ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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Cap. lxxviii.

An Act to enable the *Glasgow, Paisley, and Greenock* Railway Company to make a certain Branch Railway; and to amend the Acts relating to the said Railway. [22d *July* 1848.]

WHEREAS an Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act for making and maintaining a Railway from* Glasgow *to* Greenock *by* Paisley *and* Port Glasgow, *to be called* "*The* Glasgow, Paisley, and Greenock *Railway*:" And whereas Two Acts were passed in the Third and Fourth Years of the Reign of Her said Majesty, one thereof intituled *An Act to amend and enlarge the Powers and Provisions of the Act relating to the* Glasgow, Paisley, and Greenock *Railway, and to make certain new Branch Railways from the Main Line in the Towns of* Greenock *and* Port Glasgow, *and to make other Works in connexion with the said Railway*, and the other thereof intituled *An Act for establishing an improved Ferry between the Western Part of the Parish of* Erskine *in the County of* Renfrew *and* Dumbarton *in the County of* Dumbarton: And whereas another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act to enable the* Glasgow, Paisley, and Greenock *Railway Company to raise a further Sum of Money; and to amend and enlarge the Powers and Provisions of the Acts relating to the said Railway*:" And whereas another Act was passed in the Sixth and Seventh Years of the Reign of Her said Majesty, intituled *An Act to amend the Acts relating to the* Glasgow, Paisley,

7 W. 4. & 1 Vict. c. 116.

3 & 4 Vict. c. 107.

3 & 4 Vict. c. 123.

4 & 5 Vict. c. 5.

6 & 7 Vict. c. 49.

Paisley, and Greenock *Railway Company, and to grant further Powers to the said Company:* And whereas Two Acts were passed in the Ninth and Tenth Years of the Reign of Her said Majesty, one thereof intituled *An Act to enable the* Glasgow, Paisley, and Greenock *Railway Company to make a Branch Railway to the* Polloc and Govan *Railway, and to amend the Acts relating to the said Railway*, the other thereof intituled *An Act to enable the* Glasgow, Paisley, and Greenock *Railway Company to make a Branch Railway to the River* Clyde *at or near* Greenock, *and a Pier or Wharf in connexion therewith:* And whereas it would be attended with public Advantage and Convenience if the said Company were authorized to form the Branch Railway hereinafter mentioned: And whereas it would also be attended with Advantage and Convenience if some of the Powers and Provisions contained in the said recited Acts were altered or amended and enlarged: 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 Acts of Parliament following, (that is to say,) the Lands Clauses Consolidation (*Scotland*) Act, 1845, and so much of the Companies Clauses Consolidation (*Scotland*) Act, 1845, as relates to the Consolidation of Shares into Stock, and the Rights of the Holders of such Stock, and to Proceedings for settling Questions by Arbitration, and so much of the Railway Clauses Consolidation (*Scotland*) Act, 1845, as relates to the Construction of Railways, the Use and Occupation of Lands for the Purposes or during the Construction of such Railways, the Mode of crossing of Roads by Railways, and the Repair or Protection of such Roads, the Construction of Bridges and of Works for the Protection and Accommodation of Lands adjoining Railways, and the working of Mines under or near to Railways, shall, so far as the same are applicable to and are not modified by this Act, or inconsistent with the Provisions hereof, apply to the Railway and Works by this Act authorized to be made, and to the Objects and Purposes thereof, and shall be read and construed as forming Part of this Act.

9 & 10 Vict. c. 188.

9 & 10 Vict. c. 143.

Certain Provisions of 8 & 9 Vict. cc. 17. 19. and 33. extended to this Act.

Provisions of recited Acts extended to this Act.

