

[41 & 42 VICT.] *Conway Bridge Composition of* [Ch. clxvi.]  
*Debt Act, 1878.*



### CHAPTER clxvi.

An Act for authorising the Commissioners of Her Majesty's Treasury to compound the Debt due to the Consolidated Fund in respect of Conway Bridge, and for other purposes relating thereto. A.D. 1878.  
[22d July 1878.]

**W**HEREAS by an Act of the session of the first and second years of the reign of King George the Fourth, chapter thirty-five, intituled "An Act for applying a certain sum of money out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland for the purpose of building a bridge over the River Conway, in the county of Carnarvon, and for imposing additional rates of postage on letters and packets conveyed over the said bridge," the Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury) were authorised to advance out of the Consolidated Fund to certain commissioners appointed for the execution of the Act, sums not exceeding in the whole forty thousand pounds for defraying the expense of constructing a bridge over the River Conway near Conway Castle, and for the purchase of a ferry over the river there, and by the same Act Her Majesty's Postmaster-General is required to charge on all letters and packets conveyed by post by way of Conway and Chester the additional rates and duties in the said Act specified, and the net proceeds of those rates and duties were to be paid into the Exchequer and applied in payment of the interest and principal of the sums so advanced out of the Consolidated Fund :

And whereas the said bridge with its approaches and appurtenances (in this Act referred to as Conway Bridge) was constructed, and for the purpose of such construction sums amounting to forty thousand pounds were advanced out of the Consolidated Fund by the Treasury :

And whereas by virtue of divers Acts of Parliaments Conway Bridge is now vested in the Commissioners of Her Majesty's Works  
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A.D. 1878. — and Public Buildings, and those Commissioners manage, repair, and maintain the said bridge and receive the revenue arising from tolls or otherwise in respect of the same, and, after deducting from that revenue the costs of collection, pay the residue into the Exchequer, and pay, out of moneys provided by Parliament, the expenses of the management, repair, and maintenance of the bridge :

3 & 4 Vict.  
c. 96.

And whereas by the Post Office Duties Act, 1840, so much of the above recited Act as required additional rates of postage to be charged was repealed, and by reason of such repeal and other circumstances the revenue has so much diminished, although the tolls are maintained at a high rate, that the net revenue has been insufficient for many years to pay the interest on the said loan of forty thousand pounds, and consequently large arrears of interest, as well as the whole of the principal, remain due and unpaid in respect of that loan :

And whereas application has been made to the Treasury to compound the said debt of forty thousand pounds and the arrears of interest thereon upon the immediate payment of ten thousand pounds, and upon the Commissioners of Her Majesty's Works and Public Buildings being relieved from the liability to manage, repair, and maintain Conway Bridge :

And whereas an Act has been passed in the present session of Parliament by the title of the Conway Bridge Act, 1878, for the transfer of Conway Bridge to Commissioners to be constituted under the Act, and for the reduction of the tolls on the bridge, and such transfer will relieve the Commissioners of Her Majesty's Works and Public Buildings from the liability to manage, repair, and maintain the bridge :

And whereas it is expedient to authorise the Treasury to compound the said debt and arrears of interest :

Be it therefore 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 as the Conway Bridge Composition of Debt Act, 1878.

