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## *Cap. ccii.*

An Act for conferring additional Powers on the *Glasgow and South-western* Railway Company for the Construction of Railways and Works, and otherwise in relation to their Undertaking; and for other Purposes. [16th July 1866.]

**W**HEREAS it is expedient that the *Glasgow and South-western* Railway Company (in this Act called "the Company") should be empowered to construct the Railways herein-after described: And whereas it is expedient that the Company should be empowered to make the new Roads herein-after described, and also to alter the Line and Levels of the existing Roads herein-after mentioned, for the Purpose of carrying the same over the Railway of the Company instead of on the Level thereof: And whereas Plans and Sections showing the Lines and Levels of the proposed Railways and Works, and Books of Reference to such Plans, have been deposited with the Principal Sheriff Clerk for the County of *Ayr*: And whereas it is expedient that Provision should be made for the Establishment of a Guarantee Fund for the good Behaviour of the Officers and Servants of the Company, and also a Fund for the Payment of Compensation to any of such Officers and Servants who

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may

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may be injured or killed in the Discharge of their Duty, or to their Representatives: And whereas it is expedient that the Company and the *Caledonian Railway Company* should be empowered to enter into Contracts and Agreements as in this Act provided: And whereas it is expedient that the Company should be empowered to raise a further Sum of Money for the Purposes aforesaid: And whereas the Objects 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; (that is to say,)

Short Title. **1.** This Act may be cited for all Purposes as "*The Glasgow and South-western Railway (Additional Powers) Act, 1866.*"

8 & 9 Vict. cc. 19. & 33.  
23 & 24 Vict. c. 106., and  
26 & 27 Vict. cc. 92. & 118.  
incorporated.

**2.** "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation (*Scotland*) Act, 1845," and also Part I. (relating to the Construction of a Railway) of "The Railways Clauses Act, 1863," and Part II. (relating to additional Capital), and Part III. (relating to Debenture Stock) of "The Companies Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpreta-  
tion of  
Terms.

**3.** In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; and the Expression "the Company" shall mean the *Glasgow and South-western Railway Company*; and the Expression "the Railway" or "the Railways" shall mean the Railways by this Act authorized, or any Part thereof.

Power  
to make  
Railways  
according to  
deposited  
Plans.

**4.** 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, Approaches, Works, and Conveniences connected therewith, and may enter upon, take, and use such of the Lands delineated on the said Plans and described in the deposited Books of Reference as may be required for that Purpose. The Railways herein-before referred to and authorized by this Act are:

First, a Railway (on the said Plans referred to as Railway No. 5.),  
One Mile One Furlong and Seven Chains or thereabouts in  
Length, commencing by a Junction with the *Kilmarnock and  
Troon Railway* in the Parish of *Dundonald* and County of *Ayr*  
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at or near a Point One hundred and twenty Yards or thereabouts in an Easterly Direction from *Gravel Hill* Dwelling House, and terminating by a Junction with that Railway in the Parish of *Kilmaurs* and County of *Ayr* at or near a Point One hundred and eighty Yards or thereabouts in a South-westerly Direction from the Booking Office of the *Gatehead* Station of the last-mentioned Railway :

Secondly, a Railway (on the said Plans referred to as Railway No. 6.), Two Furlongs and Nine Chains or thereabouts in Length, situate wholly in the Parish of *Dundonald* and County of *Ayr*, commencing by a Junction with the *Glasgow and South-western* Railway at or near the Mile Post on the said Railway indicating Thirty Miles Distance from *Glasgow* and Ten Miles Distance from *Ayr*, and terminating by a Junction with the *Glasgow and South-western* Railway (*Irvine and Busby* Branch) at or near the Point where the said *Irvine and Busby* Branch Railway passes under the Turnpike Road leading from *Irvine* to *Ayr*.

5. Subject to the Provisions of this Act, the Company may (in addition to the Railways which they are by this Act authorized to construct) execute in the Lines and according to the Levels defined in the deposited Plans and Sections relating thereto respectively, and on the Lands shown on those Plans and described in the Books of Reference thereto, the Works herein-after described, and may enter upon, take, and use such of the Lands delineated upon the said Plans and described in the said Books of Reference as may be required for that Purpose : Power to make Roads.