II. And be it enacted, That the said recited Acts relating to the *Glasgow, Paisley, and Greenock* Railway, and all the Powers and Provisions contained in the said recited Acts or any of them, (except such as are by the said Lands Clauses Consolidation (*Scotland*) Act, 1845, or by the said Companies Clauses Consolidation (*Scotland*) Act, 1845, or by the said Railway Clauses Consolidation (*Scotland*) Act, 1845, so far as the same are incorporated herewith, or by this Act, otherwise provided for,) shall extend to this Act, and to the several Portions thereof, and shall operate and be in force with respect to such Purposes, and to the several Matters and Things hereby authorized to be done, as fully and effectually as if the said Powers and Provisions were repeated and re-enacted in this Act.

Power to make Railway according to Plans deposited.

III. And whereas a Plan and Section of the said intended Branch Railway showing the Line and Levels thereof, and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers, of the Lands through

which

which the same is intended to pass, have been deposited with the Sheriff Clerk of the County of *Renfrew:* Be it therefore enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the said Company to make and maintain the said Branch Railway and Works in the Line and upon the Lands delineated on the said Plan 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 as shall be necessary for that Purpose.

Line of Branch Railway.

IV. And be it enacted, That the said Branch Railway shall commence by a Junction with the Main Line of the *Glasgow, Paisley, and Greenock* Railway at or near the Farm House of *Boghead* in the *Abbey* Parish of *Paisley* and County of *Renfrew*, and shall terminate by a Junction with the Main Line of the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway at or near to the *Candren Burn* in the said *Abbey* Parish of *Paisley*, the whole of which intended Branch Railway will be situated in the said *Abbey* Parish.

Providing for Use of Works by this Act authorized by the Glasgow, Paisley, Kilmarnock, and Ayr Railway Company.

V. And whereas the said Railway by this Act authorized is intended to be connected with the *Glasgow, Paisley, and Greenock* Railway, and Traffic in Coal, Iron, Stone, and other Minerals to and from the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway, and its Branches to the West of *Paisley*, will pass on the Railway by this Act authorized, and it is expedient that Provision should be made for accommodating and facilitating such Traffic as after mentioned: Be it therefore enacted, That the *Glasgow, Paisley, and Greenock* Railway Company shall be bound in all Time coming to allow the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, and all other Companies and Persons lawfully using or intending to use the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway, and its Branches to the West of *Paisley*, authorized by the Acts relating to the last-mentioned Railway herein-before mentioned, with Engines or Carriages, for Coal, Iron, Stone, and other Minerals, to use in like Manner the Railway and Works by this Act authorized, on such Terms and Conditions, and on Payment of such reasonable Tolls, Charges, Rent, or other Consideration, as may be agreed upon between the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company and the *Glasgow, Paisley, and Greenock* Railway Company, or, failing such Agreement, as shall from Time to Time be determined by the Commissioners of Railways, or by an Arbitrator to be appointed by the said Commissioners; and the said Commissioners are hereby authorized and required, in the event of their not themselves determining the Matter in dispute, from Time to Time to appoint such Arbitrator, upon the Requisition of either Party; and the Decision of the Commissioners, or of the Arbitrator to be appointed by them, shall be final and binding on the Parties; and it shall not be lawful for the said *Glasgow, Paisley, and Greenock* Railway Company to demand or levy in respect of such Traffic as above mentioned to or from the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway, and over the Railway by this Act authorized, any Tolls or Charges other than such as shall be fixed by any such Agreement or Arbitration as aforesaid.

VI. And

Persons to be placed at the Junction with the Glasgow, Paisley, Kilmarnock, and Ayr Railway.

VI. And be it enacted, That where the Branch Railway by this Act authorized shall form a Junction or Communication with the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway the *Glasgow, Paisley, and Greenock* Railway Company shall and they are hereby required, at their own Expense, to employ proper Persons to be constantly stationed at the Point of such Junction or Communication, for the Purpose of attending to the Points or Switches, and of preventing Collisions between or Accidents to the Trains passing upon the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway, and the Trains passing upon the said Branch by this Act authorized.

Damages done to Glasgow, Paisley, Kilmarnock, and Ayr Railway to be made good by Company.

