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VICTORIÆ REGINÆ.

Cap. ccxvi.

An Act for enabling the *Caledonian* Railway Company to make Railways to the *Albert* Harbour at *Greenock*, and to *Gourock* in the County of *Renfrew*, with a Pier at *Gourock*, and to acquire the Undertaking of the *Gourock* Harbour Company; and for other Purposes.

[23d July 1866.]

WHEREAS by "The *Caledonian* Railway Act, 1845," the 8 & 9 Vict. c. clxii.
Caledonian Railway Company (in this Act called "the Company") were incorporated: And whereas under the
 Provisions of "The *Caledonian* and *Glasgow, Paisley, and Greenock* 10 & 11 Vict. c. clxix.
Railways Amalgamation Act, 1847," the *Glasgow, Paisley, and Greenock* Railway was vested in the Company, and became a Part of
 their Undertaking: And whereas an Act was passed in the Session of
 Parliament held in the Fifth and Sixth Years of the Reign of His
 Majesty King *William* the Fourth, intituled *An Act for erecting* 5 & 6 W. 4 c. lxxviii.
and maintaining a Pier or Harbour at Gourock in the County of
Renfrew, by which Act the *Gourock* Harbour Company were incor-
 porated: And whereas it would be attended with Advantage and Con-
 venience to the Public if the Company were authorized to make and
 [Local.] 38 M maintain

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maintain Railways from the said *Glasgow, Paisley, and Greenock* Railway to the *Albert Harbour at Greenock*, and to *Gourock*, with a Pier or Quay at *Gourock*, and to acquire by Agreement the Undertaking of the *Gourock Harbour Company*: And whereas Plans and Sections showing the Lines and Levels of the said proposed Railways and Pier or Quay, and the Lands which may be required to be taken for the Purposes thereof, with a Book of Reference to the said Plans, have been deposited for public Inspection in the Offices at *Paisley* and *Greenock* respectively of the Principal Sheriff Clerk of the County of *Renfrew*, and are herein-after referred to as the deposited Plans, Sections, and Book of Reference; but the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "*The Caledonian Railway (Greenock and Gourock Extensions) Act, 1866.*"

8 & 9 Vict.
cc. 17., 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,*" Part I. (relating to Construction of a Railway) of "*The Railways Clauses Act, 1863,*" and the Clauses and Provisions of "*The Companies Clauses Consolidation (Scotland) Act, 1845,*" with respect to the following Matters; (that is to say,) the Distribution of the Capital of the Company into Shares, the Transfer or Transmission of Shares, the Payment of Subscriptions and the Means of enforcing the Payment of Calls, the Forfeiture of Shares for Nonpayment of Calls, the Remedies of Creditors of the Company against the Shareholders, the borrowing of Money by the Company on Mortgage or Bond, the Conversion of the borrowed Money into Capital, the Consolidation of the Shares into Stock, the General Meetings of the Company and the Exercise of the Right of voting by the Shareholders, the making of Dividends, the giving of Notices, and the Provision to be made for affording Access to the Special Act by all Parties interested, and also Part I. (relating to Cancellation and Surrender of Shares), 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; and all the Provisions of "*The Companies Clauses Consolidation (Scotland) Act, 1845,*" so incorporated with this Act, which relate to Stock into which Shares in the Capital of the Company have been converted or consolidated, shall apply to the Stock which the Company are by this Act authorized to issue, and to the Holders thereof.

3. Sections

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3. Sections 1 to 10 inclusive, 12 to 23 inclusive, 25 to 30 inclusive, 32 to 58 inclusive, 61 to 80 inclusive, 83 to 92 inclusive, 94, 96, 99, 100, 102, and 103 of "The Harbours, Docks, and Piers Clauses Act, 1847," are (except where expressly varied by this Act) incorporated with and form Part of this Act, and shall apply to the Pier or Quay by this Act authorized to be made: Provided always, that Sections 77 and 78 of "The Harbours, Docks, and Piers Clauses Act, 1847," as incorporated with this Act, shall be read as if the Commissioners of the *Cumray* Lights, appointed under the Act 29 *George II.*, Chapter 20, were named or referred to in those Sections, in place of the Commissioners of the Northern Lights: Provided also, that the Company shall not be bound to keep the Pier by this Act authorized open, or to allow the same to be used, upon any Days on which Trains shall not be run on the Railway by this Act authorized, except by such Officer or Officers of Customs as may be requisite or necessary for the Service of the Customs: Provided further, that Sections 16, 17, 18, and 19 of "The Harbours, Docks, and Piers Clauses Act, 1847," shall not apply to the said Pier or Quay until the Company shall be called upon by the Board of Trade to provide a Lifeboat or a Tide and Weather Gauge, as the Case may be.

Parts of
10 & 11 Vict.
c. 27. incor-
porated.

4. 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 in this Act, and those Acts as applied to this Act, the Expression "the Company" shall mean the *Caledonian* Railway Company, the Expression "the Special Act" shall mean this Act, and the Expression "the Railway" or "the Undertaking" shall include the Railways and the Pier or Quay and other Works by this Act authorized, or any Part thereof.