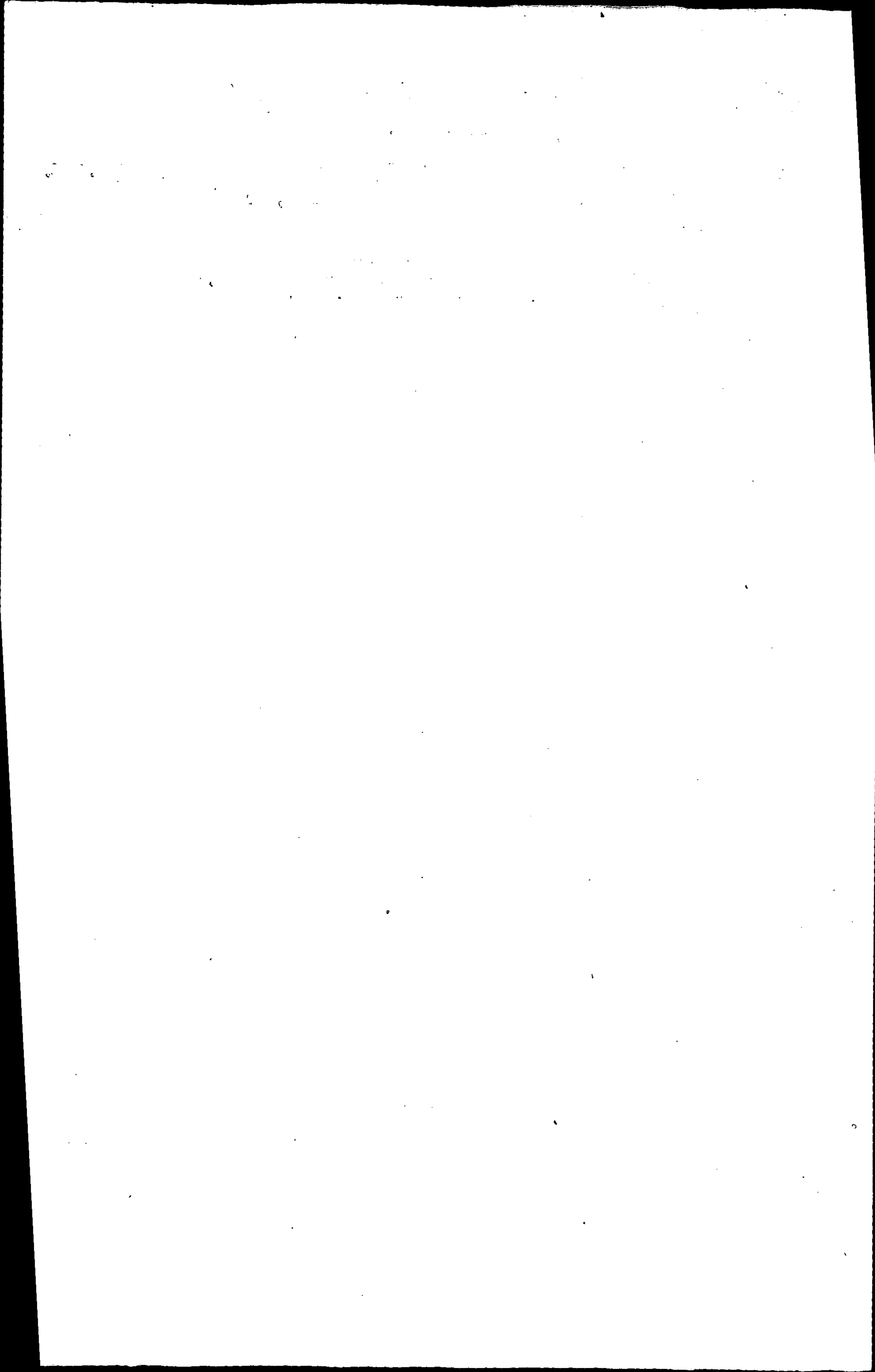
Power to the Treasury to compound debt upon Conway Bridge. 2. Upon payment to the Treasury of ten thousand pounds within twelve months after the passing of the Conway Bridge Act, 1878, the Treasury may discharge the principal debt of forty thousand pounds due in respect of Conway Bridge, and all interest due thereon, and upon such discharge the Commissioners of Her Majesty's Works and Public Buildings shall be relieved from

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all liability in respect of Conway Bridge, whether on account A.D. 1878.  
of the management, repair, or maintenance thereof, or otherwise  
howsoever.

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Printers to the Queen's most Excellent Majesty. 1878.







### CHAPTER clxvii.

An Act for authorising the Callander and Oban Railway Company to construct a branch railway to Oban Bay, with a quay and sea wall and a road there; and to make near Loch Awe a deviation of their authorised railway; and to abandon the authorised branch to Oban Bay, and the authorised pier there, and the portion of line for which the said deviation will be substituted; for extending the time for the completion of the main line between Dalmally and Oban; and for other purposes. A.D. 1878.

[22d July 1878.]

**W**HEREAS by the Callander and Oban Railway Act, 1865 (herein-after called "the Act of 1865"), the Callander and Oban Railway Company (herein-after called "the Company") were incorporated, and were authorised to construct a railway from the town of Oban, in the county of Argyll, to the Dunblane, Doune, and Callander Railway, near Callander, in the county of Perth, with a tramway to the harbour of Oban, and were empowered to raise capital by shares to the extent of six hundred thousand pounds, and by borrowing on mortgage to the extent of two hundred thousand pounds, and the Scottish Central Railway Company (now represented by the Caledonian Railway Company) were authorised to take and to hold shares of the Company to the extent of two hundred thousand pounds: 28 & 29 Vict.  
c. cclxvi.

And whereas in consequence of financial difficulties the Company were unable to complete the said railway and tramway as originally contemplated, and by the Callander and Oban Railway (Abandonment, &c.) Act, 1870 (herein-after called "the Act of 1870"), the Company were authorised to abandon the portion of the railway between Tyndrum and Oban, and the tramway at Oban; and the share capital of the Company was reduced to two hundred and forty-three thousand nine hundred pounds, and their power of raising capital by borrowing was restricted to eighty-one thousand 33 & 34 Vict.  
c. ix.

