CHAPTER clxxv.

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An Act for making a railway from the Glasgow, Dumbarton, and Helensburgh Railway to Kilsyth, and a railway therefrom to the Campsie branch of the North British Railway Company; and for other purposes. [21st July 1873.]

WHEREAS the making of a railway from the Glasgow, Dumbarton, and Helensburgh Railway of the North British Railway Company to Kilsyth, in the county of Stirling, and a railway therefrom to the Campsie branch of the North British Railway Company, would be of great 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 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 and Stirling, 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 Kelvin Valley Railway Act, 1873."

Provisions of Acts herein named incorporated.

2. "The Companies Clauses Consolidation (Scotland) Act, 1845;" Part I. (cancellation and surrender of shares), and Part III. (debenture stock) of "The Companies Clauses Act, 1863;"

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"The Lands Clauses Consolidation (Scotland) Act, 1845;" "The Lands Clauses Consolidation Acts Amendment Act, 1860;" "The Railways Clauses Consolidation (Scotland) Act, 1845;" and Part I. (construction of a railway) of "The Railways Clauses Act, 1863," are (except where expressly varied by 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 shall 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. Hugh Bartholomew, William Whyte, John Hendrie, Alexander Harvie, Francis Maxwell, and Robert Young, 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 Kelvin Valley 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), 11 miles 2 furlongs 0·70 chains in length, commencing by a junction with the Glasgow, Dumbarton, and Helensburgh Railway of the North British Railway Company, at a point thereon in the parish of Maryhill, in the county of Lanark, two hundred and ninety-three yards or thereabouts north-eastward from the bridge carrying the turnpike road from Glasgow to Garscube Bridge over the said Glasgow, Dumbarton, and Helensburgh

Railway, and terminating at a point in the parish of Kilsyth, in the county of Stirling, ninety-four yards or thereabouts south-westward from the westmost corner of the Free Church in the town or burgh of Kilsyth, of which the Reverend Robert Black is pastor; which intended railway No. 1 will be situate in, or will pass from, through, or into the parishes of Maryhill and Cadder, in the county of Lanark, and the parishes of New Kilpatrick, Baldernock, Campsie, and Kilsyth, in the county of Stirling, or some of them:

Second. A railway (herein-after called railway No. 2), 2 furlongs 6·60 chains in length, commencing by a junction with railway No. 1 at a point thereon three hundred and ten yards or thereabouts north-eastward from the northmost corner of Inchbreck Farm steading, in the occupation of John Anderson, and terminating by a junction with the Campsie branch of the North British Railway Company at a point thereon three hundred and sixty yards or thereabouts westward from the westmost corner of the said farm-steading, which intended railway No. 2 will be situate wholly in the parish of Campsie, in the county of Stirling.

Capital.

6. The capital of the Company shall be ninety thousand pounds in nine thousand shares of ten pounds each.

Shares not to issue until one fifth paid up.

7. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person 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.

8. 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.

Receipt clause in case of persons not sui juris.

9. 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.

10. 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

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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.

11. 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 the profits of the year only.

12. 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.

13. 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 certificates 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 in certificates.

14. 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.

15. 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 or surrendered.

16. 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.

17. 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 borrow on mortgage.

18. The Company may from time to time borrow on mortgage any sum not exceeding in the whole thirty thousand pounds; but no part thereof shall be borrowed until the whole capital of ninety 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.

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Arrears may be enforced by appointment of a judicial factor.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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 three.

Qualification of directors.

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

Quorum of directors.

26. 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.

27. Hugh Bartholomew, William Whyte, John Hendrie, Alexander Harvie, Francis Maxwell, and Robert Young, 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 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 being, if qualified, eligible for re-election; 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 resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Domicile of the Company.

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

Lands for extraordinary purposes.

29. 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 ten acres.

Powers for compulsory purchases limited.

30. 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.

Inclination of roads.

31. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclination not steeper than the inclinations herein-after mentioned in connexion with those roads respectively; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
		Railway No. 1.	
59	Baldernock - -	Turnpike - -	Level on one side, and 1 in 16 on the other side.
9	Campsie - -	Turnpike - -	1 in 30 on both sides.
51	Campsie - -	Turnpike - -	1 in 25 on one side, and level on the other side.

