



ANNO DECIMO

VICTORIÆ REGINÆ.

Cap. x.

An Act for making a Railway from *Smithstown* to *Dalmellington* in the County of *Ayr*.

[8th June 1847.]

WHEREAS the making of a Railway from *Smithstown* to *Dalmellington* in the County of *Ayr* would be of great public Advantage: And whereas the Persons hereafter named are willing at their own Expence to carry such Undertaking into execution, but the same 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, That the several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Railway Clauses Consolidation (*Scotland*) Act, 1845," shall, so far as not otherwise provided by this Act, be incorporated with and form Part of this Act.

8 & 9 Vict.
cc. 17. 19.
and 33. in-
corporated
with this
Act.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal and other Instruments, it shall be sufficient to use the Expression "The *Ayrshire and Galloway (Smithstown and Dalmellington)* Railway Act, 1847." Short Title.

[*Local.*]

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III. And

Subscribers
incorporated.

III. And be it enacted, That *Richard Hodgson* Esquire, M.P., Colonel *Frederick Macadam Cathcart*, Captain *Alexander Montgomerie*, Colonel *Frederick Hope*, Colonel *Hugh Hamilton*, Colonel *William Macdonald*, and *Robert Johnstone Douglas*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purposes of the said Undertaking, according to the Provisions of the said recited Acts and of this Act, and for the other Purposes herein and in the said recited Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Ayrshire and Galloway (Smithstown and Dalmeilington)* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the recited Acts contained.

Capital.

IV. And whereas the estimated Expence of making the said Railway is One hundred thousand Pounds; be it enacted, That the Capital of the Company shall be One hundred thousand and fifty Pounds.

Number and
Amount of
Shares.

V. And be it enacted, That the Number of Shares into which the Capital shall be divided shall be Six thousand nine hundred, and the Amount of each Share shall be Fourteen Pounds and Ten Shillings.

Calls.

VI. And be it enacted, That Three Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Fifths of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Two Months at least shall be the Interval between successive Calls.

Power to pay
Interest on
Calls till
Railway
completed.

VII. And be it enacted, That it shall be lawful for the Directors of the Company, until the Completion of the Railway, to allow and pay out of the Capital of the Company Interest after the Rate of not more than Five Pounds *per Centum per Annum* on all Deposits and Calls paid in respect of such Company from the Day of Payment thereof until such Completion of the Railway: Provided always, that no Interest shall accrue due to the Proprietor of any Share upon which any Call shall be in arrear in respect of such Share, or of any other Share held by the same Proprietor, while such Call shall remain unpaid.

Power to
borrow
Money on
Mortgage
or Bond.

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

Power to
enforce
Payment of
Arrears by
Appointment
of judicial
Factor.

IX. And be it enacted, That it shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages or Bonds by the Appointment of a Judicial Factor, and in order to authorize the Appointment of such Judicial Factor, in the event of the Principal Monies due
on

on such Mortgages or Bonds not being duly paid, the Amount of Principal Money owing to the Mortgagees by whom Application for such Judicial Factor shall be made shall not be less than Twenty thousand Pounds in the whole.

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

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

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

XIII. And be it enacted, That *Richard Hodgson* Esquire, M.P., Colonel *Frederick Macadam Cathcart*, Captain *Alexander Montgomerie*, Colonel *Frederick Hope*, Colonel *Hugh Hamilton*, Colonel *William Macdonald*, and *Robert Johnstone Douglas* shall be the first Directors of the Company. First Directors.

XIV. And be it enacted, That the Directors hereby appointed shall continue in Office until the first Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body; and at the first Ordinary Meeting to be held in every Year thereafter the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in the said Companies Clauses Consolidation (*Scotland*) Act, 1845, and in this Act contained; 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 said Companies Clauses Consolidation (*Scotland*) Act, 1845, and by this Act, or either of them. Directors to continue in Office until the first Ordinary Meeting.

XV. And be it enacted, That the Quorum of a Meeting of Directors shall be Three. Quorum of Directors.

XVI. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three nor more than Five, and the Quorum of such Committees shall be Three. Committee of Directors.

XVII. And be it enacted, That all Advertisements relating to the Affairs of the Company shall be inserted in at least One Newspaper published in the County of *Ayr*. Newspapers for Insertion of Advertisements.

XVIII. And

Power to
make Rail-
way accord-
ing to depo-
sited Plans.

XVIII. And whereas Plans and Sections of the Railway showing the Lines and Levels thereof, and also Books of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited in the Office of the principal Sheriff Clerk of the County of *Ayr*; be it enacted, That, subject to the Provisions in this Act and in the said recited Acts contained, it shall be lawful for the Company to make and maintain the Railway in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels shown on the said Sections, together with all proper Works and Conveniences connected therewith, and to enter upon, take, and use such of the Lands as shall be necessary for such Purpose.

Line of
Railway.

XIX. And be it enacted, That the said Railway shall commence by a Junction with a Railway intended to be constructed by the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company at or near *Smithstown* in the Parish of *Dalrymple*, and thence pass through the said Parish of *Dalrymple* and the Parish of *Dalmellington*, and terminate at the Village of *Dalmellington* in the said Parish of *Dalmellington*, all in the said County of *Ayr*.

Lands for
additional
Stations, &c.