Interpreta-
tion of
Terms.

5. Subject to the Provisions of this Act, the Company may make and maintain, in the Lines and according to the Levels shown on the deposited Plans and Sections, the Railways and Pier or Quay hereinafter described, with all proper Stations, Approaches, Works, and Conveniences connected therewith respectively, and may enter upon, take, and use such of the Lands delineated on the said Plans and described in the deposited Book of Reference as may be required for that Purpose: Provided always, that nothing in this Act contained shall authorize the Company, without the previous Consent in Writing of the *Greenock and Ayrshire* Railway Company, to take any Part of the Lands comprised within the Limits of Deviation shown on the deposited Plans referred to in "The *Greenock and Ayrshire* Railway Act, 1865," or any Part of the Lands which the *Greenock and*

Power to
make Rail-
ways and
Pier ac-
cording to
deposited
Plans.

Ayrshire

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Ayrshire Railway Company had on or before the Eighth Day of *March* Eighteen hundred and sixty-six acquired or contracted to acquire under the Provisions of the last-mentioned Act. The Railways and Pier or Quay herein-before referred to and authorized by this Act are,—

1. A Railway (called in this Act "Line No. 1."), One Mile Two Furlongs and Ninety-six Yards or thereabouts in Length, commencing by a Junction with the said *Glasgow, Paisley, and Greenock* Railway, about Five Chains South-eastward from where that Railway crosses *Bogle Street* in the Town of *Greenock*, and terminating about Five Chains Southward from the Point of Intersection of *Brougham Street* and *Forsyth Street* in the said Town :
2. A Railway (called in this Act "Line No. 2."), Two Miles Three Furlongs and Seventy-five Yards or thereabouts in Length, commencing by a Junction with Line No. 1., about Two Chains Southward from the Junction of *Robertson Street* and *Brisbane Street* in the Town of *Greenock*, and terminating at or near the Waiting-room at *Gourock Pier* :
3. A Railway (called in this Act "Line No. 3."), Three Furlongs and One hundred and eighty-eight Yards or thereabouts in Length, commencing by a Junction with Line No. 1., about Five Chains Southward from the Point of Intersection of *Brougham Street* and *Forsyth Street* in the Town of *Greenock*, and terminating at or near the Northern Corner of the *Albert Harbour* of *Greenock* :
4. A Pier or Quay, with Landing Stages, Rails, and other Conveniences, commencing about Three Chains Northward from the Junction of *King Street* with *Shore Street* in the Burgh of *Gourock*, and terminating in the *Firth of Clyde*, about One Chain and a Half Southward from the Southern End of *Gourock Pier* :

Provided always, that nothing in this Act contained shall empower the Company to make that Portion of the Railway shown on the deposited Plans and Sections, and therein called "Railway No. 1.," which extends from the Termination of Line No. 1. as herein-before described to the Point in the *Firth of Clyde* at which the said Railway No. 1. is shown on the said Plans and Sections as terminating, nor to enter upon, take, or use any Lands for the Purposes of that Portion of the said Railway.

Power to raise Money by the Issue of Ordinary or Preference Shares or Stock.

6. The Company may from Time to Time raise, in addition to the Sums which they are or may be authorized to raise by any other Act of Parliament, any further Sums of Money not exceeding in the whole the Sum of Four hundred and ten thousand Pounds, by the Creation and

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and Issue of new Ordinary Shares or Stock and new Preference Shares or Stock in their Capital, or at the Option of the Company, by any of those Modes: Provided that if in any Year ending on the Thirty-first Day of *January* there are not Profits available for the Payment of the full Amount of preferential Dividend or Interest for that Year on any such new Preference Shares or Stock, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company.

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

Shares not to issue until One Fifth paid up.

8. Each Holder of new Shares or Stock in the Capital by this Act authorized to be raised shall be entitled to the same Number of Votes in respect thereof which the Possession of an equal nominal Amount of the Capital authorized by the first-recited Act would have conferred upon him.

Votes in respect of new Shares or Stock.

9. 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 be authorized to raise any Capital by the Issue of new Shares or Stock (whether Ordinary or Preference), the Company may, if they think fit, subject to the Provisions of such other Act or Acts and of this Act, raise by the Issue of Shares or Stock of one and the same Class, and entitled to the same Privileges, all or any Part or Parts of the aggregate Capital which they are by such other Act or Acts and this Act authorized to raise by the Issue of Shares or Stock.

Capital under several Acts of this Session may be raised by Shares or Stock of One Class.

10. The Company may from Time to Time borrow on Mortgage any Sum not exceeding in the whole One hundred and thirty-six thousand six hundred Pounds, in addition to the Amount which they are or may be authorized to borrow by any other Act of Parliament, but no Part of such Sum shall be borrowed until the whole additional Capital of Four hundred and ten thousand Pounds by this Act authorized to be raised is issued and accepted, and One Half thereof is paid up, and the Company have proved to the Sheriff, who is to certify under the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," before he so certifies, that the whole of the said additional Capital has been issued and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share so issued has been paid on account thereof before or at the Time of the Issue or Acceptance

Power to borrow on Mortgage.

