CHAPTER clxxxvi.

An Act for making a railway from the Kelvin Valley Railway to the Denny Branch of the Caledonian Railway and for other purposes. [10th August 1882.] A.D. 1882.

WHEREAS the railways herein-after described would be of local and public advantage and the persons herein-after named with others are willing at their own expense to construct the same and it is expedient that they should be incorporated for the purpose of carrying the undertaking into execution:

And whereas it is expedient that the Company so to be incorporated (in this Act called "the Company") be authorised to run over work and use the portion herein-after mentioned of the railway of the Kelvin Valley Railway Company and the Kilsyth Station thereon:

And whereas it is farther expedient that the Company on the one hand and the North British Railway Company and the Caledonian Railway Company or either of them on the other hand be empowered to enter into and carry into effect working and other agreements as herein-after provided:

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 clerk of the county of Stirling at his offices at Stirling and Falkirk respectively and are herein-after respectively referred to as the deposited plans sections and books of reference:

And whereas since the said plans and sections were deposited it has been found that an alteration of the line of a portion of Railway No. 1 by this Act authorised would be not less advantageous to the public and would be less objectionable to the owners and occupiers of certain of the lands through which the said railway is intended

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to pass and amended plans and an amended section of such altered line with a book of reference to such plans have been deposited with the principal sheriff clerk of the county of Stirling at his offices at Stirling and Falkirk respectively and the same are herein-after referred to as the amended plans section and book 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 for all purposes as the Kilsyth and Bonnybridge Railway Act 1882.

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 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to 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 Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

Interpretation.

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 the expressions "the railways" and "the undertaking" mean respectively the railways and the undertaking by this Act authorised.

Company incorporated.

4. Robert Balloch Henry Cadell John Lang William Whyte Joseph Wilson 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 Kilsyth and Bonnybridge 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.

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 deposited plans and described in the deposited books of reference as may be required for that purpose.

Description of railways.

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

First. A Railway (No. 1) eight miles one furlong and seven chains and twenty-five decimal parts of a chain or thereabouts in length being so much only of the Railway No. 1 shown on the deposited plans as extends from the commencement thereof in the parish of Kilsyth by a junction with the Kelvin Valley Railway to the point on the said plans in the parish of Dunipace eight miles one furlong and seven chains and twenty-five decimal parts of a chain from the commencement Provided always that notwithstanding anything in this Act Railway No. 1 as by this Act authorised shall between the points marked respectively "commencement of deviation" and "termination of deviation" on the amended plans and section be made and maintained not in the line and according to the levels shown upon the deposited plans and sections but in the line and according to the levels shown upon the amended plans and section Provided further that the said Railway No. 1 shall be constructed to the south of Bonnyfield House and not nearer thereto than sixty yards.

Second. A Railway (No. 2) two furlongs three chains and thirty-five decimal parts of a chain or thereabouts in length to be wholly situate in the parish of Dunipace commencing by a junction with Railway No. 1 and terminating by a junction with the Denny Branch of the Scottish Central Section of the Caledonian Railway.

Capital.

7. The capital of the Company shall be one hundred and thirty thousand pounds divided into thirteen thousand shares of ten pounds each.

Shares not to be issued

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

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until one fifth paid up.

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.

Receipt clause 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 half shares to be paid out of the 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 or if the half-yearly accounts of the Company shall be brought down to the thirty-first day of January and thirty-

first day of July yearly then if in any year ending the thirty-first day of January 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 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 on certificates.

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

Forfeiture of preferred half shares.

16. The provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares to be 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 half shares not to be cancelled or surrendered.

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 created under the authority of 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.

19. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole forty-three

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thousand three hundred pounds but no part thereof shall be borrowed until the whole capital of one hundred and thirty 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 person 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.

For appointment of judicial factor.

20. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor and 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 five thousand pounds in the whole.

Debenture stock.

21. 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 and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

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

First and subsequent ordinary meetings.

23. The first ordinary meeting of the Company shall be held within six 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. A.D. 1882.

Quorum of meetings.

24. 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 five thousand pounds in the capital of the Company.

Number of directors.

25. The number of directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three.

Qualification of directors.