A.D. 1878. three hundred pounds; and the power of the Caledonian Railway Company to take and hold shares of the Company was restricted to one hundred and sixty-two thousand six hundred pounds:

37 & 38 Vict.  
c. cx.

And whereas by the Callander and Oban Railway (Tyndrum to Oban) Act, 1874 (herein-after called "the Act of 1874"), the Company were authorised to complete their railway to Oban by means of a line, in the Act of 1874 called "Railway No. 1," and to make a branch railway, in the said Act called "Railway No. 2," in connexion with the said Railway No. 1, from a point in the town of Oban to a point in the Bay of Oban, and also a pier or jetty in the said bay in connexion with the said branch railway; and were authorised to raise additional share capital to the extent of two hundred and ten thousand pounds, and to borrow an additional sum of money not exceeding seventy thousand pounds; and the Caledonian Railway Company were authorised to subscribe towards the undertaking of the Company an additional sum not exceeding twenty thousand pounds:

And whereas it is expedient that the Company should be authorised to make a deviation of their authorised main line of railway in the neighbourhood of Loch Awe, and to abandon the branch railway and pier or jetty at Oban authorised by the Act of 1874, and in lieu thereof to construct another branch railway, together with a quay and sea wall, in the Bay of Oban, and to make a road of access in the town of Oban:

And whereas it is expedient that the Company should be authorised to raise additional capital in their undertaking, and that the Caledonian Railway Company and the London and North-western Railway Company should be authorised to take and hold shares or stock in the capital of the Company in addition to the shares or stock which the Caledonian Railway Company are already authorised to take and hold:

And whereas it is expedient that the period limited by the Act of 1874 for the completion of the Company's main line authorised by that Act, which expires on the sixteenth day of July one thousand eight hundred and seventy-nine, should, so far as regards the portion of that main line extending from Dalmally to Oban (except so much thereof as is by this Act authorised to be abandoned), be extended:

And whereas it is expedient that the provisions of the agreements now existing between the Company and the Caledonian Railway Company as confirmed by the Act of 1865 and the Act of 1870, with respect to the construction and maintenance, working and use of the existing and authorised portions of the undertaking



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of the Company and the traffic thereon, the amount or proportion of receipts to be paid in respect of such maintenance and working, and the fixing, collection, and apportionment of the tolls, rates, charges, and profits arising from the said works, should be extended to the railways and works by this Act authorised :

And whereas plans and sections showing the lines and levels of the railways and other works authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the principal sheriff clerk for the county of Argyll, and are herein-after respectively referred to as the deposited plans, sections, and books of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the *Callander and Oban Railway Act, 1878.* Short title.

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) and Part II. (relating to extension of time) of the Railways Clauses Act, 1863, the clauses and provisions of the Harbours, Docks, and Piers Clauses Act, 1847, with respect to the construction of the harbour, dock, or pier, and with respect to the construction of works for the accommodation of the officers of customs, and with respect to the construction of warehouses, wharfs, and other conveniences, and with respect to the rates to be taken by the undertakers, and with respect to the collection and recovery of rates, and with respect to the appointment of harbour-masters, dock-masters, and pier-masters and their duties, and with respect to the discharging of vessels and the removal of goods, and with respect to the protection of the harbour, dock, and pier, and the vessels therein, from fire or other injury, and with respect to the police of the harbour, dock, or pier, and with respect to the appointment of meters and weighers and their duties, and with respect to the byelaws to be made by the undertakers, and with respect to the recovery of

Provisions of  
 general Acts  
 incorporated.  
 8 & 9 Vict.  
 c. 19.  
 23 & 24 Vict.  
 c. 106.  
 8 & 9 Vict.  
 c. 33.  
 26 & 27 Vict.  
 c. 92.  
 10 & 11 Vict.  
 c. 27.

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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 have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the undertaking of the Company" means the whole of the railways and other works of the Company as authorised by the recited Acts and this Act, and the expression "town council" means the magistrates and town council of the burgh of Oban; and in the Acts wholly or partially incorporated with this Act



the expression "the special Act" means this Act; the expressions "the Company" and "the undertakers" mean the Callander and Oban Railway Company as respects powers conferred on that Company, and mean the Caledonian Railway Company as respects powers conferred on the Caledonian Railway Company, and mean the London and North-western Railway Company as respects powers conferred on the London and North-western Railway Company; the expressions "the railway," "work," and "the undertaking" mean respectively the railways, quay and sea wall, and road, and the undertaking by this Act authorised; and in the Harbours, Docks, and Piers Clauses Act, 1847, the expressions "limits of the harbour, dock, or pier," and "the harbour, dock, or pier," and the words "harbour" and "pier," and in this Act the expression "harbour limits," respectively mean the quay and sea wall by this Act authorised, and any part of the Bay of Oban, within a distance of thirty yards from that part of the said quay and sea wall extending from Shore Street near Cawdor House to a point eighty yards to the north thereof, and a distance of fifty yards from any other part of the said quay and sea wall.