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thereof, and that such additional Capital was issued *bonâ fide*, and is held by the Persons to whom the same was issued, or their Executors, Administrators, or Assignees, and that such Persons, or their Executors, Administrators, or Assignees, are legally liable for the same, of which Proof having been given the Certificate of such Sheriff that satisfactory Proof to that Effect has been given to him shall be sufficient Evidence.

Arrears may be enforced by Appointment of Judicial Factor.

11. Section Nine of the first-recited Act, with respect to the Appointment of a Judicial Factor, shall apply to the Mortgages granted under the Powers of this Act, as if such Mortgages had been granted under the Powers of the first-recited Act.

Existing Securities 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, shall during the Continuance of such Mortgages and Bonds have Priority over any Mortgages to be granted by virtue of this Act.

Debenture Stock.

13. The Company may create and issue Debenture Stock.

Application of Monies.

14. All Monies raised under this Act, whether by Shares or Stock, or Debenture Stock, or borrowing, shall be applied in the first instance for the Purposes of this Act, and, subject thereto, shall be applicable to the Purposes authorized by the other Acts relating to the Company, and to those Purposes only.

Lands for extraordinary Purposes.

15. The Quantity of Land to be acquired by Agreement by the Company for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall not exceed Eight Acres, in addition to the Lands which they are authorized by this Act to take compulsorily, and by any other Acts to take compulsorily or acquire by Agreement.

Powers for compulsory Purchases limited.

16. 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 and Security for Completion of Railways.

17. The Railways and Pier or Quay by this Act authorized shall be completed within Five Years from the passing of this Act; and if the said Railways shall not be completed and opened for public Traffic within the said Period of Five Years, 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 Expiration of the said Period of Five Years until the said Railways shall be completed and opened for public Traffic, but no Penalty shall accrue in respect of any Time during

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during which it shall appear, by a Certificate from the Board of Trade, that the Company was prevented from completing or opening the said Railways by unforeseen Accident or Circumstances beyond their Control: Provided always, that Deficiency of Funds shall not be held to be a Circumstance beyond the Control of the Company.

18. In altering for the Purposes of this Act the Roads next herein-after mentioned, the Company may make the same of any Inclinations not steeper than the Inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

Inclinations
of certain
Roads.

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
237	Greenock, or West Parish of Greenock.	Turnpike Road -	1 in 28
242	Greenock, or West Parish of Greenock.	Parish Road -	1 in 10
40	Innerkip -	Public Road or Street	1 in 12

19. The Company, notwithstanding the Provisions of "The Railways Clauses Consolidation (*Scotland*) Act, 1845," incorporated with this Act, may permanently stop up the Street, Esplanade, Lines of Rails, and Road next herein-after mentioned, without substituting others therefor; (that is to say,)

Power to
stop up
certain
Thorough-
fares.

No. on deposited Plan.	Parish.	Description.
5	Greenock, or East Parish of Greenock.	Street.
305	Greenock, or West Parish of Greenock.	Esplanade.
306	Greenock, or West Parish of Greenock.	Private Lines of Rails.

Provided always, that notwithstanding the Powers herein granted to stop up the said Street marked No. 5 of the Parish of *Greenock*, or East Parish of *Greenock*, on the deposited Plans, the Company shall be bound to continue over Line No. 1. the Footpath Bridge which at present crosses over the *Glasgow, Paisley, and Greenock* Railway, in the Line of the said Street: Provided also, that in the event of the said Footpath Bridge requiring to be renewed, the Company shall, if required by the Board of Police of *Greenock*, construct the new Footpath Bridge Three Feet wider than the present Bridge: Provided further, that nothing in this Act contained shall empower the

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the Company to cross or stop up any Portion of the said Esplanade, except so far as situate between the West Side of *Campbell Street* and the East Side of *Forsyth Street*.

Powers of lateral and vertical Deviation.

20. In the Construction of the Railways and Pier or Quay by this Act authorized, the Company may, notwithstanding the Provisions of "The Railways Clauses Consolidation (*Scotland*) Act, 1845," incorporated with this Act, deviate laterally from the Lines of the said Railways and Pier or Quay, as delineated on the deposited Plans, to any Extent within the Limits of Deviation delineated on those Plans, and from the Levels of the said Railways and Pier or Quay, as delineated on the deposited Sections, to any Extent not exceeding Five Feet: Provided always, that it shall not be lawful for the Company to construct the Embankment on which Line No. 3. is to be formed, in such Manner that the Foot of the Slope of such Embankment shall project further Seaward than a straight Line drawn in continuation North-westward of the Seaward Face of the North-western Portion of the Sea Wall of the Dock or Harbour called the *Albert Harbour of Greenock*.

For Protection of Streets in Greenock.