26. The qualification of a director shall be the possession in his own right of not less than forty shares.

Quorum of directors.

27. The quorum of a meeting of directors shall be three unless the number of directors shall be 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.

28. Robert Balloch Henry Cadell John Lang Joseph Wilson and William Whyte 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 and at such 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 varying 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 that Act.

Domicile of the Company.

29. The domicile of the Company with reference to all judicial proceedings or actions at law shall be held to be in Glasgow.

Land for extraordinary purposes.

30. 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 three acres.

Power to take easements &c.

31. Persons empowered by the Lands Clauses Consolidation (Scotland) Act 1845 to sell and convey or release lands may if they

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by agreement.

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.

Owners may be required to sell to Company parts only of certain properties.

32. And whereas in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown on the deposited plans as subject to be taken for the purposes of this Act will be sufficient for those purposes and that such portions may be severed from the remainder of such properties without material detriment thereto:

Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the properties described in the schedule to this Act and whereof portions only are required for the purposes of this Act may (if such portions can in the judgment of the sheriff or the jury arbiters oversman or other authority assessing or determining the compensation under that Act be severed from the remainder of the said properties without material detriment thereto) be required to sell and convey to the Company the portions only of the properties so required without the Company being obliged or compelled to purchase the whole or any greater portions of the said properties the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other persons interested therein by the taking of such portions.

Notice to be given of taking houses of labouring classes.

33. 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.

Accommodation for persons of the labouring classes to be displaced.

34. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of any house which the Company are by this Act authorised to acquire the Company shall (unless they and such person otherwise

agree) procure sufficient accommodation elsewhere for such person provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by the sheriff 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 lands by agreement and may on any such lands erect labouring class dwellings and may let or otherwise dispose of such lands and buildings.

Period for compulsory purchase of lands.

35. 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.

36. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say) :—

Number on deposited plans.	Parish.	Description of Road.	Intended Inclination.
		Railway No. 1.	
331	Kilsyth -	Parish -	1 in 12 on one side and level on the other side.
64	Denny -	Parish -	1 in 10 on one side and level on the other side.

Height and span of bridges.

37. The Company may make the arches of the bridges for carrying Railway No. 1 over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith repectively (that is to say) :—

Number on deposited Plans.	Parish.	Description of Road.	Height.	Span.
57	Kilsyth	Street -	14 feet -	35 feet.
76	Kilsyth -	Parish -	12 feet -	20 feet.

Width of bridges.

38. The Company may make the roadways over the bridges by which the following roads will be carried over Railway No. 1 of such widths between the fences thereof as the Company think fit

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not being less than the widths herein-after mentioned in connexion therewith respectively (that is to say) :

Number on deposited Plans.	Parish.	Description of Road.	Width of Road.
131	Kilsyth -	Parish -	18 feet.
209	Kilsyth -	Parish -	18 feet.
331	Kilsyth -	Parish -	18 feet.
64	Denny -	Parish -	18 feet.

As to diversion of road in parish of Kilsyth.

39. In the event of the Company executing the diversion shown on the deposited plans of the road marked number 130 parish of Kilsyth of Railway No. 1 on the deposited plans such diversion shall commence and terminate at or near the respective points of commencement and termination shown on the deposited plans but the centre line thereof shall not be at any point further distant than twenty-six yards from the centre of that portion of the present road which is to be diverted and the summit level of such diversion shall not be higher than the summit level of the said portion of the present road and the hollow in that part of the present road immediately to the south of the southern extremity of the said intended diversion shall be raised three feet and shall run out with a fair gradient and be sufficiently metalled and fenced to the satisfaction of the Stirlingshire County Road Trustees.

As to diversion of road in parish of Denny.

40. In the event of the Company executing the diversion shown on the deposited plans of the road marked number 129 parish of Denny of Railway No. 1 on the deposited plans such diversion shall be so banked up from the point where the same will be crossed by Railway No. 1 to the point at its western extremity where it is intended to join the existing road that the gradient of such diversion between these points shall not be greater than 1 in 150.

Deposit money not to be repaid except so far as railway is opened.

