



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. cxxviii.

An Act for making a Railway from near *Hamilton* to near *Strathaven* in the County of *Lanark*, to be called “*The Hamilton and Strathaven Railway* ;” and for other Purposes.

[10th *August* 1857.]

WHEREAS the making of a Railway, with all proper Works and Conveniences connected therewith, commencing by a Junction with the *Clydesdale Junction* Railway at a Point near the Town of *Hamilton*, and terminating at a Point near to the Town of *Strathaven*, all in the County of *Lanark*, would be of great local and public Advantage: And whereas the Persons herein-after named, together with others, are willing at their own Expense to carry such Undertaking into execution, and it is expedient that they should be incorporated for this Purpose: And whereas the said proposed Railway might be beneficially maintained and worked in connexion with the *Caledonian* Railway, and it is expedient that Provision should be made authorizing Agreements between the Company and the *Caledonian* Railway Company for those Purposes, and also in reference to the Traffic on the said proposed Railway and on adjoining Railways; but the Objects aforesaid cannot be effected without the

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Authority

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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. I. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The *Hamilton and Strathaven Railway Act, 1857.*"

"The Company." II. Where in this Act the Words "the Company" occur, the same shall mean the Company incorporated by this Act.

8 & 9 Vict. cc. 17., 19., & 33. incorporated. III. "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with this Act.

Subscribers incorporated. IV. The Most Noble His Grace the Duke of *Hamilton and Brandon*, the Right Honourable the Earl of *Eglinton and Winton*, *James Dunlop*, *Colin Robert Dunlop*, *John Patrick Alston*, *William Smith Dixon*, *Matthew Dick*, *Lewis Potter*, *John Meikleham*, *William Gebbie*, *Thomas Tennent*, *Robert Armour*, and *Thomson Aikman*, 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 and are hereby united into a Company for the Purpose of making and maintaining the Railway herein-after described, with all proper Works and Conveniences connected therewith, to be called "The *Hamilton and Strathaven Railway*;" and for the Purposes herein and in the Acts herewith incorporated contained such Company shall be incorporated by the Name of "The *Hamilton and Strathaven Railway Company*," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase, acquire, and hold Lands and Heritages for the Purposes of the Undertaking, subject to the Provisions of this Act and the Acts incorporated herewith.

Capital. V. The Capital of the Company shall be Seventy thousand Pounds, which shall be applied only to the Purposes authorized by this Act.

Number and Amount of Shares. VI. The Number of Shares into which the Capital shall be divided shall be Seven thousand, and the Amount of each Share shall be Ten Pounds.

VII. Two

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VII. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Four 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 the least shall be the Interval between successive Calls.

VIII. It shall be lawful for the Company to borrow on Mortgage of the whole Undertaking, or by Bond, any Sums not exceeding in the whole the Sum of Twenty-three thousand three hundred Pounds, but no Part of the said Sum shall be borrowed until the whole of the said Capital of Seventy thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up: Provided always, that the Sums to be borrowed as aforesaid shall be applied only to the Purposes authorized by this Act.

IX. It shall be lawful for the Mortgagees or Bondholders of the Company to enforce the Payment of the Arrears of Principal and Interest due on their respective 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 Moneys due on such Mortgages or Bonds not being duly paid, the Amount owing to the Mortgagees or Bondholders by whom Application for such Judicial Factor shall be made shall not be less than Four thousand Pounds in the whole.

X. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay to any Shareholder Interest or Dividends on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in that Behalf contained.

XI. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

XII. The

The Hamilton and Strathaven Railway Act, 1857.

Meetings of
the Com-
pany.

XII. The First Ordinary Meeting of the Company shall be held within Three Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *March* or *April* and *August* or *September*, and all Ordinary Meetings of the Company shall be held in *Hamilton*.

Quorum of
General
Meetings.

XIII. The Quorum of every General Meeting of the Company shall be Six Shareholders present, personally or by Proxy, holding in the aggregate not less than Four thousand Pounds in the Capital of the Company.

Number and
Qualification
of Directors.

XIV. The Number of Directors shall be Nine, and the Qualification of a Director shall be the Possession in his own Right of Fifty Shares in the Capital of the Company.

Power to
reduce the
Number of
Directors.