Height and span of bridge.

32. The Company may make the arch of the bridge for carrying railway No. 1 over the road next herein-after mentioned of

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any height and span not less than the height and span herein-after mentioned in connexion therewith; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
32	Baldernock -	Turnpike -	15 feet.	25 feet.

Width of bridges.

33. The Company may make the roadway over the bridges by which the following roads will be carried over railway No. 1 of such width between the fences thereof as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Width of Roadway.
10	Cadder - -	Parish - - -	20 feet.
4	New Kilpatrick -	Turnpike - -	25 feet.
45	Baldernock - -	Turnpike - -	20 feet.
59	Baldernock - -	Turnpike - -	20 feet.
51	Campsie - -	Turnpike - -	20 feet.
40	Kilsyth - -	Parish - - -	20 feet.

Deposit money not to be repaid until line opened or half the capital paid up and expended.

34. 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 four thousand pounds, being five per centum upon the amount of the estimate in respect of the railways authorised by this Act, has been deposited with the Court of Exchequer in Scotland, in respect of the application to Parliament for this Act: Be it enacted that, notwithstanding anything contained in the above-mentioned Act, the said sum of four thousand pounds so deposited as aforesaid in respect of the application for this Act 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, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railways, either open the said railways for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened

the railways for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

35. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the Edinburgh Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railways or any portion thereof, or who may 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 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 of Exchequer in Scotland thinks fit to order on the application of the solicitor of 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 person or persons or the majority of the persons named in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for completion of works.

36. If the railways are not completed within five years from the passing of this Act, then on the expiration of that period the

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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.

Notice to be given of taking houses of labouring classes.

37. 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 a justice that it has been proved to his satisfaction that the Company have made known their intention to take the same in manner herein-before required.

Tolls.

38. 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 twopence per mile; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum of one penny per mile:

For animals.

For every horse, mule, ass, or other beast of draught or burden, twopence per mile; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum of twopence per mile:

For every ox, cow, bull, or head of neat cattle, twopence per mile; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum of twopence per mile:

For every calf, pig, sheep, lamb, or other small animal, one penny per mile; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum of 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 one penny; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile of 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 twopence; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile of 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 threepence; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile of 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 fourpence; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile of one penny halfpenny:

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, sixpence per mile, and 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.

39. 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.

40. 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 four miles, the Company may demand tolls and charges as for four miles.

Fractional parts of a mile.

For a fraction of a mile beyond four 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

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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 articles of great weight.

41. 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.

42. 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.

43. 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 incidental 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.

44. 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.

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Terminal station.

45. 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.

Restrictions as to charges not to apply to special trains.

46. 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.

47. 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.

48. 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.

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

Confirmation of agreement with North British Railway Company.

50. The agreement set forth in the schedule to this Act annexed is hereby confirmed, and shall be carried into effect by the Company and the North British Railway Company.

Tolls on traffic conveyed on railways working continuously.

51. During the continuance of the said agreement with 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 of the Company and partly on the railways of the North British Railway Company for a less distance than four miles, tolls and charges may only be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles or any greater number of 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 four miles or any greater number of miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railways of the Company and partly on the railways of the North British Railway Company.

Interest not to be paid on calls paid up.

52. 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."

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

53. 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.

54. 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.

55. 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.

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SCHEDULE referred to in the foregoing Act.

AGREEMENT between the promoters of the Kelvin Valley Railway Company, herein-after called "the Company," of the first part, and the North British Railway Company of the second part.

WHEREAS the first parties have applied to Parliament in the present session thereof for an Act to incorporate a company under the name or title of the Kelvin Valley Railway Company, herein-after called "the Company," for making a railway from the Glasgow, Dumbarton, and Helensburgh Railway to Kilsyth, with a branch, and all proper works, approaches, stations, and conveniences in connexion therewith, herein-after called "the railway;" and for other purposes: And whereas, in contemplation of the said Act being passed and the railway being made, the parties hereto have agreed in manner underwritten, and it is proper that these presents should be entered into; therefore the parties hereto have agreed with, and hereby agree and bind and oblige themselves with and to each other, in manner after written; that is to say, namely,

First.—The railway shall be constructed for a single line of rails, with land, and over bridges sufficient for a double line, at the expense of the first parties, under the direction and control of the Joint Committee of Management after mentioned, as soon as conveniently may be after the passing of the said Act.