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10 & 11 Vict.  
c. 27.

4. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railways, quay and sea wall, and road herein-after described, with all proper stations, sidings, approaches, telegraphs, 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 book of reference as may be required for that purpose. The railways, quay and sea wall, and road herein-before referred to and authorised by this Act are—

Power to make railways and works according to deposited plans.

- (1.) A branch railway, three furlongs five chains and three yards in length, commencing by a junction with the railway from Tyndrum to Oban, authorised by and called Railway No. 1 in the Act of 1874, as the said authorised railway is intended to be constructed, at a point in the town of Oban about two hundred and forty yards southward from the dwelling-house called on the Ordnance map Dunuran Cottage, and terminating at a point in the said town about one hundred yards westward from the bridge over the stream called the Black Linn or Oban River, at or near the south end of George Street:
- (2.) A quay and sea wall in the Bay of Oban, commencing at a point about sixty yards westward from the dwelling-house called Cawdor House, and terminating at a point about

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ninety yards westward from the aforesaid bridge over the Black Linn or Oban River :

- (3.) A road in the town of Oban commencing at a point about ninety yards westward from the aforesaid bridge over the Black Linn or Oban River, and terminating by a junction with George Street, near the Caledonian Hotel :
- (4.) A railway (in this Act called "the deviation railway"), one mile two furlongs one chain and five yards in length, being a deviation of the railway authorised by and called Railway No. 1 in the Act of 1874, commencing by a junction with the said authorised railway, as intended to be constructed, at a point about one hundred yards in a south-westerly direction from the farmsteading of Lower Kinachreachan, and terminating by a junction with the said authorised railway, as intended to be constructed, at a point about five hundred and twenty yards in a westerly direction from the ruins of Kilchurn Castle.

Power to  
raise addi-  
tional capital.  
26 & 27 Vict.  
c. 118.

5. The Company may, subject to the provisions of Part II. of the Companies Clauses Act, 1863, raise any additional capital, not exceeding in the whole thirty thousand pounds, by the issue, at their option, of new ordinary shares or stock or new preference shares or stock, or wholly or partially by any one or more of those modes respectively : Provided always, that the Company shall not issue any share of less nominal value than ten pounds, nor shall any share vest in the person or corporation 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 : Provided further, that the dividend on any preference shares or stock so created shall not in any one year exceed four and one half per centum on the amount actually paid up on such shares or stock : Provided also, 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 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.

Except as  
otherwise  
provided,  
new shares  
or stock to  
be subject to  
same inci-  
dents as  
other shares  
or stock.

6. Except as by this Act otherwise provided, the capital in new shares or stock created by the Company under this Act, and the new shares or stock therein and the holders thereof respectively, shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges, and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the



same class or description, and the new shares or stock were shares or stock in that capital. A.D. 1878.

7. The capital in new shares or stock so created shall form part of the capital of the Company. New shares or stock to form part of capital.

8. Every person who becomes entitled to new shares or stock shall, in respect of the same, be a holder of shares or stock in the Company, and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock, as the case may be. Dividends on new shares or stock.

9. Each holder of new shares or stock in the capital of the Company by this Act authorised 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 existing capital stock of the Company would have conferred upon him: Provided always, that, except as otherwise expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned. As to votes in respect of preferential shares or stock.

10. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock, and to the provisions of this Act, 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 such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock. New shares or stock raised under this and any other Act may be of same class.

11. The Caledonian Railway Company and the London and North-western Railway Company respectively may, with the authority of three fourths of the votes of their respective shareholders present in person or by proxy at a general meeting of such Company specially convened for the purpose, from time to time subscribe (and as to the Caledonian Railway Company in addition to any other sum or sums which they have already subscribed or are by any other Act or Acts authorised to subscribe) any sum which they respectively think fit towards the undertaking of the Company, not exceeding in the whole, as respects the Caledonian Railway Company, the sum of one hundred and forty thousand pounds, and as respects the London and North-western Railway Company the sum of fifty thousand pounds in ordinary or preference shares or stock of the Company; and the Caledonian Railway Company and the London and North-western Railway Company respectively may, with the like authority, contribute and apply in or towards payment of their said respective subscriptions any moneys which Power to Caledonian Railway Company and London and North-western Railway Company to subscribe to undertaking.



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Power to  
borrow on  
mortgage.