XV. It shall be lawful for the Company to reduce the Number of Directors, provided that the reduced Number be not less than Six.

First
Directors.

XVI. *James Dunlop, Colin Robert Dunlop, John Patrick Alston, William Smith Dixon, John Meikleham, Matthew Dick, Lewis Potter, Thomas Tennent, and Thomson Aikman* shall be the First Directors of the Company.

First Elec-
tion of Di-
rectors by
Share-
holders.

XVII. The Directors appointed by this Act 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.

Subsequent
Elections of
Directors
by Share-
holders.

XVIII. At the First Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected, and 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 Companies Clauses Consolidation (*Scotland*) Act, 1845," 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 last-mentioned Act.

Quorum of
Directors.

XIX. The Quorum of a Meeting of Directors shall be Three.

XX. The

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XX. The Quorum of Meetings of Committees of Directors shall be a Majority of the Members of which such Committees consist respectively. Quorum of Committees of Directors.

XXI. The Periods to which the Books of Accounts of the Company shall be brought to a Balance shall be the Thirty-first Day of *December* and the Thirtieth Day of *June* in each Year, and the Periods at which the Shareholders and Loan Creditors of the Company shall be entitled to the Inspection of such Books shall be Fourteen Days before and Fourteen Days after each of the Ordinary Meetings of the Company. Periods for balancing Books of Company.

XXII. All Advertisements relating to the Affairs of the Company shall be inserted in at least One Newspaper published in the County of *Lanark*. Newspaper for Advertisements.

XXIII. Whereas Plans and Sections of the Railway hereby authorized showing the Line and Levels thereof, and also a Book of Reference to the said Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands and Heritages through which the same is intended to pass, have been deposited in the Offices in *Lanark* and in *Hamilton* of the Principal Sheriff Clerk of the County of *Lanark*: It shall be lawful for the Company, with the Powers of Deviation and other Powers, and subject to the Provisions of this Act and the Acts herewith incorporated, to make and maintain in the Line and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, the Railway herein-after described, and all proper Works and Conveniences in connexion therewith, and to enter upon, take, and use such of the said Lands and Heritages as shall be necessary for the said Purposes. Power to make Railway according to deposited Plans.

XXIV. The Railway to be made and maintained under the Authority of this Act shall be the following; (that is to say,) Line of Railway.

A Railway commencing by a Junction with that Part of the Undertaking of the *Caledonian* Railway Company known as the *Clydesdale Junction* Railway, leading to the Town of *Hamilton*, at a Point about Twenty Yards North from the Road Bridge under the said Railway, and Two hundred and eighty Yards or thereabouts South of the Point where that Railway crosses the Burn Course separating the Parishes of *Hamilton* and *Blantyre*, in the Parish of *Hamilton*, and terminating at a Point on the Lands of *Overton* in the Village of *Flemington*, and near to the Town of *Strathaven* in the Parish of *Avondale*, which Railway

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will

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will be situated in or will pass from, through, or into the Parishes of *Blantyre, Hamilton, Glassford, and Avondale*, or some of them, all in the County of *Lanark*.

Regulating
Junction
with Clydes-
dale Junc-
tion Rail-
way.

XXV. The Junction of the Railway by this Act authorized with the *Clydesdale Junction* Railway shall be made and completed at the Sight and to the Satisfaction of an Engineer to be appointed by the *Caledonian* Railway Company, and according to a Plan to be approved of by him previously to the Commencement of the Works connected with such *Junction*, or, in case of Difference, according to a Plan to be approved of by an Engineer to be appointed by the Board of Trade previously to the Commencement of such Works.

Lands and
Works of
Caledonian
Railway
Company
not to be
interfered
with, except
for forming
Junction.