They may make a new Road in the Parish of *Dundonald* and County of *Ayr* commencing by a Junction with the Turnpike Road leading from *Troon*, past *Troon* Station, to the Village of *Loans* near to the Bridge carrying the said Road over the Company's Railway, and terminating by a Junction with the Road which crosses the said Railway on the Level at about Three hundred and seventy Yards North-westward of the said Bridge, and they may make the said new Road of any Inclination not steeper than One in Sixteen, and may stop up, discontinue, and extinguish all Rights of Way over the Company's Railway at the said level Crossing :

They may make a new Road to commence near the Point in the Parish of *Newton-upon-Ayr* in the County of *Ayr* where the Road leading from *Newton Head* by *Hawkhill Bridge* to the Farms of *West Sanquhar* and *South Sanquhar* crosses the Company's Railway on the Level, and to terminate in the Parish  
of

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of *Saint Quivox* and County of *Ayr* near the Bridge which carries the *Hawkhill* Road over the Company's Railway, and they may stop up and discontinue as a public Thoroughfare and extinguish all Rights of Ways over so much of the existing public Road as extends from the North-western Side of the said level Crossing for the Distance in a South-easterly Direction of One hundred and ten Yards or thereabouts :

They may alter the Line and Level of so much of the Road which crosses the Company's Railway on the Level in the Parish of *Dundonald* in the County of *Ayr* at about Three hundred and seventy Yards North-west from *Lock-green* Dwelling House as extends for a Distance of One hundred and ten Yards or thereabouts from the said Railway on the West Side thereof to a Distance of Eighty Yards or thereabouts from the said Railway on the East Side thereof, for the Purpose of carrying the said Road over the said Railway instead of on the Level thereof :

They may alter the Line and Level of so much of the Road which crosses the Company's Railway on the Level in the Parish of *Dundonald* in the County of *Ayr* at about Six hundred Yards South-east from *Lock-green* Dwelling House as extends for a Distance of One hundred and sixty Yards or thereabouts from the said Railway on the West Side thereof to a Distance of Ninety Yards or thereabouts from the said Railway on the East Side thereof, for the Purpose of carrying the said Road over the said Railway instead of on the Level thereof, and they may make the said Road when altered of any Inclination not steeper than One in Sixteen, and may make the Roadway over the Bridge by which the same will be carried over the said Railway of any Width between the Fences thereof not being less than Fifteen Feet.

Power to deviate in Construction of Roads.

6. In constructing the Roads by this Act authorized the Company may deviate laterally from the Lines thereof as shown on the deposited Plans relating thereto respectively to any Extent not exceeding the Limits of Deviation as defined on such Plans, and may also deviate from the Levels thereof as shown on the deposited Sections relating thereto respectively to any Extent not exceeding Five Feet.

Power to raise additional Capital by Shares or Stock.

7. The Company from Time to Time may raise by the Creation and Issue of Shares or Stock such Sums of Money as they shall think necessary, not exceeding Twenty-six thousand Pounds, exclusive of the Monies which they are or may be authorized to raise by any other Act or Acts of Parliament, and the Company may create and issue such Shares or Stock either wholly or partially as Ordinary or wholly or partially as Preferential Shares or Stock, as they may think

fit :

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fit: Provided that any Preferential Shares or Stock which may be issued by the Company under the Authority of this Act shall be entitled to the Preferential Dividend or Interest assigned thereto only out of the Profits of each Year ending on the Thirty-first Day of *January*.

8. The Company shall not issue any Share created under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid in respect thereof. Shares not to issue until One Fifth paid up.

9. At all General Meetings of the Company every Holder of Shares or Stock created under this Act shall have the Rights of Voting in respect thereof on the Principle of having One Vote for every Sum of One hundred Pounds actually paid up in respect of the whole of such Shares or Stock for the Time being held by him up to One thousand Pounds, and he shall have an additional Vote for every Sum of Five hundred Pounds actually paid up on such Shares or Stock beyond the First One thousand Pounds up to Ten thousand Pounds, and an additional Vote for every Sum of One thousand Pounds actually paid up on such Shares or Stock beyond the First Ten thousand Pounds: Provided that no Person shall be entitled to vote in respect of any less Amount than One hundred Pounds paid up. Scale of voting in respect of new Shares or Stock.

10. If by any other Act or Acts passed in the present Session of Parliament, whether before or after the passing of this Act, the Company are authorized to raise any Capital by new Shares or Stock, then, subject to the Provisions of the other Act or Acts and this Act respectively, the Company may, if they think fit, raise by the Creation and Issue of new Shares or Stock of one and the same Class all or any Part of the aggregate Capital which they are by the other Act or Acts and this Act respectively authorized to raise by the Creation and Issue of new Shares or Stock. Power to raise Capital under any other Act of this Session and this Act by new Shares or Stock of One Class.

11. The Company may from Time to Time borrow on Mortgage any Sum not exceeding in the whole Eight thousand six hundred Pounds, exclusive of the Monies which they are or may be authorized to borrow on Mortgage by any other Act or Acts of Parliament, but no Part thereof shall be borrowed until the whole Capital of Twenty-six 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 42nd Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," before he so certifies, that the whole of the 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 Power to borrow on Mortgage.

