CHAPTER cl.

An Act for making a Railway from the Stobcross Railway to Yoker and Clydebank, with branches therefrom; and for other purposes. [4th July 1878.] A.D. 1878.

WHEREAS the making of a railway from the Stobcross Railway to Yoker and Clydebank, with branches therefrom, would be of local and public advantage:

And whereas the persons herein-after named, with others, are willing to construct such railways, and it is expedient that they should be incorporated for the purpose of carrying the undertaking into execution:

And whereas it is expedient to make provision for working and traffic arrangements with the North British Railway Company:

And whereas plans and sections showing the lines and levels of the railways authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the principal sheriff clerks for the counties of Lanark, Renfrew, and Dumbarton, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Glasgow, Yoker, and Clydebank Railway Act, 1878.

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Incorporation of general Acts.
8 & 9 Vict. c. 17.
26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 19.
23 & 24 Vict. c. 106.
8 & 9 Vict. c. 33.
26 & 27 Vict. c. 92.

2. The Companies Clauses Consolidation (Scotland) Act, 1845; Parts I. (cancellation and surrender of shares) and III. (debenture stock) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869; the Lands Clauses Consolidation (Scotland) Act, 1845; the Lands Clauses Consolidation Acts Amendment Act, 1860; the Railways Clauses Consolidation (Scotland) Act, 1845; and Parts I. (construction of a railway) and III. (working agreements) of the Railways Clauses Act, 1863, are, except where varied by or inconsistent with this Act, incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; and the expressions "the railways" and "the undertaking" mean respectively the railways and the undertaking by this Act authorised.

Company incorporated.

4. James Robert Napier, James Rodger Thomson, Barnett Harvey, Isaac Beardmore, Robert Twentyman Napier, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a Company for the purpose of making and maintaining the railways, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Glasgow, Yoker, and Clydebank Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make railways according to deposited plans.

5. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways herein-after described, with all proper stations, junctions, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose.

The railways herein-before referred to and authorised by this Act are:—

First. A railway (herein-after called railway No. 1), 3 miles 2 furlongs 5·60 chains in length, commencing in the parish of Govan, in the county of Lanark, by a junction with the Stob-

cross Railway of the North British Railway Company, and terminating in the parish of Old Kilpatrick, in the county of Dumbarton, at a point seventy-five yards or thereabouts northward from the northmost corner of the farm-steading of West Barns of Clyde, in the occupation of Robert Paterson:

Second. A railway (No. 4), 9·45 chains in length, commencing by a junction with railway No. 1, at a point thereon three hundred and twenty-five yards or thereabouts north-westward from the north-west corner of the toll-house at Yoker, and terminating in a field in the occupation of William Brock, at a point three hundred and eighty-two yards or thereabouts eastward from the eastmost corner of the farm-steading of East Barns of Clyde, in the occupation of the said William Brock:

Third. A railway (No. 5), 8·80 chains in length, commencing by a junction with railway No. 1, at a point thereon ninety-seven yards or thereabouts north-eastward from the northmost corner of the said farm-steading of West Barns of Clyde, and terminating in land in the occupation of Messrs. James and George Thomson, at a point one hundred and ten yards or thereabouts north-westward from the northmost corner of the said last-mentioned farm-steading.

Company not to take certain lands.

6. Notwithstanding anything contained in this Act, neither the Company nor any companies or persons working or using their railways shall enter upon, take, or use the properties respectively numbered 3, in the parish of Govan, and 15, in the parish of Renfrew, on the plan deposited with reference to railway No. 1, or any of the following properties, so far as the Whiteinch Railway Company (Limited) are interested therein; namely, the properties respectively numbered 18A, 21, 24, and 25, in the parish of Govan, on the said plan deposited with reference to railway No. 1.

Capital.

7. The capital of the Company shall be eighty-five thousand pounds, in eight thousand five hundred shares of ten pounds each.

Shares not to issue until one-fifth part paid up.

8. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

9. One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

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Receipt in case of persons not sui juris.

10. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate, or of his tutor, or curator or curator bonis, shall be a sufficient discharge to the Company.

Power to divide shares.

11. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share;" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up; and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

12. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend, after such rate, not exceeding six pounds per centum per annum, as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder, if any, in payment of dividend on the deferred half share; and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred shares to be paid out of profits of the year only.

13. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid, in priority to the deferred half share bearing the same number; but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Half shares to be registered and certificates issued.

14. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certi-

ficates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof; but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled, unless it be shown to their satisfaction that such certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated on certificates.

15. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares. 8 & 9 Vict. c. 17.

16. The provisions of the Companies Clauses Consolidation (Scotland) Act, 1845, with respect to the forfeiture of shares for nonpayment of calls, shall apply to all preferred half shares created under the authority of this Act, and every such preferred half share shall for that purpose be considered an entire share, distinct from the corresponding deferred half share; and until any forfeited preferred half share shall be sold by the directors, all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest.

Preferred shares not to be cancelled, &c.

17. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

18. The several half shares under this Act shall be half shares in the capital of the Company; and every two half shares (whether preferred or deferred, or one of each) held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Power to North British Railway Company to subscribe, and to apply funds for that purpose.

19. The North British Railway Company may, with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the said Company specially convened for the purpose, from time to time subscribe any sum which they think fit towards the undertaking of the Company by this Act authorised, not exceeding in the whole twenty-five thousand pounds; and the said Company may, with the like authority, contribute and apply in or towards payment of their said subscription any moneys which they are already authorised to raise, and which may not be required by them for the purposes of their undertaking; and the said Company shall, in respect of

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the sums to be subscribed and the corresponding shares in the Company to be held by them, have all the powers, rights, and privileges (except in regard to voting at general meetings, which shall be as herein-after provided) and be subject to all the obligations and liabilities of proprietors of shares in the Company: Provided always, that the North British Railway Company shall not sell, dispose of, or transfer any of the shares in the Company for which they may subscribe.

North British Railway Company may appoint person to vote at general meetings.

20. The North British Railway Company, whilst shareholders of the Company, may, by writing under their common seal, from time to time appoint some person to attend any meeting of the Company, and such person shall have all the privileges and powers attaching to a shareholder of the Company at such meetings, and may vote thereat in respect of the capital held by the North British Railway Company.

Power to borrow on mortgage.

21. The Company may from time to time borrow on mortgage any sum not exceeding in the whole twenty-eight thousand three hundred pounds, but no part thereof shall be borrowed until the whole capital of eighty-five thousand pounds is issued and accepted and one half thereof is paid up, and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act, 1845, before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such sheriff of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

As to appointment of a judicial factor.

22. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than three thousand pounds in the whole.

Debenture stock. 26 & 27 Vict. c. 118.

23. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

24. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First and subsequent ordinary meetings.

25. The first ordinary meeting of the Company shall be held within three months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held twice in every year in the months of March or April and September or October; and all meetings of the Company, whether ordinary or extraordinary, shall be held in Glasgow, or in such other place as the directors may from time to time appoint.

Quorum of meetings.

26. The quorum of every general meeting of the Company shall be ten shareholders present personally or by proxy, holding in the aggregate not less than two thousand pounds in the capital of the Company.

Number of directors.

27. The number of directors shall be six, but the Company may from time to time reduce the number, provided that the number be not less than four.

Qualification of directors.

28. The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Quorum of directors.

29. The quorum of a meeting of directors shall be three, unless the number of directors is reduced to less than five, and then and so long as the number shall continue to be less than five the quorum shall be two.

First directors.

30. James Robert Napier, James Rodger Thomson, Barnett Harvey, Isaac Beardmore, and Robert Twentyman Napier, and one other person nominated by them and consenting to such nomination, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or nominated as aforesaid, or any 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, or nominated as aforesaid, being, if qualified, eligible for re-election;

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and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation (Scotland) Act, 1845; and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

8 & 9 Vict. c. 17.

Domicile of the Company.

31. The domicile of the Company, with reference to all judicial proceedings, shall be held to be in Glasgow.

Lands for extraordinary purposes. 8 & 9 Vict. c. 33.

32. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation (Scotland) Act, 1845, shall not exceed two acres.

Power to take easements, &c. by agreement. 8 & 9 Vict. c. 19. 23 & 24 Vict. c. 106.

33. Persons empowered by the Lands Clauses Consolidation (Scotland) Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, servitude, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges or feu duties, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, servitudes, rights, and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

34. 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.