41. 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 six thousand four hundred and thirty-six pounds ten shillings being five per centum upon the amount of the estimate in respect of the railways has been deposited in the Court of Exchequer in Scotland in respect of the application to Parliament for this Act, which sum is referred to in this Act as the "deposit fund." Be it enacted, that notwithstanding anything contained in the said Act the deposit fund 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 open the same for public traffic Provided that if within such period as aforesaid the Company open any portion of the railways for public traffic then on production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railways so opened bears to the entire length of the railways the court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them, or as they shall direct and the certificate of the Board of Trade shall 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 above-mentioned Act to the contrary notwithstanding.

Application of deposit.

42. If the Company do not previously to the expiration of the period limited for the completion of the railways complete and open the same for public traffic then and in every such case the deposit fund 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 or any part 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 has 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 is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund 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 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

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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 deposit fund has been repaid to the depositors or has 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.

Period for completion of works.

43. 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.

44. 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.

Class 1. For every horse mule ass or other beast of draught or burden fivepence per mile and if conveyed in or upon a carriage belonging to or provided by the Company an additional sum of twopence per mile;

Class 2. For one ox cow bull or head of neat cattle threepence per mile for two oxen cows bulls or neat cattle the property of the same person, twopence per head per mile and for more than two oxen, cows, bulls, or neat cattle, the property of the same person, one penny halfpenny per head 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;

Class 3. For every calf pig sheep lamb or other small animal one penny halfpenny 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.

For goods.

In respect of goods conveyed on the railways:

Class 4. For all coal dung compost manure (except guano and artificial manures) lime limestone and all undressed materials for the repair of public roads or highways 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.

Class 5. 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 halfpenny and if conveyed in or upon a carriage belonging to or provided by the Company an additional sum per ton per mile of one halfpenny.

Class 6. For all sugar grain cornflour 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 halfpenny.

Class 7. For all cotton and other wools drugs manufactured goods fish and 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 twopence.

Class 8. 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.

45. The toll which the Company may demand and take 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 and charges.

46. 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 as for one mile;

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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 articles of great weight.

47. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight notwithstanding anything contained 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 in weight such sum as the Company think fit;

Provided always 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 be less than four tons the Company may demand such sum as they think fit not exceeding fourpence per ton per mile and if the weight 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 light piece of machinery or other article requiring a whole truck or more than one truck the Company may demand sixpence per truck 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.

48. The maximum rates of charges 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 sums (that is to say):

For every passenger conveyed in a first class carriage threepence per mile;

For every passenger conveyed in a second class carriage twopence per mile;

For every passenger conveyed in a third class carriage one penny halfpenny per mile.

Maximum rates for animals and goods.

49. The maximum rates 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 wagons or trucks and locomotive power and 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):

Class 1. For each animal fourpence per mile;

Class 2. For each animal threepence per mile;

Class 3. For each animal one penny halfpenny per mile;

Class 4. For everything in this class one penny halfpenny per ton per mile;

Class 5. For everything in this class twopence per ton per mile;

Class 6. For everything in this class threepence per ton per mile;

Class 7. For everything in this class fourpence per ton per mile;

Class 8. For every carriage in this class 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.

50. Every person travelling on 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.

Charges for extra services.

51. In addition to the tolls rates and charges above mentioned the Company may demand and take a reasonable sum for the use of any warehouse wharf basin or depôt belonging to them.

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Charges for cranes and weighing machines.

52. The Company may demand and take for the use of any cranes or weighing machines erected by them of and from the owner or person having charge of any goods articles or things loaded or unloaded or weighed by means of the same such reasonable charges as may from time to time be fixed by the Company.

Terminal station.

53. 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.

54. 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.

55. 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.

Company not bound to carry manure.

56. 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 between sunrise and sunset.

Classification table to be open to inspection. Copies to be sold.

57. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Terminal charges if any to be specified on application.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges if

any and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by the Regulation of Railways Act 1873 section 14.

36 & 37 Vict. c. 48.

Running powers over specified railway.