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Amount

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Amount of each separate Share 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 Persons or their Assigns, and that such Persons or their 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 Certificate shall be sufficient Evidence thereof.

Former  
Mortgages  
to have  
Priority.

**12.** All Mortgages and Bonds granted by the Company in pursuance of the Powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, and all funded Debt of the Company existing at the Time of the passing thereof, shall during the Continuance of such Mortgages and Bonds, as regards the Undertaking comprised in and assigned by such Mortgages and Bonds respectively, or to which such funded Debt shall attach, have Priority over any Mortgages to be granted by virtue of this Act.

Arrears may  
be enforced  
by Appoint-  
ment of  
Judicial  
Factor.

**13.** The Holders of Mortgages granted by the Company under the Authority of this Act may enforce Payment of the respective Sums which may from Time to Time become due to them by the Appointment of a Judicial Factor, but in order to authorize the Appointment of such Judicial Factor the Application for such Appointment shall be made by the Holders of Mortgages the Principal Sums due in respect of which amount to not less than One Tenth Part of the aggregate Amount of the Principal Monies then owing by the Company upon the Mortgages so granted, or by the Holders of such Mortgages the Interest due in respect of which to the Amount of Five hundred Pounds has for more than One Month been in arrear.

Debenture  
Stock.

**14.** The Company may create and issue Debenture Stock.

Application  
of Monies.

**15.** All Monies raised under this Act, whether by Shares or Stock or by borrowing, shall be applied for the Purposes of this Act only.

Railway 2.  
to form Part  
of Under-  
taking of  
Company,  
and Railway  
1. to form  
Part of  
Kilmarnock  
and Troon  
Railway.

**16.** The Railway secondly by this Act authorized, and the Works, Stations, Approaches, and Conveniences connected therewith, shall, for the Purpose of Tolls, Rates, and Charges, and for all other Purposes whatsoever, form Part of the Undertaking of the Company; and the Railway firstly by this Act authorized, and the Works, Stations, Approaches, and Conveniences connected therewith, shall, for the Purpose of Tolls, Rates, and Charges, and for all other Purposes

whatsoever,

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whatsoever, form Part of the *Kilmarnock and Troon* Railway, as if the same had been constructed by the *Kilmarnock and Troon* Railway Company under the Authority of the Acts relating to that Railway.

17. The Quantity of Land to be taken by the Company for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall not exceed Three Acres. Lands for extra-ordinary Purposes.

18. 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. Powers for compulsory Purchases limited.

19. The Railways, Roads, and Works shall be completed within Three Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed. Period for Completion of Works.

20. In altering for the Purposes of this Act the Road next herein-after mentioned the Company may make the same of any Inclination not steeper than the Inclinations herein-after mentioned; (that is to say,) Inclinations of a certain Road.

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclinations.
$\frac{14}{2}$	Dundonald - -	Parish Road -	1 in 15 on one Side and 1 in 12 on the other.

21. The Company may make the Roadway over the Bridge by which the following Road will be carried over the Railway of such Width between the Fences thereof as the Company think fit, not being less than the Width herein-after specified; (that is to say,) Width of a certain Roadway.

No. on Plan.	Parish.	Description of Roadway.	Width of Roadway.
$\frac{14}{2}$	Dundonald - -	Public Road -	20 Feet.

22. After

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Penalty if Railways not completed within Time limited.

**22.** After the Expiration of the Period by this Act limited for the Completion of the Railways, if the same be not then completed, the Company shall be liable to a Penalty of Fifty Pounds *per Day*, to be recoverable as a Debt due to the Crown, for every Day after the Period so limited until the same shall be completed and opened for public Traffic, but no Penalty shall accrue in respect of any Time during which it shall appear by a Certificate to be obtained from the Board of Trade that the Company was prevented from completing and opening such Railways by unforeseen Accident or Circumstances beyond their Control; but Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company,

Power to enter into Traffic Arrangements with the Caledonian Company.

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

The Division and Apportionment between the said Companies of the Tolls, Rates, and Duties arising on their respective Railways:

The Passage over or along the Railways of the said Companies of any Engines, Carriages, or Waggon of or belonging to them respectively or belonging to any other Railway Company:

The Tolls, Rates, or Duties to be paid for and the Conditions and Restrictions to be performed and observed with respect to such Passage over and Use:

The better and more economical Management of the Undertakings of the said Companies, and the Appointment of Joint Committees, and the making of other Arrangements for more effectually carrying out such Contracts and Agreements.

Tolls on Traffic conveyed partly on the Railway of the Company and partly on the Railway of the Caledonian Company.