8 & 9 Vict.  
c. 17.

**12.** The Company may, in respect of the additional capital of thirty thousand pounds which they are by this Act authorised to raise from time to time, borrow on mortgage any sums not exceeding in the whole ten thousand pounds; but no part thereof shall be borrowed until shares for so much of the additional capital as is to be raised by means of shares are issued and accepted, and one half of such capital 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 shares for the whole of such capital so to be raised have been issued and accepted, and that one half of such capital has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof, before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such sheriff as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued



and accepted and paid up bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, so far as the said additional capital is raised by shares, that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such sheriff of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof. A.D. 1878.

**13.** The mortgagees of the Company under this or any previous Act may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than ten thousand pounds in the whole. As to appointment of a judicial factor.

**14.** The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863, as amended by the Railway Companies (Scotland) Act, 1867; but, notwithstanding anything therein contained, the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages. Debenture stock. 26 & 27 Vict. c. 118. 30 & 31 Vict. c. 126.

**15.** The principal moneys secured by all mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall, during the continuance of such mortgages, and subject to the provisions of the Acts under which the same were respectively granted, have priority over the principal moneys secured by any mortgages granted by virtue of this Act. Existing mortgages to have priority.

**16.** All moneys raised by the Company under this Act, whether by shares, stock, debenture stock, or borrowing, shall be applied for the purposes of the recited Acts and this Act only. Application of moneys.

**17.** The Company may apply towards the purposes authorised by this Act any capital or funds belonging to or authorised to be raised by them under the authority of the recited Acts, whether by shares or stock, or debenture stock, or borrowing, and which may not be required for the purposes for which the same were authorised to be raised or directed to be applied. Company may apply to purposes of this Act funds not required.



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Lands for  
extraordi-  
nary pur-  
poses.

8 & 9 Vict.  
c. 33.

Powers for  
compulsory  
purchase of  
lands.

Powers of  
lateral and  
vertical de-  
viation, &c.

8 & 9 Vict.  
c. 33.

10 & 11 Vict.  
c. 27.

**18.** 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 five acres, in addition to the lands which they are authorised by this Act to take compulsorily, and by any other Acts to take compulsorily or acquire by agreement.

**19.** 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.

**20.** The Company, notwithstanding the provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, and of the Harbours, Docks, and Piers Clauses Act, 1847, may, subject to the provisions herein-after contained, deviate from the lines of the branch railway, quay and sea wall, road, and deviation railway by this Act authorised, as delineated on the deposited plans, to any extent within the limits of deviation shown on those plans, and may deviate from the levels of those works respectively, as delineated on the deposited sections, to any extent not exceeding two feet as respects the branch railway and quay and sea wall and road, and five feet as respects the deviation railway, and may increase any inclination or gradients of the railways shown on the deposited sections as not steeper than one in fifty to such an extent as they may think fit; provided that such inclination or gradients when so increased be not steeper than one in fifty, and may diminish the radius of any curve described on the deposited plans to any extent which shall leave a radius of not less than a furlong: Provided, nevertheless, that, notwithstanding anything shown on the deposited plans, the limits of deviation of the quay and sea wall and road shall be held to extend in a seaward direction only ten yards from the lines of those works respectively as shown on the said plans, and the limits of deviation of the branch railway shall be held to extend in a north-easterly direction only ten yards from the point shown on the said plans as the termination of that railway, and the said limits of deviation of the said branch railway shall, for a distance of one hundred yards from the dwelling-house numbered on the deposited plans 25 in the united parishes of Kilmore and Kilbride, measured in a north-easterly direction, be held to be a line drawn parallel to and at a distance of fifty feet to the south-east of the limit of deviation of the railway shown on the deposited plans; and the Company shall not, except so far as shall be necessary for constructing the proposed diversion of Shore Street, interfere with the road numbered on the deposited plans 26 in the said united parishes, between the western termination of the said proposed diversion of



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Shore Street, as the same shall be constructed, and the existing access to the south quay from the said road numbered 26 near the dwelling-house numbered on the said deposited plans 25 in the said united parishes.