VII. And be it enacted, That in case during the Construction of the Works for the Branch Railway by this Act authorized, or at any Time after such Works shall have been completed, any Damage or Injury shall be thereby occasioned to the said *Glasgow, Paisley, Kilmarnock, and Ayr* Railway, or the Traffic thereupon be in any way interrupted, or in case any Damage or Injury shall arise or be occasioned by the Neglect of the Persons employed as aforesaid at the said Junction for the Purpose of attending to the Points or Switches, or preventing Collisions or Accidents, then or in any of such Cases the said *Glasgow, Paisley, and Greenock* Railway Company shall and they are hereby required to make good all such Damage or Injury, and to reimburse the said *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company all Costs and Expenses which they shall have incurred in consequence thereof.

As to Communication with the Glasgow, Paisley, Kilmarnock, and Ayr Railway.

VIII. And be it enacted, That the Junction and Communication between the Branch Railway by this Act authorized and the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway, and all such Openings in the Ledges or Flanches of the said Railway as may be necessary or convenient for effecting such Junction or Communication, shall be made under the Direction and Superintendence of the Engineer for the Time being of the said *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, but at the Expense of the said *Glasgow, Paisley, and Greenock* Railway Company.

Not to take Lands, &c. of Glasgow, Paisley, Kilmarnock, and Ayr Railway Company, without Consent.

IX. And be it enacted, That nothing in this Act contained shall extend to authorize or enable the said *Glasgow, Paisley, and Greenock* Railway Company to take or enter upon any of the Lands or Property of the said *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, or to alter, vary, or interfere with the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway, or Works thereof, further or otherwise than is hereby authorized, without the Consent in Writing of the said *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company in every Instance for that Purpose first had and obtained.

Saving Rights of Glasgow, Paisley, Kilmarnock, and Ayr Railway Company.

X. And be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away, further or otherwise than is hereby expressly authorized, any of the Rights, Privileges, Powers, or Authorities vested in the said *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, but all their Rights, Privileges, Powers, and Authorities under their several Acts of Parliament or otherwise are hereby expressly saved and reserved.

XI. And

XI. And be it enacted, That it shall not be lawful for the Company to construct the said Branch Railway at a less Distance than One hundred and eighty Yards from the Western Gate of the Barnyard of *Ferguslie Place*, or to acquire or occupy any Part of the Field numbered Thirty-four on the Plans deposited as aforesaid, without the Consent in Writing of *William Barr*, his Heirs or Assigns. For the Protection of Mr. Barr's Property.

XII. And be it enacted, That the Quantity of Land to be taken by the said Company for extraordinary Purposes shall not exceed Five Acres. Lands for extraordinary Purposes.

XIII. 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 compulsory Purchase of Landslimited

XIV. And be it enacted, That the said Branch Railway shall be completed within Five Years from the passing of this Act; and on the Expiration of such Period the Powers by this or the said recited Acts granted to the Company for executing the said Railway and other Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Branch Railway as shall then be completed. Period for Completion of Works.

XV. 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 Railways by this Act or the recited Acts authorized than Three-pence *per* Passenger *per* Mile in respect of any Passenger travelling in a First-class Carriage, Two-pence *per* Passenger *per* Mile in respect of any Passenger travelling in a Second-class Carriage, and One Penny Halfpenny *per* Passenger *per* Mile in respect of any Passenger travelling in a Third-class Carriage, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance, unless in the Case of Passengers travelling by Special Trains. Limiting Charge for Conveyance of Passengers.

XVI. 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 herein-after mentioned, conveyed on the 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 Expense of loading and unloading, where such Service is performed by the Company), than the several Sums herein-after mentioned; (that is to say,) Limiting Charges for Conveyance of Goods and Cattle.

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 Two-pence:

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 similar 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:

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.

Restriction as to Charges not to apply to Special Trains.

XVII. Provided always, and be it enacted, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special or Extra Train, but shall apply only to the ordinary Trains appointed or to be appointed from Time to Time by the said Company.