**24.** During the Continuance of any Agreement to be entered into under the Provisions of the last preceding Enactment, the Railways of the Companies Parties to the Agreement 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 Railway of the one Company and partly on the Railway of the other Company for a less Distance than Six Miles Tolls and Charges may only be charged as for Six Miles, and in respect of Passengers for every Mile or Fraction of a Mile beyond Six 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 Mile beyond Six 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



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the Railway of the one Company and partly on the Railway of the other Company.

25. And whereas it would be mutually advantageous to the Company and to their Officers and Servants that Provision should be made for the Establishment, by Subscriptions amongst the said Officers and Servants, of a Fund for the Purpose of providing a Guarantee to the Company for their good Conduct: Therefore the Directors of the Company may prepare a Scheme for the Establishment of a Guarantee Fund accordingly, and such Scheme may prescribe—

Guarantee  
Fund.

What Class of Officers and Servants of the Company shall be entitled to contribute to and to participate in the Benefit of the Fund;

To what Extent such Contributions shall be made obligatory upon the present and the future Officers and Servants of the Company respectively;

The Sum or Sums of Money which the Officers and Servants of the Company shall contribute to the Fund, and the Scale upon which such Contributions shall be calculated and determined;

The Election and Appointment of the Trustees of the Fund and of the Officers for managing the Affairs and keeping the Accounts thereof;

The Nature of the Security on which the Sums received in respect of the Fund shall from Time to Time be lent, advanced, or invested;

The Losses or Defalcations to be made good out of the Fund, and the Mode of ascertaining and determining the Liabilities of the Fund in respect of any Claims made thereon by the Company, and the Amount for which such Fund is liable;

And generally all such other Matters and Things in relation to the said Fund as the Directors shall deem fit and proper to form Part of and to be included in such Scheme:

And the Directors may accept and take the Security of the said Fund in respect of all or any of the Officers and Servants of the Company, and either partially or wholly in lieu of any other Security which they are now by Law required to take from the Treasurer and other Officers and Servants of the Company; and the Company shall allow and pay Interest upon or in respect of such of the Monies paid in respect of the said Fund as may be retained or held by them, such Interest being calculated and paid half-yearly at the average Rate of Interest paid by the Company for the then ending Half Year upon their Mortgage and Bond Debt, and being carried to and forming Part of the said Fund.

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26. And

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Compensation Fund for Officers and Servants of Company.

26. And whereas it would be mutually advantageous to the Company and to their Officers and Servants that Provision should be made for the Establishment, upon a proper System, of a Fund for the Payment of Compensation to such Officers and Servants of the Company as may be injured or killed while in the Discharge of their Duty, or to their Representatives, and that the Company should be empowered to assist and encourage the same: Therefore the Directors of the Company may appoint such Persons as they think fit to form a Committee for the Purpose of preparing a Scheme for the Establishment of a Fund for the Payment, by means of Contributions from the Officers and Servants of the Company and from the Company, who are hereby empowered to contribute towards such Fund, of Compensation to such of the said Officers and Servants as may be injured or killed while in the Discharge of their Duty, and such Committee may make such Rules and Regulations for the Contributions to and for the Constitution, Management, and Application of the said Fund as they may think fit; provided that all such Rules and Regulations shall be submitted to the Registrar of Friendly Societies for the Time being, and approved of by him, and a Certificate of Approval under his Hand shall be given previous to the same being acted upon; and such Rules and Regulations, so certified, shall be binding on the Company and the other Contributors to the Fund and their Representatives, and the same, or a true Copy thereof (which Copy may be certified under the Hand of the said Registrar), shall be received as Evidence of such Rules and Regulations respectively in all competent Courts.

Interest not to be paid on Calls paid up.

27. The Company shall not, out of any Money by this Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Holder of Shares or Stock on the Amount of the Calls made in respect of the Shares or Stock held by him: Provided always, that this Act shall not prevent the Company from paying to any such Holder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with the Provisions in "The Companies Clauses Consolidation (Scotland) Act, 1845."

Deposits for future Bills not to be paid out of Company's Capital.

28. The Company shall not, out of any Money by this Act authorized to be raised, pay or deposit any Sum 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 to execute any other Work or Undertaking.

29. Nothing

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**29.** Nothing herein contained shall be deemed or construed to exempt the Railways from the Provisions of any General Act relating to Railways, or to 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, and of the Rates for small Parcels, authorized by this Act.

Railways not  
exempt from  
Provisions of  
present and  
future  
General  
Acts.

**30.** All the Costs, Charges, and Expenses of and incident to the obtaining of this Act and preparatory thereto shall be paid by the Company.

Expenses of  
Act.

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