21. In constructing the Railways by this Act authorized, the following Provisions shall be adhered to, and shall be binding upon the Company,—

1. Where the Railway crosses any Streets under the Management or Control of the Board of Police of *Greenock*, such Streets shall be carried over or under the Railway by Bridges of the full Width of such Streets, including Footpaths :
2. *Brougham Street* shall not be raised more than Six Feet, and the Inclination shall not be steeper than One in Forty on the East Side of the Crossing and One in Fifty on the West Side thereof; and *Forsyth Street* shall not be altered in Level:
3. *Bentinck Street* shall be crossed by a Bridge Sixty Feet in Width, and the Level of that Street shall not be raised more than Nine Feet, and the Inclination on the North Side shall not be steeper than One in Ten, and the Inclination on the South Side shall be carried with a uniform Gradient till it joins the Level of *Newark Street*.

Company may take Part of the Properties occupied in connexion with certain Manufactories without being

22. Whereas the Company require for the Purposes of this Act certain small Parts only of the Properties in the West Parish of *Greenock* belonging to *Robert Kerr* and *John Walker* and Company respectively, and occupied in connexion with certain Manufactories belonging to them respectively: The Company shall not be obliged to purchase the whole of the said Manufactories and Properties connected therewith, but may, notwithstanding the Provision contained in the

Ninetieth

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Ninetieth Section of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," take such Parts only of the said respective Properties as they shall require for the Purposes of this Act, and may require the respective Owners thereof to sell and convey such Parts to them. being obliged to purchase the whole.

23. The Company shall not commence the Execution of that Portion of Line No. 3. which lies to the Eastward of a Point on that Line Two Furlongs and One Chain from the Commencement thereof, until they have submitted to the Trustees of the Port and Harbours of *Greenock* a detailed Plan and Sections of that Portion of the said Line, as they propose to execute the same, nor until the Line and Levels on which the said Portion of Line is to be executed, consistently with the Limits of Deviation by this Act and the Acts incorporated herewith prescribed, have been agreed upon between the Company and the said Trustees, or, failing such Agreement, have been determined by an Engineer to be appointed by the Board of Trade on the Application of either Party. Regulating Mode of Construction of Line No. 3. in Vicinity of Albert Harbour.

24. The Pier or Quay at *Gourock* which the Company are by this Act authorized to make shall, unless with the previous Consent of the Board of Trade, be constructed in the Manner herein-after prescribed; that is to say, Regulating Construction of Pier or Quay at Gourock.

1. The Face of the said Pier or Quay, both on its Eastern or Seaward Side and on its Northern Side fronting the existing Harbour at *Gourock*, shall be constructed of open Timber Work, with a sloping Bulwark of Stone beneath:
2. The Distance between the said Pier or Quay and the existing Pier at *Gourock* Harbour shall be at no Point less than One hundred and twenty Feet, and the Corner of the said Pier or Quay at the Entrance to that Harbour shall be rounded off:
3. The outer Face of the Top of the said Pier or Quay shall not extend to the Seaward of a straight Line drawn from the Eastern Corner of the Seaward End of the existing Pier at *Gourock* Harbour to the Eastern Corner of the Boathouse numbered on the deposited Plans 42 in the Parish of *Innerkip*: Provided that nothing herein contained shall be held to prevent the Company from dredging on the Seaward Side of the said Pier or Quay, so as to obtain a suitable Depth of Water for the Approach and laying-to of Vessels.

25. The Company shall not enter upon, take, or use any Part of the *Greenock* Infirmary or Hospital, or Ground occupied in connexion therewith, numbered in the deposited Plans and Book of Reference 141 in the Parish of *Greenock* or West Parish of *Greenock*, and they shall not, without the previous Consent of the Provost, Magistrates, and Town Council of *Greenock*, enter upon, take, or use any Part of Company not to take certain Properties without Consent.

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the Burial Grounds numbered in the deposited Plans and Book of Reference 142 and 143 in the said Parish, nor of the Slaughter-houses, Yards, Cattle Bughts, and Sheep Pens, numbered therein 35 to 54 inclusive in that Parish.

Certain other Property not to be taken without Consent of Owners.

As to Alteration of Levels of Brougham Street.

Notice to be given of taking Houses of Labouring Classes.

Railway and other Railways of Company to be considered One Railway as respects Tolls and Charges.

Tolls for Use of Railway and of Carriages. In respect of Passengers.

In respect of Animals.

26. The Company shall not enter upon, take, or use any Part of the Property numbered in the deposited Plans and Book of Reference 289 in the Parish of *Greenock* or West Parish of *Greenock* without the previous Consent in Writing of the Owners of the said Property.

27. It shall not be lawful for the Company to alter the Levels of *Brougham Street* in *Greenock* to a greater Extent than Six Feet.

28. The Company shall, not less than Eight Weeks before they take in any Parish Fifteen Houses or more, occupied either wholly or partially by Persons belonging to the Labouring Classes as Tenants or Lodgers, make known their Intention to take the same by Placards, Handbills, or other general Notice, placed in public View upon or within a reasonable Distance from such Houses; and the Company shall not take any such Houses until they have obtained the Certificate of a Justice that it has been proved to his Satisfaction that the Company have made known their Intention to take the same in manner herein-before required.

29. The Railway and the other Railways belonging to or held in Lease by the Company shall for the Purposes of Tolls and Charges be considered as One Railway, and the Tolls and Charges herein-after authorized in respect of the Railway shall apply to Traffic of every Description conveyed partly on the Railway and partly on any such other Railway: Provided always, that nothing in this Act contained shall authorize the Company to demand higher Tolls or Charges in respect of any such other Railway than they would have been entitled to demand if this Act had not been passed.