XXVI. Nothing in this Act contained shall be held to authorize the Company to enter upon, purchase, or take any Lands belonging to the *Caledonian* Railway Company without the previous Consent in Writing of such Company first had and obtained, nor to alter or otherwise interfere with the Line or Levels of the *Clydesdale Junction* Railway without such Consent as aforesaid, nor shall it be in the Power of the Company to interfere with the said Railway, except so far as necessary for the Purpose of making and maintaining the Junction before mentioned in the Manner by this Act provided, or in any Manner to interrupt or interfere with the Traffic passing on the said Railway, and the Company shall bear all the Expenses of effecting such Junction as aforesaid, and of maintaining, watching, and working the same, and of the necessary Works for preventing Danger, Inconvenience, or Interruption to the Traffic on the said *Clydesdale Junction* Railway, and shall also, at their own sole Costs and Charges, construct and for ever after maintain such and so many Switches, Turntables, Sidings, and other Works and Conveniences as may be necessary or convenient in connexion with the said Junction, and for preventing any such Danger, Interruption, or Inconvenience to the Traffic of the said *Clydesdale Junction* Railway: Provided always, that if any Difference shall arise between the Company and the *Caledonian* Railway Company as to the Nature or Necessity of any such Works as aforesaid, the same shall be referred to Arbitration, or to the Decision of the Board of Trade, at the Option of the said *Caledonian* Railway Company.

Saving
Rights of
Caledonian
Railway
Company.

XXVII. Nothing in this Act contained shall alter, prejudice, or diminish any of the Rights, Powers, or Authorities vested in the *Caledonian* Railway Company by virtue of the Acts or any of them relating to that Company, or to their Undertaking or any Part thereof.

Certain
Roads may
be crossed
on the Level.

XXVIII. It shall be lawful for the Company to carry the Railway by not more than Two Lines of Rails across and on the Level of the Roads herein-after mentioned, numbered on the said deposited Plan

as

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as follows; (that is to say,) the Roads numbered 18 and 74 in the Parish of *Blantyre*, the Roads numbered 86 and 140 in the Parish of *Hamilton*, and the Road numbered 28 in the Parish of *Avondale*.

XXIX. For the greater Convenience and Security of the Public, the Company shall erect and maintain either a Station or a Lodge at the Place where the Railway shall cross each of the before-mentioned Roads on the Level, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain such Stations or Lodges, or appoint a proper Person to watch or superintend the Crossing at such Points or Stations, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds, and also to a daily Penalty not exceeding Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Stations or
Lodges to be
made at level
Crossings.

XXX. It shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the public Safety, at any Time, either before or after the Railway hereby authorized to be carried across the said Roads on the Level shall have been completed and opened for public Traffic, to require the Company, within such Time as the Board shall direct, and at the Expense of the Company, to carry any of the herein-before mentioned Roads either over or under the Railway by means of a Bridge or an Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board best adapted for removing or diminishing the Danger arising from any such level Crossing.

Board of
Trade may
require
Bridges to
be erected
in lieu of
level
Crossings.

XXXI. It shall be lawful for the Company to make the Inclinations of the Approaches to the Bridges and level Crossings for carrying over or under or across the Railway the Roads numbered respectively on the said deposited Plans not steeper than herein-after mentioned, as follows; (that is to say,)

As to Inclination of
certain
Roads.

In the Parish of *Blantyre*,

The Road numbered 89, not steeper than One in Ten:

In the Parish of *Hamilton*,

The Road numbered 65, not steeper than One in Eleven:

The Road numbered 86, not steeper than One in Ten:

Provided always, that in respect to the last-mentioned Road a level Space of Twenty Yards shall be left between the Foot of the Inclination and the level Crossing.

XXXII. It

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Regulating
the Span of
a certain
Arch.

XXXII. It shall be lawful for the Company to carry the Railway over the Road numbered 11, in the Parish of *Blantyre*, on the said deposited Plans, by a Bridge of not less than Thirty Feet Span.

Lands for ex-
traordinary
Purposes.

XXXIII. The Company may purchase by Agreement and hold any Quantity of Land for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," not exceeding in the whole Five Acres.

Power to
Parties
having
limited In-
terests, &c.
to convey
Lands by
Feu Right.

XXXIV. All Persons having a limited Right or Interest in any Lands required to be taken for the Purposes of this Act, or being under any Disability or Incapacity to sell or convey within the Meaning of Section Seven of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," incorporated herewith, and being only entitled to sell or convey such Lands under the Powers by this Act and the said Consolidation Act granted, may sell and convey to the Company such Lands or any Part thereof in consideration of an annual Feu Duty or Ground Annual payable by the Company to such Parties and their Successors in the Lands so conveyed, and that in the Form prescribed by the said Consolidation Act with respect to Conveyances by Feu by Parties entitled absolutely to dispose of Lands.