Second.—The second parties shall in perpetuity work and manage the traffic upon and maintain the railway, and shall provide the locomotive power, rolling stock, and plant of every kind necessary for effectually working the traffic of the same.

Third.—In the event of any additions to or extensions of stations, sidings, offsets, or other works or conveniences of the railway (including the doubling of the lines in consequence of increased traffic or otherwise), being found by the said Joint Committee at any time to be necessary or expedient for the proper working of the traffic of the railway, all such additions, extensions, and other works shall, at the request of the second parties, be provided by the said Joint Committee at the expense of the Company.

Fourth.—The second parties shall have the power (save as herein-after mentioned in this article) of selecting and appointing all officers, agents, book-keepers, booking and other clerks, servants, porters, carters, surfacemen, and others employed or connected with the railway, or required for keeping in their general offices the accounts connected with the traffic of the same, or employed in superintending or directing or actually engaged in conducting the said traffic, and the said servants shall be paid by the said second parties, and shall be exclusively under their control; and the Company shall have the selection, appointment, and control of, and shall pay the secretary, treasurer, and other officers and servants required by them in the management of the capital, financial, and directorial departments of their undertaking.

Fifth.—The second parties shall collect and receive all revenues due and payable for and in respect of the traffic and the working of the same as aforesaid, and shall, in the months of March and September in each year, make up a statement of the gross earnings during the six months ending thirty-first January and thirty-first July preceding, and the amount thereof, under deduction of fifty per cent., shall thereupon be paid over by the second parties to the directors for the time being of the Company, or to their treasurer or secretary, or such banker or other person as they shall direct and appoint. Out of the share so accruing to them the Company shall pay the expenses of directors, and the salaries of the secretary, treasurer, and other officers, and servants required by them in the management of the capital, financial and directorial departments of their undertaking, as also office expenses, passenger duty, rates and taxes, feu-duties, and interest upon their debenture and other debt.

Sixth.—The local traffic, that is to say, traffic passing over the railway, or part thereof only, and the fixing of the tolls, rates, and charges to be levied or taken in respect of such traffic, shall be managed and regulated by a Joint Committee, consisting of four persons, two of whom shall be named by the board of directors of the second parties, and two by the directors of the Company; and the second parties shall have the appointment of the Chairman of the said Joint Committee from out of the two directors appointed by them, but he shall have no casting vote; and in the event of the Committee being equally divided in opinion, the difference shall be referred to arbitration in terms of the provisions of the "Railway Companies Arbitration Act, 1859."

Seventh.—The second parties shall have the right to fix the tolls, rates, and charges, including terminals, to be levied or taken in respect of the conveyance of all through traffic, that is to say, traffic passing partly over the railway or part thereof, and partly over any portion of the North British Railway or other railways. In the case of through traffic originating or terminating on the North British Railway, the receipts arising therefrom, excluding terminal charges, shall be divided between the Company and the North British Railway Company rateably according to the mileage over which such traffic shall pass on the railway and the railway of the North British Railway Company, and in the case of other through traffic, the proportion of the receipts accruing therefrom to the Company and the North British Railway Company, excluding terminal charges, shall be divided as aforesaid between the Company and the North British Railway Company. The terminal charges for traffic originating or terminating on the North British Railway shall be:

(A.) Parcels traffic. A terminal allowance to each Company of one penny per parcel.

(B.) Goods traffic. When conveyed distances of not more than thirty miles, a terminal allowance to each Company of ninepence per ton. When conveyed for distances above thirty miles a terminal allowance to each Company of one shilling and sixpence per ton.

(C.) If traffic included in sub-sections (A.) and (B.) be carted, the actual expense of such cartage shall be repaid to the Company incurring the same.