58. The Company and any company or person lawfully working or using the railways of the Company or either of them or any part thereof may run over work and use with their own or other engines trucks wagons and carriages and by their clerks officers and servants for the purposes of traffic of every description the portion of the Kelvin Valley Railway between a point one hundred and fifty yards measured along the said railway to the west of the junction therewith of Railway No. 1 by this Act authorised and the station at Kilsyth of the said Kelvin Valley Railway including that station with the roads platforms water water-engines engine sheds standing room for engines booking and other offices warehouses sidings signals points junctions machinery works and conveniences of or connected or used therewith (all herein-after termed "the specified railway") And as regards traffic conveyed by them the Company may demand and take the same tolls and charges upon and in respect of the specified railway as the owners thereof are entitled to demand and take.

Owners of specified railway to give effect to running powers.

59. The Kelvin Valley Railway Company shall from time to time from the expiration of one month after notice in writing so to do given to them by the Company make all arrangements and afford and render all services and facilities for giving full effect to the powers by this Act conferred on the Company of running over and using the specified railway.

Tolls and terms for use of specified railway.

60. The tolls and other moneys to be paid and the terms and conditions to be observed and performed by the Company for and in respect of the use of the specified railway and the services and facilities aforesaid and the apportionment of the tolls rates and charges in respect of the through route over which the traffic may be carried may be from time to time agreed on between the Company and the Kelvin Valley Railway Company or in case of difference shall be determined by arbitration as herein-after provided Provided that in using the specified railway the Company shall be

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subject to the byelaws and regulations for the time in force of the Kelvin Valley Railway Company.

Arbitrations.

61. Any matter arising under this Act between the Company on the one hand and the Kelvin Valley Railway Company and the North British Railway Company or either of them on the other hand which is by this Act appointed to be determined by arbitration shall be determined by arbitration under the provisions of the Railway Companies Arbitration Act 1859 or may at the instance of any of the parties be referred to the commissioners acting under the Regulation of Railways Act 1873 in lieu of being referred to arbitration.

22 & 23 Vict. c. 59.

Tolls on traffic conveyed on railways worked continuously.

62. The railways and the specified railway or any of them shall for the purposes of 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 specified railway 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 a fraction of a mile beyond four 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 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 and partly on the specified railway.

Working and traffic arrangements with North British and Caledonian Railway Companies.

63. The Company on the one hand and the North British Railway Company and the Caledonian Railway Company (herein-after called "the two companies") or either of them 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):

For the maintenance or management by the two companies or either of them of the railways or any part thereof and the works connected therewith or any of them:

The use or working of the railways or of any part thereof and the conveyance of traffic thereon and the employment of officers and servants:

The supply during the continuance of any agreement for the use and working of the railways by the two companies or either of them of stock plant and machinery necessary for the purposes thereof:

The fixing and collection and apportionment of the tolls rates charges receipts and revenues levied taken or arising in respect of traffic;

The payments and allowances to be made and the conditions to be performed with respect to the matters aforesaid:

Joint committee.

64. Any joint committee which may be appointed by the Company on the one hand and the two companies or either of them on the other hand for carrying into effect the purposes of any agreement that may be entered into under the powers contained in the next preceding section shall be composed of such equal number of their directors respectively as they may think proper and in the event of any difference of opinion arising between the members appointed by and for the said companies composing the said joint committee the same shall be determined by an arbitrator to be appointed by such committee or on the application of either of the companies by the Board of Trade.

Tolls on traffic conveyed partly on the railways and partly on the railways of the two companies.

65. During the continuance of any agreement to be entered into under the provisions of this Act for the working and use of the railways or any part thereof by the two companies or either of them the railways of the Company and of the companies or company with whom any such agreement shall be entered into 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 two companies or either of them, 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 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 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 and partly on the railways of the two companies or either of them.

Interest not to be paid on calls paid up.

66. 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.

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

67. 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.

Provision as to general railway Acts.

68. Nothing in this Act contained shall exempt the Company or 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.

Costs of Act.

69. 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.

SCHEDULE referred to in the foregoing Act.

Describing Properties of which Portions only are required by the Company.

RAILWAY NO. 1.

Parish.	Numbers on deposited Plans.
Kilsyth - - -	25 36 37 38 39 40 53 77 79 82.
Denny - - - -	197 200 205 206.

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