Grassums
not to be
taken by
such Parties.

XXXV. It shall not be lawful for the Company to pay, nor for any Party having a limited Right or Interest in, or being under Disability or Incapacity to sell or convey, any Lands as aforesaid, to receive or take, any Grassum, Fine, or Premium, or any Consideration in the Nature thereof, for the Lands or Rights or Interests to be so conveyed, other than the annual Feu Duties or Ground Annuals made payable by such Conveyance, and the Amount of such Feu Duties or Ground Annuals shall be ascertained and settled by Valuers in the Manner prescribed by the said last-mentioned Consolidation Act with respect to the Valuation of Land sold by Agreement by Parties under legal Disability or Incapacity to convey as aforesaid.

Provision
for recover-
ing all Feu
Duties.

XXXVI. All Feu Duties or Ground Annuals for any Land required for the Purposes of the Railway or the Works connected therewith, and made payable by any Conveyance under this Act and the said last-mentioned Consolidation Act, shall be a First Charge on the Tolls and Rates leviable under this Act and other Revenues of the Company, anything in this Act or in any of the Consolidation Acts herewith incorporated to the contrary notwithstanding; and if at any Time any such Feu Duties or Ground Annuals remain unpaid for Thirty Days after they respectively become payable, it shall be lawful for the Person entitled for the Time being to Payment of any such Feu Duties or Ground Annuals to recover the same from the Company, with Interest and Costs, by Action in the Sheriff Court of
the

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the County of *Lanark*, or summarily by Poinding and Sale of the Goods and Effects of the Company, on Application by Petition to the said Sheriff, whose Decision in either Case shall be final, and shall not be subject to Review in any Manner howsoever; and it shall not be lawful for any such Person to resume Possession of the Lands so conveyed, or to proceed by any Action of Declarator or Reduction or by Real Diligence or any other Process whatever (saving as above provided) in respect thereto, or in respect to the said Feu Duties or Ground Annuals.

XXXVII. In the event of the Company, under the Powers of this Act or of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," acquiring any Land for the Purposes of the Railway, in consideration of the Payment of an annual Feu Duty or Ground Annual, the Sums by this Act authorized to be raised by Mortgage shall be reduced by an Amount equal to Twenty Years Purchase of such Feu Duty or Ground Annual.

If Lands purchased by way of Feu, borrowing Powers to be reduced proportionally.

XXXVIII. 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 Two Years from the passing of this Act.

Powers for compulsory Purchases limited.

XXXIX. The Railway hereby authorized shall be completed within Three Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act or the Acts incorporated herewith 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.

Period for Completion of Works.

XL. It shall be lawful for the Company to demand and recover any Tolls for the Use of the Railway and Works hereby authorized, not exceeding the following; (that is to say,)

Tolls.

First. In respect of the Tonnage of all Articles, Matters, and Things conveyed in Carriages, Waggon, or Trucks upon the Railway or any Part thereof, as follows:

In respect of Articles of Merchandise.

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* Twopence; and if conveyed in Carriages, Waggon, or Trucks belonging to the Company, an additional Sum *per Ton per Mile* of One Penny:

For all Coal, Coke, Culm, Charcoal, and Cinders, Stones for building, pitching, or paving, Bricks, Slates, Tiles, Clay, Sand, Ironstone, calcined or raw, Iron Ore, Pig Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron

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Castings

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Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* Twopence Halfpenny; and if conveyed in Carriages, Waggons, or Trucks 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, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* Threepence; and if conveyed in Carriages, Waggons, or Trucks belonging to the Company, an additional Sum *per Ton per Mile* of One Penny Halfpenny:

For all Cotton and other Wools, Drugs, Fish, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, or Things, *per Ton per Mile* Fourpence; and if conveyed in Carriages, Waggons, or Trucks belonging to the Company, an additional Sum *per Ton per Mile* of Twopence:

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* not exceeding Fivepence; and a Sum of Fivepence *per Mile* for the First Ton, 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.

In respect of
Passengers
and Animals.

Second. In respect of Passengers and Animals conveyed in Carriages upon the Railway or any Part thereof, as follows:

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

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, *per Mile* Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum of Threepence:

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

Tolls for
propelling
Power.