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21. In altering for the purposes of this Act the road hereinafter mentioned, the Company may make the same of any inclination not steeper than the inclination hereinafter mentioned in connexion therewith; (that is to say,)

Inclination of road.

| No. on deposited Plan. | Parish.                                  | Description of Road.                    | Intended Inclination.   |
|------------------------|--|---|---|
| 26, as diverted        | United parishes of Kilmore and Kilbride. | Public road (Shore Street) as diverted. | 1 in 20 on the west side and 1 in 24 on the east side of the railway. |

22. The Company may make the roadway over the bridges, by which the following roads will be carried over the railway, of such width between the fences thereof as the Company think fit, not being less than the respective widths hereinafter mentioned in connexion therewith respectively; (that is to say,)

Width of certain roadways.

| No. on Plan.    | Parish.                                  | Description of Roadway. | Width of Roadway. |
|-----------------|--|-------------------------|-------------------|
| 3               | United parishes of Kilmore and Kilbride. | Public road             | 20 feet.          |
| 10              |  | Public road             | 20 feet.          |
| 26, as diverted |  | Public road             | 30 feet.          |

23. When the diversion of road authorised by the provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, as incorporated with this Act, to be formed in lieu of the existing road called Shore Street, in the united parishes of Kilmore and Kilbride, is completed and opened to the public, the Company may stop up that portion of the said existing road for which such diversion is substituted, and may appropriate the site of the said portion of existing road so far as the same is bounded on both sides by the property of the Company.

When diversion of road completed, Company may stop up corresponding portion of existing road.  
 8 & 9 Vict. c. 33.

24. Any new portion of road authorised by the provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, as incorporated with this Act, to be formed in lieu of any road altered or

New portions of road to be subject to same provisions as ex-



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Existing road.  
8 & 9 Vict.  
c. 33.

Company not  
to interfere  
with Argyll  
Square,  
Shore Street,  
and George  
Street.

diverted, shall, as respects management and maintenance, and in all other respects, be held as part of and be subject to the same provisions as the existing road so altered or diverted.

**25.** Notwithstanding anything contained in this Act or shown on the deposited plans, it shall not be lawful for the Company to take or use or encroach upon any part of the public place in the town of Oban called Argyll Square, or of that portion of the road or street in the said town called Shore Street, which lies to the east of the eastern termination of the diversion of the said road or street as shown on the deposited plans, nor to take or use or encroach upon any part of the street in the said town called George Street, except so far as may be necessary to form the junction between that street and the road which the Company are by this Act authorised to make.

Provisions  
as to new  
road and  
esplanade.

**26.** The new road which the Company are by this Act authorised to make, so far as the same will extend from the northern side of the Black Linn or Oban River, shall, when completed and fenced in on the seaward side thereof to the reasonable satisfaction of the town council, be handed over by the Company to the town council, and shall, together with the works connected therewith, be thereafter maintained by the town council as the other roads and streets within the town of Oban are maintained as a public road to the satisfaction of the railway company; and the town council shall, within six months after the said road shall have been handed over to them, fill up the space between the eastern side of the said new road and George Street and Argyll Square so as to bring the surface thereof up to the level of the said new road, and shall thereafter maintain such space as a public esplanade; and in the event of the town council failing so to do within the said period of six months, it shall be lawful for the Company to fill up the said space and to form the said esplanade, and to recover the expense of so doing from the town council, and it shall not be lawful for the town council to make or place any fence between the said new road and the said esplanade, or to erect any building or structure upon the said new road or the said esplanade: Provided always, that the powers of making the said new road shall be exercised by the Company for that purpose only.

As to boat  
slips now in  
use.

**27.** In the event of the Company taking or interfering with any boat slips now in use, they are hereby required to substitute others in lieu thereof to the reasonable satisfaction of the town council.



**28.** The Company shall satisfy any claim competent to the town council for the loss to the public of all rights of servitude which they at present possess along the embankment erected by Robert Macfie upon the shore of Oban Bay, of which they shall be deprived by the construction of the Company's works, and the amount of compensation in respect thereof may be settled by agreement, or, in the event of difference, by arbitration in the manner provided by the Railways Clauses Consolidation (Scotland) Act, 1845, with respect to the settlement of disputes by arbitration: Provided always, that the arbiter or oversman in any such arbitration, in determining the amount (if any) of such compensation, shall take into account the benefit accruing to the public from the use of the said new road to be constructed by the Company under the powers of this Act and handed over to the town council as aforesaid, and of there being no charge made in respect of persons landing or embarking at the said quay and sea wall.

A.D. 1878.  
 —  
 Compensation to town council for loss of right of way, &c. on existing embankment.  
 8 & 9 Vict. c. 33.

**29.** Persons empowered by the Lands Clauses Consolidation (Scotland) Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act, and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and feu duties or ground annuals, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Power to take easements, &c. by agreement.  
 8 & 9 Vict. c. 19.  
 23 & 24 Vict. c. 106.

**30.** The Company shall abandon the construction of the following works authorised by the Act of 1874, and the subsidiary works connected therewith respectively; (that is to say,)

Company to abandon portions of authorised lines.

- (1.) The railway in that Act called Railway No. 2;
- (2.) The pier or jetty in the Bay of Oban; and
- (3.) That portion of the railway, in that Act called Railway No. 1, which lies between the points of commencement and termination of the deviation railway by this Act authorised.