Certain roads may be crossed on the level. 8 & 9 Vict. c. 33. 26 & 27 Vict. c. 92.

35. Subject to the provisions in the Railways Clauses Consolidation (Scotland) Act, 1845, and in Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863, contained in reference to the crossing of roads on the level, the Company may, in the construction of railways Nos. 4 and 5 respectively, carry the same across and on the level of the turnpike road numbered 15 in the parish of Old Kilpatrick with a single line of rails only.

Level crossings to be made and maintained

36. The said crossings on the level shall be made and at all times maintained in sufficient repair by the Company at the sight and to the satisfaction of the surveyor for the time being of the

trustees having the management of the said turnpike road, or, in case of any difference of opinion between such surveyor and the engineer of the Company, at the sight and to the satisfaction of a neutral engineer to be nominated by the Sheriff of Dumbartonshire on the application of the said trustees or of the Company, and the Company shall pay the remuneration of such neutral engineer; and the costs of such application shall also be paid by the Company, unless, in the case of such application being made by the said trustees, the sheriff shall decide that the same was unreasonable.

to satisfaction of road surveyor.

37. Neither the Company nor any other company or person working or using railway No. 4 or railway No. 5 shall use or work the traffic on either of those railways, where the same respectively cross on the level the said turnpike road, otherwise than by animal power, nor shall the Company or any other company working the said railways permit waggons or trucks to remain standing across the said road in passing from one side thereof to the other, or permit more than one waggon or truck to cross or be upon the road at the same time, except in the case of more than one waggon or truck being required for carrying any single article of great bulk or length.

Restricting use of level crossings.

38. Notwithstanding anything in this Act or in the Railways Clauses Consolidation (Scotland) Act, 1845, or the Railways Clauses Act, 1863, or any other Act, the Company shall not erect or maintain at either of the said level crossings of the said turnpike road any gate in connexion with railway No. 4 or railway No. 5 so constructed as to open or shut across, upon, or over any part of the said road, without the previous consent in writing of the trustees having the management of that road, and in case of either of such level crossings being used for traffic after sunset the Company shall light the same, and protect it by a watchman while being used.

Gates not to be shut across road at level crossings.
8 & 9 Vict. c. 33.
26 & 27 Vict. c. 92.

39. In the event of the Company or any other company or person contravening any of the provisions contained in the two next preceding sections of this Act, they or he shall be liable to the trustees having the management of the said turnpike road in a penalty of ten pounds for each such contravention, and in a further penalty of ten pounds for each day during which such contravention shall continue.

Penalty for non-fulfilment of preceding obligations.

40. Whereas railway No. 1 is intended to be carried across certain roads under the management of the trustees appointed by an Act passed in the eighth and ninth years of the reign of Her

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present Majesty (chapter ninety-five), intituled "An Act for more "effectually maintaining, improving, and repairing the road "leading from the city of Glasgow to Yoker Bridge, and certain "roads communicating therewith" (in this Act called "the road trustees"), and it is expedient that the following provisions should be made for the protection of such roads: Be it enacted as follows; (that is to say,)

(1.) Railway No. 1 shall be carried across the road numbered on the deposited plans 12, in the parish of Govan, in the county of Lanark, only by means of a bridge not exceeding in width twenty-nine feet, including the parapets thereof; and such bridge shall be constructed with a single arch or span over the road and footpath or footpaths, which arch or span shall not be less than sixty feet measured at right angles between the inner faces of the abutments, and shall leave a clear headway throughout, above the present level of the surface of such road, at the point of crossing thereof, of at least sixteen feet, or, if so required by the road trustees within two months after the passing of this Act, of at least seventeen feet.

(2.) The said bridge shall be constructed and completed, as to design, and as to freedom, so far as possible, from leakage, to the reasonable satisfaction of, and according to working plans, elevations, and specifications to be approved of by the engineer of the Company and an engineer to be appointed by the road trustees, or, in the event of difference between those engineers, by an engineer to be appointed by the Sheriff of the county of Lanark, on the application of the Company or of the road trustees, and shall thereafter be maintained by the Company in good order and free from leakage.