. XLI. The Tolls which the Company may demand for the Use of Engines for drawing or propelling Carriages, Waggons, or Trucks shall not exceed One Penny *per Mile* for each Passenger or Animal, or for each Ton of Goods or other Articles of any Kind whatever, in addition to the several other Tolls or Sums by this Act authorized to be taken.

XLII. It

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XLII. 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 than Threepence *per Passenger per Mile* in respect of any Passenger travelling in a First-class Carriage, Twopence *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 for locomotive Power, and all other Charges incidental to such Conveyance.

Limiting
Charges for
Conveyance
of Passen-
gers.

XLIII. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twelve Pounds in Weight if a First-class Passenger, One hundred Pounds in Weight if a Second-class Passenger, and Sixty Pounds in Weight if a Third-class Passenger, without any Charge being made for the Carriage thereof.

Passengers
Luggage.

XLIV. The Charges herein-before limited in respect of the Carriage of Passengers shall not extend to any Special Train, but shall apply only to the Express and Ordinary Trains appointed or to be appointed from Time to Time by the Company.

Limited
Charges for
Passengers
not to apply
to Special
Trains.

XLV. It shall not be lawful for the Company to demand or receive in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals, herein-after mentioned, conveyed on the Railway, 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 hereafter mentioned; (that is to say,)

Limiting
Charges for
Conveyance
of Goods and
Animals.

For Dung and the Articles, Matters, and Things herein-before classed therewith, *per Ton per Mile* Twopence :

For Coal and the other Articles, Matters, and Things herein-before classed therewith, *per Ton per Mile* Twopence Halfpenny :

For Sugar and the other Articles, Matters, and Things herein-before classed therewith, *per Ton per Mile* Threepence :

For Cotton and the other Articles, Matters, and Things herein-before classed therewith, *per Ton per Mile* Fourpence :

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* Fivepence; and for every additional Quarter of a Ton above One Ton, One Penny Farthing :

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

For every Ox, Cow, Bull, or Neat Cattle, *per Mile* Twopence :

For every Calf or other Animal herein-before classed therewith, *per Mile* Three Farthings.

XLVI. Nothing

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Company
may take
increased
Charges by
Agreement.

XLVI. Nothing herein contained shall be held to prevent the Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Articles, Matters, or Things, or of Animals, by Agreement with the Owners or Persons in charge thereof, either in respect of the Conveyance thereof (except small Parcels) by Passenger or Special Trains, or by reason of any other special Service performed by the Company in relation thereto.

Tolls for
small Parcels
and single
Articles
of great
Weight.

XLVII. With respect to small Parcels (that is to say, Parcels not exceeding Five hundred Pounds in Weight each,) and single Articles of great Weight, the Company may, notwithstanding the other Tolls prescribed by this Act, demand the following Tolls; (that is to say,)

For the Carriage of every Parcel not exceeding Seven Pounds in Weight, Fourpence; exceeding Seven Pounds but not exceeding Fourteen Pounds in Weight, Sixpence; exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, One Shilling; exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, One Shilling and Sixpence; exceeding Fifty-six Pounds but not exceeding One Hundredweight, Two Shillings; and any Sum not exceeding One Shilling for every Hundredweight beyond One Hundredweight up to Five Hundredweight: 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 shall think fit, not exceeding One Shilling *per Ton per Mile*:

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 Eight Tons, the Company may demand such Sum as they shall think fit.

Regulations
as to the
Tolls.

XLVIII. The following Provisions and Regulations shall be applicable to the fixing of the Tolls, Rates, and Charges hereby granted; (that is to say,)

For Fractions of a Mile the Company may demand Tolls on Merchandise for such Fractions 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

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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 Tolls 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, Matters, and Things (except Stone and 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 or greater Quantity.