**31.** The abandonment by the Company under the authority of this Act of any portion of any railway or works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting

Compensation for damage to land by entry &c. for purposes of railways, &c. abandoned.

A.D. 1878. out the line of railway and works, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation (Scotland) Act, 1845, or of the Act of 1874.

8 & 9 Vict.  
c. 33.

Compensation to be made in respect of portions of railways abandoned.

**32.** Where, before the passing of this Act, any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the railways or works authorised to be abandoned by this Act, the Company shall be released from all liability to purchase or to complete the purchase of any such lands; but, notwithstanding, full compensation shall be made by the Company to the owners and occupiers, or other persons interested in such lands, for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice; and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation (Scotland) Act, 1845, as amended by any subsequent Act, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

8 & 9 Vict.  
c. 19.

Extension of time for completion of works.

**33.** The powers granted and the period limited by the Act of 1874 for making, completing, and opening for public traffic the Railway No. 1 by that Act authorised are hereby continued and extended until the sixteenth day of July one thousand eight hundred and eighty-two, and the said respective powers may be exercised by the Company at any time previously to that date, and sections 28, 29, and 30 of the Act of 1874 are hereby repealed.

Deposit money not to be repaid, except so far as railways are opened.

**34.** Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of thirteen thousand five hundred pounds, being five per centum upon the amount of the estimate in respect of the railways by the Act of 1874 authorised, has been and still remains deposited with the Court of Exchequer in Scotland in respect of the application to Parliament for the Act of 1874; and an additional sum of one thousand nine hundred and twenty-five pounds, being not less than five per centum on the amount by which the expense of the works by this Act authorised will exceed the expense of the works by this Act required to be



abandoned, has been deposited with the said Court of Exchequer, and which sums together amount to fifteen thousand four hundred and twenty-five pounds, and are referred to in this Act as the deposit fund: Be it enacted, that, notwithstanding anything contained in the said Act of the ninth year of the reign of Her present Majesty, the deposit fund shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrants or orders respectively issued in pursuance of the said Act, or the survivors or survivor of them (which persons, survivors or survivor, are or is in this Act, in respect to the sum mentioned in the warrant or order relating to such sum, referred to as "the depositors"), unless the Company shall, previously to the said sixteenth day of July one thousand eight hundred and eighty-two, open for the public conveyance of passengers the railway in the Act of 1874 called Railway No. 1 (except in so far as regards the portion of that railway by this Act required to be abandoned), and the branch railway and deviation railway by this Act authorised: Provided that if previously to the said sixteenth day of July one thousand eight hundred and eighty-two the Company open any portion of the said railways for the public conveyance of passengers, then on the production of a certificate of the Board of Trade specifying the length of the portion of the said railways opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the said railway so opened bears to the entire length of the said railways, the court shall, on the application of the respective depositors, or the majority of them respectively, order the said portion of the deposit fund specified in the certificate to be paid or transferred to them, or as they shall direct, and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified; and it shall not be necessary to produce any certificate of the Act of 1874 or of this Act having passed, anything in the above-mentioned Act of the ninth year of the reign of Her present Majesty to the contrary notwithstanding.

A.D. 1878.

**35.** If the Company do not previously to the said sixteenth day of July one thousand eight hundred and eighty-two complete the said railway in the Act of 1874 called Railway No. 1 (except in so far as regards the portion of that railway by this Act required to be abandoned), and the branch railway and deviation railway by this Act authorised, and open the same for the public conveyance of passengers, then and in every such case the deposit fund, or so much

Application  
of deposit.



A.D. 1878. thereof as shall not have been paid to the depositors, shall be applicable, and after due notice in the Edinburgh Gazette shall be applied, towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railways, or any portion thereof, or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by the Act of 1874 or this Act, and for which injury or loss no compensation or inadequate compensation has been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the court thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company, for the benefit of the creditors thereof: Provided that until the deposit fund has been repaid to the depositors, or become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the respective depositors.

Time limited  
for comple-  
tion of line.

**36.** If the branch railway, quay and sea wall, and deviation railway authorised by this Act are not completed on or before the said sixteenth day of July one thousand eight hundred and eighty-two, then after that date the powers by this Act granted to the Company for making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Tolls on rail-  
way.

**37.** The Company may demand and take in respect of the use of the branch railway and deviation railway by this Act authorised to be made, or either of them, or any part thereof, and of carriages



and engines thereon, and in respect of accommodation and services provided by the Company in connexion therewith, any tolls, rates, and charges not exceeding the tolls, rates, and charges which the Company are by the Act of 1865 authorised to demand and take in respect of the use of the railways by that Act authorised to be made, and of carriages and engines thereon, and in respect of accommodation and services provided by them in connexion therewith: Provided that the railways by this Act authorised to be made shall as respects tolls, rates, and charges be considered in all respects part of the undertaking of the Company, and that only one short-distance charge shall be made for the conveyance of any traffic partly on either of the said railways and partly on any other railways of the Company.