30. The Company may demand and take in respect of the Use of the Railway, and for the Use of Carriages thereon, any Tolls not exceeding the following; (that is to say,)

First. In respect of Passengers and Animals conveyed upon the Railway:

For any Person so conveyed, *per* Mile Twopence; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum *per* Mile of One Penny:

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

For

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

Second. In respect of all Articles, Matters, and Things conveyed upon the Railway :

In respect of
Goods and
Minerals.

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

For all Coal, Coke, Culm, Charcoal, Cinders, Stones for building, pitching, and paving, Bricks, Tiles, Slates, Clay, Sand, Ironstone, Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile One Penny Halfpenny*; and if conveyed in or upon Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* of One Penny :

For all Sugar, Grain, Corn, Pulse, Flour, Meal, Malt, Hides, Dye-woods, Earthenware, Guano, Artificial Manures, Timber, Staves, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile Threepence*; and if conveyed in or upon Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* of One Penny :

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

For any Carriage of whatever Description, having more than Two Wheels, 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, Sixpence *per Mile*, and One Penny Halfpenny *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh.

31. The Toll which the Company may demand for the Use of Engines for drawing or propelling Carriages upon the Railway shall not exceed One Penny *per Mile* for each Passenger or Animal, or for each Ton of Goods or other Articles, Matters, or Things, in addition to the several other Tolls or Sums by this Act authorized to be taken.

* Tolls for
propelling
Power.

32. The

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Regulations
as to the
Tolls.

32. The following Provisions and Regulations shall apply to the fixing of all Tolls and Charges payable under this Act; (that is to say,)

For all Passengers, Animals, Articles, Matters, and Things conveyed on the Railway for a less Distance than Three Miles, the Company may demand Tolls and Charges as for Three entire Miles:

For a fractional Part of a Mile beyond Three Miles, or beyond any greater Number of Miles, the Company may demand Tolls and Charges as for an entire Mile:

For a Fraction of a Ton the Company may demand Tolls and Charges according to the Number of Quarters of a Ton in such Fraction; and if there be a Fraction of a Quarter of a Ton, such Fraction shall be deemed a Quarter of a Ton.

Tolls for
small Parcels
and single
Articles
of great
Weight.

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

For the Carriage of small Parcels on the Railway:

For any Parcel not exceeding Seven Pounds in Weight conveyed for a Distance not exceeding Twenty Miles, Threepence; and if conveyed for a Distance exceeding Twenty Miles and not exceeding Forty Miles, Fivepence; and if conveyed for a Distance exceeding Forty Miles, Eightpence:

For any Parcel exceeding Seven Pounds but not exceeding Fourteen Pounds in Weight conveyed for a Distance not exceeding Twenty Miles, Fivepence; and if conveyed for a Distance exceeding Twenty Miles and not exceeding Forty Miles, Eightpence; and if conveyed for a Distance exceeding Forty Miles, Elevenpence:

For any Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight conveyed for a Distance not exceeding Twenty Miles, Sevenpence; and if conveyed for a Distance exceeding Twenty Miles and not exceeding Forty Miles, One Shilling; and if conveyed for a Distance exceeding Forty Miles, One Shilling and Fourpence:

For any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight conveyed for a Distance not exceeding Twenty Miles, Ninepence; and if conveyed for a Distance exceeding Twenty Miles and not exceeding Forty Miles, One Shilling and One Penny; and if conveyed for a Distance exceeding Forty Miles, One Shilling and Sixpence:

And for any Parcel exceeding Fifty-six Pounds in Weight, any Sum which the Company may think fit:

Provided

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Provided always, that Articles sent in large aggregate Quantities, although made up in separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but that Term shall apply only to single Parcels in separate Packages :

For the Carriage of single Articles of great Weight :

For any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Sums following ; (that is to say,) if the Weight thereof, including the Carriage, shall not exceed Four Tons, Fourpence *per Ton per Mile* ; if such Weight shall exceed Four Tons but shall not exceed Eight Tons, Sixpence *per Ton per Mile* ; and if such Weight shall exceed Eight Tons, such Sum as the Company may think fit :

For any Piece of Machinery or other Article weighing together with the Carriage less than Four Tons, but requiring One whole Truck or more than One Truck, Sixpence *per Truck per Mile*.

34. The maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the Railway, including the Tolls for the Use of the Railway, and for Carriages and locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following ; (that is to say,) Maximum Rates for Passengers.

For any Passenger conveyed in a First-class Carriage, the Sum of Twopence *per Mile* :

For any Passenger conveyed in a Second-class Carriage, the Sum of One Penny Halfpenny *per Mile* :

For any Passenger conveyed in a Third-class Carriage, the Sum of One Penny *per Mile*.