(3.) Notwithstanding anything shown on the deposited plans, the Company shall not divert the road numbered on the deposited plans 40, in the parish of Renfrew, in the county of Renfrew, but shall carry the said road in its existing line over railway No. 1 by means of a bridge of at least forty feet in width between the parapets thereof, and the gradient of the said road upon the said bridge, and upon either side thereof, when carried over the said railway, shall not be greater than one foot in fifty feet: Provided always, that the Company shall, at their own expense, at any time, if and when required by the road trustees, widen the said bridge to such an extent as to leave a space of at least sixty feet between the parapets thereof.

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(4.) The alteration of the said last-mentioned road shall be executed and completed to the reasonable satisfaction of the engineer of the Company and of the road surveyor of the trustees, or, in the event of difference between them, to the reasonable satisfaction of an engineer to be mutually chosen by the Company and the road trustees, or, if they disagree, by an engineer to be appointed by the Sheriff of the county of Lanark, on the application of the Company or of the road trustees; and the portion of road altered shall be maintained by the Company at their own expense for twelve months from and after the date at which such engineer of the Company and road surveyor jointly, or, as the case may be, such engineer mutually chosen or appointed as aforesaid, shall have certified that the alteration has been executed and completed to their or his satisfaction.

(5.) During the construction of the said bridges and the execution of the alteration of the said last-mentioned road the Company shall make proper provision, to the reasonable satisfaction of the road trustees, for the carrying on of the traffic on the said roads.

Notice to be given of taking houses of labouring classes.

41. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of the sheriff that it has been proved to his satisfaction that they have so made known their intention.

Company to procure accommodation for persons of the labouring classes to be displaced.

42. Before taking in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, who may for the time being be the occupier or occupiers of any house or part of any house which the Company are by this Act authorised to acquire, the Company shall (unless the Company and such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons: Provided always, that if any question shall arise as to the sufficiency of such accommodation, the same shall be determined by a justice; and the Company may, for the purpose of providing such accommodation, appropriate any lands for the time being belonging to them or which they have power to acquire, and may purchase

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by agreement such further lands as may be necessary for such purpose, and may on such lands erect labouring-class dwellings, and may let or otherwise dispose of such lands and dwellings.

For protection of the estate of Scotstoun.

43. Whereas under the powers of this Act the Company are authorised to acquire certain lands in the parish of Renfrew which belong or are reputed to belong to James Gordon Oswald, of Scotstoun, and it has been agreed between the Company and the said James Gordon Oswald that those powers should be exercised subject to the following conditions: Therefore—

(1.) The Company shall, at their own expense, construct and maintain, in all time coming, two bridges across railway No. 1, one of thirty feet in width between the parapets, at or near a point one mile one and a quarter furlongs from the commencement of that railway, and another of twenty-five feet in width between the parapets, at or near a point one mile three and a half furlongs from such commencement, and the Company shall properly construct and finish roadways on both the said bridges, and the surface of such roadways shall not be higher at any point than eighteen feet above the level of the rails of railway No. 1:

(2.) The said bridges, in all time after their completion, shall be free for the use of the said James Gordon Oswald, or the proprietor for the time being of the lands of Scotstoun, and his feuars and tenants only, or such other persons as may be authorised by him.

Deposit money not to be repaid until lines opened.

44. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of eight thousand and ninety-three pounds fourteen shillings, being five per centum upon the amount of the estimate in respect of the railways proposed to be authorised by the Bill for this Act as originally introduced into Parliament, was deposited with the Court of Exchequer in Scotland in respect of the application to Parliament for this Act: And whereas the said railways included three railways which were struck out of the said Bill during its progress through Parliament: And whereas the estimate for the railways by this Act authorised amounts to eighty-one thousand three hundred and sixty-nine pounds one shilling and fivepence, five per centum upon which sum is equal to four thousand and sixty-eight pounds ten shillings: Be it enacted, notwithstanding anything contained in the recited Act, that of the said sum so deposited as aforesaid the said sum of four

thousand and sixty-eight pounds ten shillings shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, which persons, survivors, or survivor are or is in this Act referred to as the depositors, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railways hereby authorised to be made, open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the railways hereby authorised to be made, or of any one or more of them, for the public conveyance of passengers, then, on production of a certificate of the Board of Trade specifying the length of the portion of the said railways, or of any one or more of them, opened as aforesaid, and the portion of the said sum of four thousand and sixty-eight pounds ten shillings which bears to the whole thereof the same proportion as the length of the said railway or railways so opened bears to the entire length of the railways hereby authorised, the Court shall, on the application of the depositors, or the majority of them, order the said portion of the said sum of four thousand and sixty-eight pounds ten shillings so specified in such certificate as aforesaid to be paid or transferred to them, or as they shall direct; and the certificate of the Board of Trade shall, if signed by the secretary or by an assistant secretary of the said Board, be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the recited Act to the contrary notwithstanding.