(D.) Mineral traffic. When conveyed distances less than eight miles a terminal allowance to each Company of twopence per ton. When conveyed

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distances of eight miles and above, a terminal allowance to each Company of fourpence per ton.

(E.) Live stock traffic. A terminal allowance to each Company of sixpence per waggon.

Eighth.—The said second parties shall cause to be kept regular books of accounts, of all receipts, payments of money, and other transactions of or in relation to the several descriptions of traffic herein-before mentioned, and shall permit the secretary of the Company for the time being, or any other party duly authorised by the directors of the Company to have free access to and to inspect such books of accounts and all other documents relating to such traffic at all reasonable times.

Ninth.—In the event of the revenues arising from traffic passing over the railway, or part thereof only, being at any time insufficient, after deducting fifty per cent. for working expenses and after defraying the expenses, salaries, the interest on debenture and other debt, and all other charges payable by the Company, to yield a dividend to the shareholders in the Company at the rate of five and one quarter per cent. per annum, the second parties shall pay to the Company in the months of March and September in each year such a sum as shall be sufficient to make up the said rate of dividend, if, or so far as, the share of the gross receipts accruing in such year to the second parties from the traffic passing over the North British Railway or any part thereof, from or to the railway, or any part thereof, after deducting fifty per cent. thereof for working expenses, shall suffice to pay such deficiency. In the event of the second parties having to make good any deficiency of revenue under this article, the same shall be repaid out of any future surplus revenue of the Company remaining after payment of the before-mentioned rate of dividend, and thereafter the excess of such surplus revenue shall be divided equally between the Company and the second parties.

Tenth.—The said second parties may, if they see fit, at any time within five years from the completion and opening for traffic of the railway, and upon obtaining the necessary powers from Parliament, acquire the whole undertaking of the Company on payment of such a sum as shall be necessary to pay to the shareholders a dividend of five and one quarter per cent. per annum on the amounts paid up on their shares, from the respective dates of payment of the calls to the date of such purchase, after deducting the amounts that shall have been paid by way of dividend, and on payment farther of the cost of the railway, including the expense of preparing for, obtaining, and passing of the said intended Act, as the same shall be fixed by the said Joint Committee, with the addition of a premium of ten per cent. on the paid-up share capital of the Company.

Eleventh.—This agreement shall be contingent upon the sanction of Parliament being obtained thereto.

Twelfth.—All differences between the parties hereto in relation to this agreement, or as to the import and meaning thereof, shall be referred to arbitration under and in terms of "The Railway Companies Arbitration Act, 1859." The parties hereto consent to registration hereof for preservation and execution. In witness whereof these presents, consisting of this and the three preceding pages, including the marginal additions on pages second and third, all written on stamped paper by Andrew MacCredie, clerk to H. & R. Lamond, writers in Glasgow, are, together with a duplicate thereof, subscribed by Robert Young,

shipbroker, Glasgow, Alexander Harvie, merchant there, Francis Maxwell, insurance broker there, Hugh Bartholomew of Glenorchard, and William Whyte, manufacturer, Kilsyth, being a majority and quorum of the provisional directors of the said intended Company, all at Glasgow, on the thirtieth day of April eighteen hundred and seventy-three years, before these witnesses, James Richardson Forman, civil engineer in Glasgow, and Henry Lamond, writer there, and are sealed with the common seal of the North British Railway Company, and are subscribed by George Robertson, writer to the signet, Edinburgh, and George Harrison, merchant there, two of the directors, and by James Fergusson, interim secretary of the said North British Railway Company, for and on behalf of the said Company, at Edinburgh, on the first day of May, and year last mentioned, before these witnesses, James Morrison Molle and Robert Jackson, both clerks in the head office at Edinburgh of the said North British Railway Company.

J. R. Forman, witness.
Henry Lamond, witness.

Robert Young.
Alex^r. Harvie.
Francis Maxwell.
H. Bartholomew.
William Whyte.
Geo. Robertson.
Geo. Harrison.
J. Fergusson, Int. Secy.

J. M. Molle, witness.
R. Jackson, witness.

Seal of the North British Railway Company.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1873.