35. The maximum Rate of Charge to be made by the Company for the Conveyance of Animals and Goods on the Railway, including the Tolls for the Use of the Railway, and for Waggon or Trucks and locomotive Power, and for every other Expense incidental to the Conveyance (except a reasonable Charge for loading and unloading Goods at any Terminal Station in respect of such Goods, and for Delivery and Collection, and any other Service incidental to the Business or Duty of a Carrier, where any such Service is performed by the Company,) shall not exceed the following Sums ; (that is to say,) Maximum Rates for Animals and Goods.

For any Horse, Mule, Ass, or other Beast of Draught or Burden, if conveyed at the Risk of the Owner, *per Mile* Threepence ; but if conveyed at the Risk of the Company, *per Mile* Fourpence :

For any Ox, Cow, Bull, or Head of Neat Cattle, *per Mile* One Penny when conveyed in Truckloads :

For any Calf, Pig, Sheep, Lamb, or other small Animal, *per Mile* One Farthing when conveyed in Truckloads :

[Local.]

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For

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For Dung and the other Articles, Matters, and Things herein-before classed therewith, *per Ton per Mile* One Penny Halfpenny :

For Coal and the other Articles, Matters, and Things herein-before classed therewith, if conveyed on the Railway for any Distance not exceeding Nine Miles, Twopence Halfpenny *per Ton per Mile* ; and if conveyed thereon for any Distance exceeding Nine Miles and not exceeding Thirty Miles, Twopence Halfpenny *per Ton per Mile* for the first Nine Miles, and One Penny Halfpenny *per Ton per Mile* for each additional Mile ; and if conveyed thereon for any Distance exceeding Thirty Miles and not exceeding Fifty Miles, Twopence Halfpenny *per Ton per Mile* for the first Nine Miles, One Penny Halfpenny *per Ton per Mile* for the next Twenty-one Miles, and One Penny *per Ton per Mile* for each additional Mile ; and if conveyed thereon for any Distance exceeding Fifty Miles, Twopence Halfpenny *per Ton per Mile* for the first Nine Miles, One Penny Halfpenny *per Ton per Mile* for the next Twenty-one Miles, One Penny *per Ton per Mile* for the next Twenty Miles, and Three Farthings *per Ton per Mile* for each additional Mile :

For Grain, Corn, Pulse, Flour, Meal, Malt, Field Seeds, Apples, Pears, Onions, Potatoes, and Carrots, if conveyed on the Railway for any Distance not exceeding Thirty Miles, Twopence Farthing *per Ton per Mile* ; and if conveyed thereon for any Distance exceeding Thirty Miles and not exceeding Sixty Miles, Twopence Farthing *per Ton per Mile* for the first Thirty Miles, and Twopence *per Ton per Mile* for each additional Mile ; and if conveyed thereon for any Distance exceeding Sixty Miles, Twopence Farthing *per Ton per Mile* for the first Thirty Miles, Twopence *per Ton per Mile* for the next Thirty Miles, and One Penny *per Ton per Mile* for each additional Mile : Provided that the Charges for loading and unloading the Articles last mentioned, where that Service is performed by the Company, shall not exceed the following ; *videlicet*, if such Articles are conveyed on the Railway for any Distance not exceeding Ten Miles, Fourpence *per Ton* for loading and Fourpence *per Ton* for unloading ; and if such Articles are conveyed thereon for any Distance exceeding Ten Miles and less than Fifteen Miles, Fourpence *per Ton* for loading and unloading ; and that if such Articles are conveyed thereon for Fifteen Miles or any greater Distance, there shall be no Charge for loading or unloading :

For Rags and Paper, if conveyed on the Railway for any Distance not exceeding Twelve Miles, Twopence Halfpenny *per Ton per Mile*, and for each additional Mile Twopence *per Ton*, which Rates shall include the Charge for loading or unloading :

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For Ale, Porter, Beer, Whiskey, and empty return Casks, if conveyed on the Railway for any Distance not exceeding Forty-eight Miles, Twopence *per Ton per Mile*, and for each additional Mile One Penny *per Ton per Mile*, which Rate shall include the Charges for loading and unloading :

For Sugar, Cotton, and other Wools, Metals (except Iron), Hides, Dyewoods, Earthenware, Guano, Artificial Manures, Timber, Staves, Deals, Nails, Anvils, Vices, and Chains, *per Ton per Mile* Twopence Halfpenny :

For Drugs, Fish, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, and Things, *per Ton per Mile* Fourpence :

For every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, *per Mile* Fivepence.

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

37. It shall be lawful for the Company, in addition to the other Tolls by this Act authorized, to demand and recover in respect of Minerals stored in any Mineral Depôt of the Company such reasonable Sum as to the Company shall seem fit, not exceeding One Shilling *per Annum* for each Square Yard of such Depôt occupied by such Minerals, any Part of a Year being for that Purpose reckoned as an entire Year ; and in respect of any Articles, Matters, or Things (except as herein-after provided) remaining in any Station of the Company for a longer Period than Forty-eight Hours, such reasonable Sum as to the Company shall seem fit, not exceeding Twopence *per Ton* for each Period of Twenty-four Hours that such Articles, Matters, or Things shall so remain after such First Forty-eight Hours, any Part of a Period of Twenty-four Hours being for that Purpose reckoned as an entire Period of Twenty-four Hours : Provided always, that Grain, Corn, Pulse, Flour, Meal, and Malt shall be allowed to remain in the Station of the Company at which the same are to be delivered for any Period not exceeding Seventy-two Hours after Notice of the Arrival thereof has been given to the Person to whom the same are consigned or addressed, without any Charge being made in respect of the same remaining in such Station. Charge for Minerals and Goods remaining in the Company's Depôts and Stations.