XX. And be it enacted, That the Quantity of Lands to be taken by the Company for extraordinary Purposes shall not exceed Twenty Acres.

Period within
which Lands
are to be
purchased.

XXI. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for
Completion
of Works.

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

Tolls.

XXIII. And be it enacted, That it shall be lawful for the Company to demand any Tolls for the Use of the Railway, not exceeding the following; (that is to say,)

Tonnage on
Articles of
Merchan-
dize.

In respect of the Tonnage of all Articles conveyed upon the Railway or any Part thereof, as follows:

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* Two-pence; and if conveyed by Carriages belonging to the Company, an additional Sum *per Ton per Mile* of One Penny:

For all Coal, Coke, Culm, Charcoal, and Cinders, *per Ton per Mile* Two-pence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* of One Penny:

For all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron,

Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandize, *per Ton per Mile* Two-pence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* of One Penny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* Three-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* of One Penny Halfpenny:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Fish, Articles, Matters, or Things, *per Ton per Mile* Four-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* of Two-pence:

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 a like Sum of Sixpence *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per Mile* of Sixpence:

In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows:

Tolls for
Passengers
or Cattle.

For any Person conveyed in or upon any such Carriage, *per Mile* Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum of Two-pence:

For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any such Carriage, *per Mile* Three-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum of Three-pence:

For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per Mile* not exceeding Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum of Three-pence:

For every Calf, Pig, Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, *per Mile* One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum of One Penny Halfpenny.

XXIV. And be it enacted, That the Toll which the Company may demand for the Use of Engines for propelling Carriages shall not exceed One Penny *per Mile* for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Tolls for
propelling
Power.

XXV. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

Regulations
as to the
Tolls.

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles the Company may demand as for Six entire
[Local.] *G g* Miles;

Miles; and in addition to the prescribed Tolls for Conveyance a reasonable Charge for the Expence of stopping, loading, and unloading :

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

For a Fraction of a Ton the Company may demand Toll 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 :

With respect to all Articles, except Stone or Timber, the Weight shall be determined according to the usual Avoirdupois Weight :

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for
small Parcels
and single
Articles of
great
Weight.

XXVI. And with respect to small Packages and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels, (that is to say, Parcels not exceeding Five hundred Pounds Weight each,) the Company may demand any Sum which they think fit; provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages :

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding One Shilling *per Ton per Mile* :

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which with the Carriage shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Limiting
Charges for
the Con-
veyance of
Passengers.

XXVII. And be it enacted, That it shall not be lawful for the Company to demand or receive any greater Sum in respect of the Carriage of Passengers conveyed on the Railway by this Act authorized than Three-pence *per Passenger per Mile* in respect of any Passenger travelling in a First-class Carriage, Two-pence *per Passenger per Mile* in respect of any Passenger travelling in a Second-class Carriage, and One Penny Halfpenny *per Passenger per Mile* in respect of any Passenger travelling in a Third-class Carriage, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance, unless in the Case of Passengers travelling by Special Trains.

XXVIII. And

XXVIII. And be it enacted, That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Passengers
Luggage.

XXIX. And be it enacted, That it shall not be lawful for the Company to charge in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals herein-after mentioned, conveyed on the Railway by this Act authorized, any greater Sum, including the Charges for the Use of Carriages, Waggon, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance, than the several Sums herein-after mentioned; (that is to say,)

Limiting
Charges for
Conveyance
of Goods.

For Dung, Compost, and all Sorts of Manure, Lime and Limestone, and undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* Two-pence:

For Coals, Coke, Culm, Charcoal, and Cinders, Stones for building, pitching, and paving, Bricks, Tiles, Slate, Clay, Sand, Ironstone and Iron Ore, Lead Ore, Copper Ore, or other Ores, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandize, *per Ton per Mile* Two-pence Halfpenny:

For Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* Three-pence:

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

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:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, *per Mile* Five-pence:

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

For every Calf, Pig, Sheep, Lamb, or other small Animal, *per Mile* One Penny:

Provided always, that if any Passenger, Animals, or Goods be conveyed for a less Distance than Three Miles on the Railway, the Company shall be entitled to demand and receive Tolls as for Three entire Miles.

XXX. Provided always, and be it enacted, That the Restriction as to the Charges to be made for Passengers shall not extend to any Special Train which may be required to be run upon the Railway, but shall apply only to the ordinary Trains appointed or to be appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railway.

Restriction
as to Charges
not to apply
to Special
Trains.

XXXI. Provided always, and be it enacted, That nothing herein contained shall be held to prevent the Company from taking any increased

Company
may take
increased

Charges by Agreement.

increased Charges over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof by Passenger Trains or by reason of any other special Service performed by the Company in relation thereto.

Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55. 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. and 105.

XXXII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and Two other Acts were passed in the last Session of Parliament, the one intituled *An Act for regulating the Gauge of Railways*, and the other intituled *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

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

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

Expences of Act.

XXXIV. And be it enacted, That all Costs, Charges, and Expences of applying for, promoting, and obtaining this Act, and any-wise incident thereto, shall be defrayed by the Company out of the Money already raised and received by them, or out of the first Money to be raised and received by them, in preference to any other Payment whatsoever.

Interpretation of Act.

XXXV. And be it enacted, That where in this Act the Word "Railway" is used the same shall be understood to mean the Railway and Works by this Act authorized to be made.

Public Act.

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