Application of deposit.

45. If the Company do not, previously to the expiration of the period limited by this Act for the completion of the railways hereby authorised to be made, complete the same and open them for the public conveyance of passengers, then and in every such case the said sum of four thousand and sixty-eight pounds ten shillings, or so much thereof as shall not have been paid to the depositors, shall be applicable, and after due notice in the "Edinburgh Gazette" shall be applied, towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railways hereby authorised to be made, or any portion thereof, or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been

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paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court thinks fit to order on the application of the Solicitor to Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a judicial factor has been appointed, shall wholly or in part be paid or transferred to such judicial factor, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the said sum of money shall have been repaid to the depositors, or shall have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

Repayment of part of deposit money.

46. The Court of Exchequer in Scotland, or in time of vacation the Lord Ordinary officiating on the Bills in the Court of Session in Scotland, may and shall at any time after the passing of this Act order that the sum of four thousand and twenty-five pounds four shillings, being the remaining portion of the said sum of eight thousand and ninety-three pounds fourteen shillings, and any interest or dividends thereon, shall be paid to or on the application of the depositors.

Period for completion of works.

47. If the railways are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Tolls.

48. The Company may demand and take in respect of the use of the railways any tolls not exceeding the following; that is to say,

In respect of passengers and animals conveyed on the railways:

Tolls for passengers.

For every person, not exceeding twopence per mile; and if conveyed in or upon a carriage belonging to or provided by

the Company, an additional sum not exceeding one penny per mile : A.D. 1878.

For every horse, mule, ass, or other beast of draught or burden, not exceeding twopence per mile; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum not exceeding twopence per mile : For animals.

For every ox, cow, bull, or head of neat cattle, not exceeding twopence per mile; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum not exceeding twopence per mile :

For every calf, pig, sheep, lamb, or other small animal, not exceeding one penny per mile; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum not exceeding one halfpenny per mile.

In respect of goods conveyed on the railways : Tolls for goods.

For all coal, dung, compost, manure (except guano and artificial manures), lime, limestone, and undressed materials for the repair of public roads or highways, per ton per mile not exceeding one penny; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile not exceeding one penny :

For all coke, culm, charcoal, cinders, stones for building, pitching, and paving, bricks, tiles, slates, clay, sand, ironstone, 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; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile not exceeding one penny :

For all sugar, grain, corn, flour, hides, dyewood, earthenware, guano, artificial manures, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, per ton per mile not exceeding threepence; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile not exceeding one penny :

For all cotton and other wools, drugs, manufactured goods, fish, and all other wares, merchandise, articles, matters, and things (except small parcels and single articles of great weight as herein-after defined), per ton per mile not exceeding fourpence; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile not exceeding one penny halfpenny :

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For every carriage, of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, if conveyed on a truck or platform belonging to or provided by the Company, not exceeding sixpence per mile, and not exceeding one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

Tolls for propelling power.

49. The toll which the Company may demand for the use of engines for propelling carriages on the railways shall not exceed one penny per mile for each passenger or animal, or for each ton of goods, in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations as to tolls.

50. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; that is to say,

Short distances.

For all passengers, animals, or goods conveyed on the railways for a less distance than three miles the Company may demand tolls and charges as for three miles:

Fractional parts of a mile.

For a fraction of a mile beyond three miles, or beyond any greater number of miles, the Company may demand tolls and charges on animals and goods for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile; and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile:

Fractional parts of a ton.

For a fraction of a ton the Company may demand tolls and charges according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton:

General weight.

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight:

Weight of stone and timber.

With respect to stone and 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 in proportion for any smaller quantity.

Tolls for small parcels and single articles of great weight.

51. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding anything in this Act, the Company may demand and take any tolls not exceeding the following; (that is to say,)

For the carriage of small parcels on the railways:

For any parcel not exceeding seven pounds in weight, threepence;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight, fivepence;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, sevenpence;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence;

And for any parcel exceeding fifty-six pounds such sum as the Company think fit:

Provided that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

For the carriage of single articles of great weight on the railways:

For any 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 sixpence per ton per mile;

For 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.

Maximum rates for passengers.

52. The maximum rate of charge to be made by the Company for the conveyance of passengers on the railways, including the tolls for the use of the railways, and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following; (that is to say,)

For every passenger conveyed in a first-class carriage, the sum of threepence per mile:

For every passenger conveyed in a second-class carriage, the sum of twopence per mile:

For every passenger conveyed in a third-class carriage, the sum of one penny halfpenny per mile.

Maximum rates for animals and goods.

53. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railways, including the tolls for the use of the railways, and for waggons or trucks and locomotive power, and for every other expense inci-

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dental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where any such service is performed by the Company), shall not exceed the following sums; (that is to say,)

For every horse, mule, ass, or other beast of draught or burden, per mile fourpence;

For every ox, cow, bull, or head of neat cattle, per mile threepence;

For every calf, pig, sheep, lamb, or other small animal, per mile one penny halfpenny;

For coal, and the other articles herein-before classed therewith, per ton per mile one penny halfpenny;

For coke, and the other articles herein-before classed therewith, twopence per ton per mile;

For sugar, and the other articles herein-before classed therewith, per ton per mile threepence;

For cotton, and the other articles herein-before classed therewith, per ton per mile fourpence;

And for every carriage, of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform, per mile sixpence; and if weighing more than one ton, not exceeding one penny halfpenny per mile for every quarter of a ton or fractional part of a quarter of a ton.

Passengers luggage.

54. Every person travelling upon the railways may take with him his ordinary luggage, not exceeding one hundred and twenty pounds in weight for first-class passengers, one hundred pounds in weight for second-class passengers, and sixty pounds in weight for third-class passengers, without any charge being made for the carriage thereof.

Terminal station.

55. No station shall be considered a terminal station in regard to any goods conveyed on the railways unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat or therefrom to the consignee.

Foregoing charges not to apply to special trains.

56. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railways, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods on the railways.

Company may take increased charges by agreement.

57. Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect of the conveyance of animals or goods (other than small parcels) by passenger trains.

Charges for extra services.

58. In addition to the tolls, rates, and charges in this Act mentioned, the Company may demand and take a reasonable sum for the use of any warehouse or depôt belonging to them.

Company not bound to carry manure, &c.

59. Nothing contained in this Act shall make it compulsory on the Company to carry on the railways any nightsoil, dung, manure, compost, or other offensive matter.

Power to enter into working agreements with the North British Railway Company. 26 & 27 Vict. c. 92. 36 & 37 Vict. c. 76.

60. The Company on the one hand, and the North British Railway Company on the other hand, may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended or varied by the Regulation of Railways Act, 1873, from time to time enter into agreements with respect to the following purposes, or any of them; (that is to say,)

The maintenance and management of the railways, or any one or more of them, or any part thereof respectively, and of the works connected therewith respectively, or any of them;

The use or working of the railways, or any one or more of them, or of any part thereof, and the conveyance of traffic thereon;

The fixing, collecting, and apportionment of the tolls, rates, charges, receipts, and revenues levied, taken, or arising in respect of traffic.

Tolls on traffic conveyed partly on the railways and partly on the railways of the North British Railway Company.

61. During the continuance of any agreement to be entered into under the provisions of this Act for the working or use of the railways, or any one or more of them, or any part thereof respectively, by the North British Railway Company, the railways of the Company and of the North British Railway Company shall, for the purposes of short-distance tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways and partly on the railways of the North British Railway Company for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond three miles, tolls and charges as for a quarter of a mile only;

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and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railways and partly on the railways of the North British Railway Company.

Interest not to be paid on calls paid up.

62. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation (Scotland) Act, 1845.

8 & 9 Vict. c. 17.

Deposits for future Bills not to be paid out of capital.

63. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which by any standing order of either House of Parliament, now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking.

Railways not exempt from provisions of present and future general Railway Acts.

64. Nothing in this Act contained shall exempt the railways from the provisions 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 this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Expenses of Act.

65. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1878.