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Terminal
Station.

38. No Station shall be considered a Terminal Station in regard to any Goods conveyed on the Railway unless such Goods have been received thereat direct from the Consignor, or are directed to be delivered thereat to the Consignee.

Restrictions
as to Charges
not to apply
to Special
Trains.

39. The Restrictions as to the Charges to be made for Passengers shall not extend to any Special Train run upon the Railway, in respect of which the Company may make such Charges as they think fit, but shall apply only to the Ordinary and Express Trains appointed from Time to Time by the Company for the Conveyance of Passengers and Goods upon the Railway.

Company
may take
increased
Charges by
Agreement.

40. Nothing in this Act shall prevent the Company from taking any increased Charges over and above the Charges by this Act limited, for the Conveyance of Animals, or of Articles, Matters, or Things of any Description, by Agreement with the Owners or Persons in charge thereof, either by reason of any special Service performed by the Company in relation thereto, or in respect to the Conveyance of Animals or Goods (other than small Parcels) by Passenger Trains.

Pier Rates
for Persons,
Articles, and
Animals.

41. The Company may demand and take, in respect of all Persons, Articles, and Animals landed upon or embarked from the said Pier or Quay, any Rates not exceeding the following; (that is to say,)

For every Person, Threepence :

For Dung, and the other Articles, Matters, and Things classed therewith in the Thirty-eighth Section of "The Caledonian and Scottish Central Railways Amalgamation Act, 1865," per Ton Eightpence :

For Coal, and the other Articles, Matters, and Things classed therewith in the same Section of that Act, per Ton Eightpence :

For Sugar, and the other Articles, Matters, and Things classed therewith in the same Section of that Act, per Ton One Shilling :

For Cotton, and the other Articles, Matters, and Things classed therewith in the same Section of that Act, per Ton One Shilling :

For every Carriage, of whatever Description, not weighing more than One Ton, One Shilling :

For every Carriage, of whatever Description, weighing more than One Ton, One Shilling and Sixpence :

For every Horse, Eightpence :

For every Bull, Cow, Ox, Mule, Pony, or Ass, Threepence :

For every Calf, Sheep, Lamb, Swine, or other small Animal, One Penny.

42. The

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42. The Company may demand and take any Rates, not exceeding the following, in respect of all Vessels arriving at or departing from or remaining at the said Pier or Quay; that is to say, in respect of any Vessel, Three Farthings *per* registered Ton on each such Arrival or Departure, and in respect of any Vessel remaining at the said Pier or Quay for a longer Period than Four Hours, Fourpence *per* registered Ton for each Period of Twenty-four Hours or fractional Part of such Period that such Vessel may so remain after the first Four Hours.

Pier Rates for Vessels.

43. The Company may demand and take, in respect of the Use of Cranes or other Machinery or Appliances for shipping, landing, or otherwise moving any Article, Matter, or Thing on the said Pier or Quay, and in respect of weighing any Article, Matter, or Thing landed thereon or shipped therefrom, any Rates not exceeding the following; (that is to say,)

Cranage and Weighing Rates.

For each Hoist not exceeding One Ton, Sixpence; exceeding One Ton and not exceeding Two Tons, One Shilling; exceeding Two Tons, such Rate as the Company may think fit.

44. The Limits beyond the said Pier or Quay within which the Powers of the Harbour-master or Pier-master for the Regulation of the said Pier or Quay, under the Provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," shall be exercised, are bounded on the East by an imaginary Line drawn in a due Northerly Direction from the Point where the *Gourock Burn* is crossed by *Shore Street* of *Gourock*, and on the North by an imaginary Line drawn in a due Easterly Direction from the Northmost Part of the present *Gourock* Pier to the imaginary Line first above mentioned.

Limits within which Pier-master may exercise Powers of Regulation.

45. The Company and the Trustees for the Port and Harbours of *Greenock* may from Time to Time enter into Arrangements and execute Agreements with each other with respect to the Mode of Construction, Maintenance, and Use of so much of the Railway as will be situate on or connected with the existing or intended Works and Appurtenances of the *West* or *Albert* Harbour of *Greenock*, and with respect to the Mode of Construction, Maintenance, and Use of such last-mentioned Works, and the Accommodation of Traffic thereat, and the Interchange of Traffic between the same and the Railway and other Railways of the Company.

Company and Greenock Harbour Trustees may enter into Agreements as to Works connected with West or Albert Harbour of Greenock.

46. The *Gourock* Harbour Company may sell to the Company, and the Company may purchase, the Undertaking of the *Gourock* Harbour Company, authorized by the third-recited Act, for such Price and upon such Terms and Conditions as have been or may be sanctioned by Three Fifths of the Votes of the Shareholders of the

Power to Gourock Harbour Company to sell their Undertaking to the said Company

[Local.]