XLIX. The Company and the *Caledonian* Railway Company may from Time to Time enter into Agreements with respect to the following Purposes, or any of them; (that is to say,)

The Use and Working by the *Caledonian* Railway Company of all or any Part of the Railway of the Company, and the Use of the Works and Conveniences belonging thereto:

The Conveyance by the *Caledonian* Railway Company of the whole or any Part of the Traffic upon the said Railway:

The Division and Apportionment of such Traffic between the said Companies:

The Supply of any Rolling or Working Stock required for such Purposes:

The Use or Purchase by the Company of the Rolling or Working Stock belonging to the *Caledonian* Railway Company, or any Part thereof:

The Management, Maintenance, and Repair of the said Railway:

The Costs and Expenses of such Working, Management, Maintenance, and Repair:

The Forwarding, Interchange, and Transmission upon or over the respective Railways of the said Companies of any Passenger or other Traffic which may be conveyed upon and from the Railway hereby authorized to and along the *Caledonian* Railway, or any Part thereof, or any Railway belonging to or worked by the Company to which that Railway belongs, or which may be conveyed upon and from the *Caledonian* Railway, or any other Railway worked in connexion therewith, to and along the Railway hereby authorized, or any Part thereof:

The Collection, Delivery, and general Conduct of such Traffic:

The fixing of the Tolls, Rates, and Charges to be levied or taken by the said Companies in respect of the Traffic conveyed over

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their

Power for the Company and the *Caledonian* Railway Company to enter into working Agreements, &c. for Purposes herein mentioned.

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their several Railways, or any Part thereof respectively, not exceeding the maximum Tolls, Rates, and Charges authorized by the Acts of Parliament relating to such Railways respectively :

The Collection, taking, and levying of the said Tolls, Rates, and Charges :

The Division between the said Companies of the Receipts arising from the Traffic upon their respective Railways, or any Part thereof respectively, subject to any Deductions to be made therefrom, or any Rent or other Consideration to be paid by either of the said Companies to the other of them, by virtue of the said Agreement.

Agreement to be for a Term not exceeding Ten Years, and to be approved by Board of Trade.

L. No such Agreement shall be for more than Ten Years, or shall have any Operation until the same shall have been approved of by the Board of Trade, or shall, except as herein-after provided, in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the said Companies shall for the Time being be respectively authorized and entitled to demand and receive from any Person or any other Company, but all other Persons and Companies shall, notwithstanding any such Agreement, be entitled to the Use and Benefit of the Railways to which the said Agreement may relate upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, except as herein-after provided, as they would have been in case no such Agreement had been entered into : Provided always, that the said Board shall not approve such Agreement without being satisfied that the same has been duly assented to by the Majority herein-after specified of the Shareholders of the several Companies Parties thereto in Special Meeting assembled for that Purpose.

Appointment of joint Committee for carrying any such Agreement into effect.

LI. The said Companies may, by any such Agreement as aforesaid, appoint a joint Committee composed of such Number of Directors of the said Companies as the said Companies may think proper, and from Time to Time may alter, vary, and renew any such Committee as Occasion may require, and may regulate the Proceedings of such Committee, and delegate to such Committee all such Powers of the said Companies respectively as may be necessary for carrying into effect the Purposes of such Agreement ; and every such joint Committee so appointed shall have and may exercise the Powers so for the Time being delegated to them in like Manner as the same might have been had and exercised by the said Companies respectively or their respective Directors.

Agreement may be renewed with

LII. At or previous to the Expiration of any such Agreement the said Companies, with the Consent of the Majority herein-after specified

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fied at a Special Meeting of the Shareholders of such Companies respectively, and subject to the Approval of the Board of Trade, may enter into a further Agreement for all or any of the Purposes aforesaid: Provided, that before such Companies shall enter into any such further Agreement as aforesaid, they shall give Notice of their Intention to enter into such Agreement by Advertisement, in a Form to be approved of by the Board of Trade, inserted once in each of Three successive Weeks in some Newspaper published or circulated in each County in which any Part of the Railways to which such proposed Agreement relates is situated; and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Agreement, and desiring to object thereto, may bring such Objections before the Board of Trade; and no such Agreement shall be valid at Law or in Equity until the same shall have been approved of by the Board of Trade.

the Approval of the Board of Trade.

Public Notice to be given of the Intention to enter into Agreements.

Agreement inoperative until approved by the Board of Trade.

LIII. None of the said Powers and Provisions with respect to the Use, working, and managing of the Railway by the *Caledonian* Railway Company shall have any Operation or Effect unless and until the Contracts or Arrangements intended to be made for such Purposes shall have been submitted to and approved by a Majority of not less than Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at Meetings of the Company and of the *Caledonian* Railway Company respectively specially convened for that Purpose.

