, Kilmarnock, and Ayr Railway

LVII. And be it enacted, That the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company shall keep separate Accounts of all Receipts in respect of Traffic upon the said Railway and Branch Railways

Company to keep separate Accounts.

Railways hereby authorized; and such Accounts shall be open at all reasonable Times to the Inspection of the Directors of the Company hereby incorporated, and Auditors hereby directed to be appointed.

Joint Auditors to be appointed to audit the Accounts of the Glasgow, Paisley, Kilmarnock, and Ayr Railway Company.

LVIII. And be it enacted, That Four Auditors shall be appointed at every half-yearly Meeting, Two of whom shall be nominated by the said *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company (under the Common Seal, or under the Hands of Three Directors, of the said last-mentioned Company,) and Two by the Company hereby incorporated, who shall audit the Accounts of the said Receipts in respect of Traffic, and shall report thereon, in the same Manner as the Auditors of the Accounts of the Company hereby incorporated.

Companies may enter into Agreements as to Payment of Rent.

LIX. And be it enacted, That the Rent or Consideration so to be paid in respect of the Use of the said Railway and Branch Railways shall form a Charge thereon, and on the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway, postponed to the respective Mortgage and Loan Debts which shall at the Time be Burdens on such Railway, and shall be recoverable in the same Way as such Debts are authorized to be recovered; and it shall be lawful to the Company hereby incorporated, and to the said *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, or the Directors of the said respective Companies, to make Agreements among themselves as to the Periods when and the Instalments by which the said Rent shall be paid, and fixing the Mode in which the surplus Profits from the Railway shall be ascertained, or with respect to farther Works required on the Line, or any other Matter connected with the said Railway or Branch Railways, or the Traffic thereon, or the Division or Apportionment of the Revenue therefrom.

Certain Portion of Line to be leased to the Caledonian Railway Company.

LX. And be it enacted, That upon the *Caledonian* Railway Company obtaining statutory Powers to accept of the Lease after mentioned, the Company by this Act incorporated, and all other Companies or Persons claiming an Interest in the Railway hereby authorized, as Lessees or Assignees of the Company hereby incorporated, or otherwise, shall and they are hereby required, on the Completion of that Portion of the Railway hereby authorized to be made which lies between *Annan* and the *Caledonian* Railway, to grant and convey the said Portion of the said Railway, by Deed duly stamped, in perpetual Lease to the *Caledonian* Railway Company, subject to the Conditions herein-after contained.

Rent payable by the Caledonian Railway Company upon Execution of Lease.

LXI. And be it enacted, That upon the Execution of the said Deed of Lease the *Caledonian* Railway Company shall maintain the Works so leased to them in good and sufficient Order, and shall pay to the Company hereby incorporated an annual fixed Rent or Consideration for the Use thereof, equal to Four *per Cent.* on the Amount which shall have been expended in completing the Works so leased, including a reasonable Share of the Expence of obtaining this Act,

as the said Amount shall be ascertained, in case of Dispute, by Arbitration, in the Manner provided by the Lands Clauses Consolidation (*Scotland*) Act, 1845; and shall also pay to the said Company a further fluctuating and contingent Rent or Consideration equal to One Half of the whole Receipts which shall appear from their Books to have been drawn by them during the preceding Year in respect of the Traffic on the said Portion of the said Railway so leased to them, after deducting the said fixed Rent of Four *per Cent.*, and a Sum equal to Thirty-three *per Cent.* on such gross Receipts, in respect of the Expence of maintaining and working the said Portion of the said Railway.

Accounts of Caledonian Railway Company to be open to Inspection.

LXII. And be it enacted, That after the Execution of the said Lease the *Caledonian* Railway Company shall keep separate Accounts of all Receipts in respect of Traffic upon the said Portion of the said Railway leased to them; and such Accounts shall be open at all reasonable Times to the Inspection of the Directors of the Company hereby incorporated, and the Auditors hereby directed to be appointed.

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

LXIII. 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 Railway;* 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 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;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company, so far as the same shall be applicable thereto.

Railway to be subject to Provisions of any future general Act.

LXIV. Provided always, and be it enacted, That nothing herein contained shall be deemed to exempt the said Railway from the Provisions of any general Act relating to this Act, or from the Provisions of any general Act relating to Railways, which may pass during the present or any future Session of Parliament, or from any future Revision, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Expences of Act.

LXV. And be it enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and of making the Survey, Plans, and Estimates, and all other Costs, Charges, and Expences in any way incident thereto, shall be paid and defrayed by the said Company out of the Money already raised and received, or out of the

first Money to be raised or received by them, in preference to any other Payment whatsoever.

Public Act. LXVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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