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said

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and to the
Company
to purchase
the same.

said Companies respectively present in person or by proxy at General Meetings of the said Companies respectively specially convened for the Purpose; and such Sale and Purchase shall take effect at the Time so sanctioned, but subject to all the existing Contracts, Debts, Liabilities, Engagements, and Obligations affecting the Undertaking of the *Gourock* Harbour Company, and subject also to the Provisions of the third-recited Act and this Act respectively.

Undertaking
and Property
of Gourock
Harbour
Company
to vest there-
upon in the
Company.

47. On and from the Time of such Sale and Purchase taking effect as aforesaid, the Undertaking of the *Gourock* Harbour Company, including the Pier or Harbour constructed under the Powers of the third-recited Act, and all the other Works, Lands, and Property, Monies, Debts, and Effects, Rights, Privileges, Powers, and Authorities of that Company under the third-recited Act, or otherwise howsoever, shall be and are by this Act transferred to and vested in the Company as Part of their Undertaking, and may be held, recovered, used, exercised, and enjoyed by them as fully and effectually as the same now are or if this Act had not been passed might have been held, used, exercised, and enjoyed by the *Gourock* Harbour Company, but subject to all Contracts, Debts, Liabilities, Engagements, Obligations, and Provisions entered into or incurred by or incumbent on that Company, which shall be fulfilled and paid by the Company.

Deed of
Transfer.

48. Provided always, that such Transfer and vesting shall be evidenced by a Deed of Transfer under the respective Common Seals of the *Gourock* Harbour Company and of the Company duly stamped, and wherein the true Consideration for the Transfer shall be fully stated.

Notice of
vesting to be
given in
Edinburgh
Gazette.

49. Within Twenty-one Days after such vesting Notice thereof shall be inserted in the *Edinburgh Gazette*, and thereafter the *Gourock* Harbour Company shall exist only for the Purpose of dividing the Price received for their Undertaking among the Shareholders of that Company, or their Representatives, according to their respective Interests therein, and upon the Division of such Price the said Company shall be dissolved.

Convey-
ances, Con-
tracts, &c.
to remain in
force.

50. All Conveyances, Leases, Deeds, Appointments, Contracts, Agreements, Mortgages, Bonds, Covenants, and Securities made or entered into before such vesting to, in favour of, with, or by the *Gourock* Harbour Company, or any Persons on their Behalf, shall, from and after such vesting, be and remain good, valid, and effectual in favour of, against, and with reference to the Company, and may be proceeded on and enforced by or against them in like Manner, to all Intents and Purposes, as if they had been party to and executed the same,

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same, or had been named or referred to therein, or privy thereto, instead of the *Gourock* Harbour Company, or any Persons on their Behalf.

51. Any Action, Suit, Prosecution, Arbitration, or other Proceeding whatsoever commenced before such vesting, either by, with, or against the *Gourock* Harbour Company, shall not abate or be discontinued, or be prejudicially affected by reason of such vesting, but on the contrary shall continue and take effect in favour of or against, and may be enforced by or against the Company, in like Manner in all respects as the same would have continued and taken effect in favour of or against or might have been enforced by or against the *Gourock* Harbour Company, if this Act had not been passed.

Actions, &c.
not to abate.

52. Provided always, that everything before such vesting done, suffered, and confirmed respectively, by or under the third-recited Act, shall be as valid and effectual as if this Act had not been passed, and such vesting and this Act respectively shall accordingly be subject and without Prejudice to everything so done, suffered, and confirmed respectively, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if such vesting had not happened and this Act had not been passed, would have been incident to or consequent on any and everything so done, suffered, and confirmed respectively; and with respect to all such Things so done, suffered, and confirmed respectively, and all such Rights, Liabilities, Claims, and Demands, the Company shall, after such vesting, to all Intents and Purposes represent the *Gourock* Harbour Company: Provided also, that the Generality of this Enactment shall not be restricted by any special Provisions in this Act contained.

Present and
future
Rights and
Liabilities
under Third-
recited Act
saved.

53. If in the course or by means of the Execution of any of the Works by this Act authorized any Land below High-water Mark which may belong to Her Majesty shall be inured, gained, or reclaimed from the Water, the Company shall not have or exercise any Right upon the same or in respect thereof, and shall not enter upon, take, use, or interfere with the Land so inured, gained, or reclaimed for any Purpose whatsoever, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them; but such inuring, gaining, or Reclamation shall enure absolutely for the Benefit of the Queen's Majesty, Her Heirs and Successors.

Any Land
belonging to
the Crown
reclaimed by
the Works
not to be
taken with-
out the
Consent of
the Commis-
sioners of
Woods, &c.

54. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by

Saving
Rights of the
Crown.

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by the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); and nothing in the said Act or Acts contained shall divert, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority now or from Time to Time vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Interest not
to be paid on
Calls paid up.

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

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

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

Railways not
exempt from
Provisions of
present and
future Gene-
ral Acts.

57. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made from the Provisions of any General Act relating to Railways, or the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Rates for small Parcels, authorized by this Act.

Expenses of
Act.

58. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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