Working Arrangements, &c. not to take effect unless approved by Three Fifths of the Shareholders.

LIV. Such Meetings shall be called by Advertisements inserted once in each of Two successive Weeks in a Newspaper published in *Glasgow*, and in some Newspaper of the County in which the principal Office of each of the said Companies is situate, the last of which Advertisements shall be published not less than Seven Days before such respective Meetings, and also by a Circular addressed to each Shareholder entitled to vote at Meetings of the respective Companies, to be served in the Manner prescribed by "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to Notices requiring to be served by the Company upon the Shareholders.

Meetings how to be convened.

LV. In the event of any such Agreement being entered into between the Company and the *Caledonian* Railway Company for the Working of the Railway by the latter Company as aforesaid, and so long as the Railway shall be worked by the *Caledonian* Railway Company, the Railway shall in all Matters relating to Tolls and Charges be considered as a Part of the *Caledonian* Railway; and it shall be lawful to demand and recover for the Use of the Railway, and of Carriages and Engines thereon, Tolls and Charges at the same Rates as shall for the Time be leviable for the Use of the *Caledonian* Railway, and of Carriages and Engines on that Portion thereof called the *Clydesdale*

During Continuance of Working Arrangement Tolls to be the same as on *Caledonian* Railway.

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Clydesdale Junction Railway (with which the Railway is to form a Junction as herein-before provided), in lieu of the Tolls and Charges authorized by this Act, excepting always the Rates and Charges for small Parcels and Articles of great Weight, which shall be levied and recovered according to the Rates and Charges provided by Section Forty-seven of this Act.

Traffic
Agreements
between the
Company
and the
Caledonian
Railway
Company.

LVI. It shall also be lawful for the Company and the *Caledonian* Railway Company from Time to Time to make and enter into any Contracts and Agreements which may by them mutually be deemed advisable for or with respect to the Use reciprocally by the said Companies of their respective Lines of Railway, Stations, Offices, and other Accommodations thereof respectively, and for the fixing, Apportionment, and Division of the Tolls and Profits derived from their respective Lines of Railway: Provided always, that such Contracts and Agreements shall not be for a longer Period than Ten Years, and shall be subject to the Assent of Three Fifths of the Votes of the Shareholders of the respective Companies present, personally or by Proxy, at a Special Meeting assembled for the Purpose, and shall be subject also to Approval by the Board of Trade.

Railway not
exempt from
Provisions of
present and
future Ge-
neral Acts.

LVII. Nothing herein contained shall be held to exempt the Railway hereby authorized to be made from the Provisions of any General Act relating to this Act, or any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter 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, or of the Rates for small Parcels, authorized by this Act.

Sum depo-
sited pur-
suant to
Standing
Orders not
to be repaid
except in
certain
Events.

LVIII. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, the Sum of Five thousand two hundred and fifty Pounds, being One Tenth Part of the Amount required to be subscribed in respect of the Railway authorized by this Act, have been deposited in Bank in the Name and with the Privity of the Queen's Remembrancer of 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 said Act of the Ninth Year of Her present Majesty, the said Sum of Five thousand two hundred and fifty Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the
Persons

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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 the Completion of the Railway hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized 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 said Railway for the public Conveyance of Passengers, or have given such Proofs as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided, that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Five thousand two hundred and fifty Pounds shall have been executed by the Company, with One or more Sureties (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Five thousand two hundred and fifty Pounds if the Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the said Capital by this Act authorized 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 such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall 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, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said Act of the Ninth Year of Her present Majesty to the contrary notwithstanding; and the Moneys to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt

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with

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with under this Act if such Bond had not been executed and deposited as aforesaid, and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Validity of
Subscription
Contract.

LIX. The Subscription Contract which, pursuant to the Standing Orders of Parliament, was entered into with respect to the Undertaking authorized by this Act previously to the Commencement of the last Session of Parliament, and of which printed Copies were duly deposited in the Offices of Parliament, shall be as valid and shall be construed as if this Act had been passed in the said last Session.

Expenses
of Act.

LX. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, and in every Way preparatory or incidental thereto, shall be paid by the Company.

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