Company may take increased Charges by Agreement.

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

Power to raise additional Capital by Creation of new Shares.

XIX. And be it enacted, That it shall be lawful for the said Company, for the Purpose of executing the Works hereby authorized, from Time to Time to raise, 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 Undertaking herein-before recited, or any of them, or which they may be authorized to raise under or by virtue of any other Act to be passed in the present Session of Parliament, any further Sum of Money not exceeding in the whole the Sum of Twenty thousand Pounds, which Sum shall be raised in the like Way, and with the like Powers, and subject to the like Restrictions and Conditions as to voting and otherwise, as are provided in the herein-before recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty with respect to the raising of the Money thereby authorized to be raised by Shares: Provided always, that no Call to be made as last aforesaid shall exceed the Sum of Five Pounds *per* Share, and that there shall be an Interval of Three Months at the least between each such Call.

Power to borrow on Mortgage.

XX. And be it enacted, That, after One Half of the Sums by this and the said recited Acts relating to the *Glasgow, Paisley, and Greenock* Railway authorized to be raised by Shares shall have been paid up, and the whole thereof shall have been subscribed for, it shall be lawful

lawful for the Directors of the said Company to borrow on Mortgage, and, if subsequently paid off, again to borrow, such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any General or Special General Meeting of the said Company, not exceeding in the whole the Sum of Six thousand six hundred and sixty-six Pounds, in addition to the Sums which they are authorized by the said recited Acts or which they may be authorized by any other Act to be passed in the present Session of Parliament to borrow, and for securing the Repayment of the Sums so respectively from Time to Time borrowed, with Interest, to mortgage the said Undertaking, as by the first of the said recited Acts authorized, and also, if they think fit, the whole or any of the future Calls on the Shareholders of the Company: Provided always, that all and every Sum of Money so to be borrowed shall be applicable only to the Objects and Purposes by this Act authorized.

Rights of Mortgagees.

XXI. And be it enacted, That the respective Mortgagees shall be entitled to the same Rights and Privileges, and the said Mortgages shall be subject to the same Restrictions and Conditions, as are provided in the said herein-before recited Act of the Sixth and Seventh Years of the Reign of Her present Majesty, relating to the *Glasgow, Paisley, and Greenock* Railway, with respect to the Mortgages thereby authorized to be granted: Provided always, that all Mortgages of the said Undertaking heretofore granted under the Powers of the said recited Acts or any of them shall have Priority over any Mortgage thereof to be granted under the Powers of this Act.

Power to convert Loan into Capital.

XXII. And be it enacted, That it shall be lawful for the said Company, if they think fit, to raise the Sums authorized to be borrowed on Mortgage by this Act, or any Part thereof, by creating new Shares of the said Company, instead of borrowing the same, or, having borrowed the same, it shall be lawful for them to continue at Interest only a Part of the said Sums, if they so think fit, and to raise the Remainder thereof or any Part of the Remainder thereof by creating new Shares of the Company; and all Provisions with regard to the additional Capital by this Act authorized to be raised shall apply in like Manner to the new Shares which may be so created as aforesaid; but no such Augmentation of Capital as last herein-before authorized shall take place without the previous Authority of a General or Special General Meeting of the Company called for the Purpose.

Interest not to be paid on Calls paid up.

XXIII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest 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 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.

XXIV. And

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

XXIV. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Company authorized to be raised for the Purposes of such Act or Acts, 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 said Company to construct any other Railway or execute any other Work or Undertaking.

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

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 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;* 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:* Be it enacted, That nothing in this Act contained shall be held to exempt the Railways by this Act authorized 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 Railways and Company so far as the same shall be applicable thereto.

Railways not exempt from Provisions of future general Acts.

XXVI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Expenses of Act.

XXVII. And be it enacted, That all Costs, Charges, and Expenses of obtaining and passing this Act 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.

XXVIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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