A.D. 1878.

**38.** When and so soon as any portion of the quay and sea wall by this Act authorised is completed and fit for use, the Company may demand and recover in respect of vessels using the same, or loading, unloading, or transshipping all or any part of their cargoes thereat or within the harbour limits, and in respect of animals, goods, minerals, and other articles landed, embarked, loaded, unloaded, transhipped, received, delivered, weighed, or stored within the harbour limits, or at such quay and sea wall, or using any cranes, weighing machines, sheds, or warehouses erected by the Company thereon or in connexion therewith, any rates not exceeding the rates specified in the schedule to this Act annexed, and all such rates shall be payable as respects any vessel by the master or owner thereof, and as respects animals, goods, minerals, and other articles by the owner or consignee of such animals, goods, minerals, or other articles.

Rates for use  
of quay, &c.

**39.** The Company may appoint a harbour-master, and the limits within which the powers of such harbour-master shall be exercised shall be the quay and sea wall by this Act authorised, and any part of the Bay of Oban within a distance of thirty yards from that part of the said quay and sea wall extending from Shore Street, near Cawdor House, to a point eighty yards to the north thereof, and a distance of fifty yards from any other part of the said quay and sea wall; and as respects the exercise of the powers and authorities vested in such harbour-master the expression "the prescribed limits" in the Harbours, Docks, and Piers Clauses Act, 1847, as incorporated with this Act, means the limits in this section above defined; and it shall not be lawful for the undertakers under the Oban Pier and Harbour Order, 1864, to exercise within those limits any of the powers or jurisdictions conferred by that Order or the Pier and Harbour Orders Confirmation Act, 1864.

Company  
may appoint  
a harbour-  
master.

10 & 11 Vict.  
c. 27.

27 & 28 Vict.  
c. 93.



A.D. 1878.

General harbour-master may be appointed.

27 & 28 Vict. c. 93.

10 & 11 Vict. c. 27.

27 & 28 Vict. c. 93.

40. Subject to the provisions herein-after contained, the town council and the Company, and (if they or any one or more of them respectively think fit, and within one year after the passing of this Act give notice in writing to the town council and the Company of their intention so to do) the undertakers for the time being under the Oban Pier and Harbour Order, 1864, Robert Macfie, of Airds and Oban, or the owner for the time being of the quay at Oban, commonly called the South Quay, and Charles Allan Macdougall, of Donolly, or the owner for the time being of the estate of Donolly, may jointly appoint a harbour-master (herein-after called the general harbour-master), and from time to time remove such general harbour-master and appoint another in his stead; and the limits within which the powers and authorities of the general harbour-master shall be exercised shall extend to and include the Bay of Oban to the eastward of an imaginary straight line drawn from the Brandy Stone on the south to the Dog Stone on the north of the said bay; and as respects the exercise of those powers and authorities, the expression "the prescribed limits" in the Harbours, Docks, and Piers Clauses Act, 1847, as incorporated with this Act, means the limits above defined in this section; and upon such appointment the powers and authorities conferred on and exerciseable by any harbour-master under the said Order, or the Pier and Harbour Orders Confirmation Act, 1864, shall cease and determine, except as regards the works of the said undertakers: Provided always, that the general harbour-master shall not, without the consent of the said undertakers, exercise any powers within a distance of one hundred yards from the south-east side of the existing north pier, fifty yards from the south-west face of the said pier, and one hundred yards from the works of the said undertakers to the north-west side of the said pier, nor without the consent of the said Robert Macfie or the owner for the time being of the quay at Oban, commonly called the South Quay, exercise any powers within a distance of fifty yards from any part of that quay as now existing, nor without the consent of the Company exercise any powers within a distance of thirty yards from that part of the quay and sea wall by this Act authorised extending from Shore Street, near Cawdor House, to a point eighty yards to the north thereof, and a distance of fifty yards from any other part of the said quay and sea wall: Provided further, that the said general harbour-master shall not be appointed until some part of the quay by this Act authorised shall be completed and fit for the reception of vessels, or other the purposes for which the same is intended.

As to payment of salary, &c.

41. The salary of the general harbour-master, and his expenses incurred in the exercise of his duties, shall be payable in equal



proportions by each of the parties who shall have and exercise a voice in his appointment; and in the event of any of the said parties paying to the general harbour-master his salary, or any part thereof, or any of his expenses, the party making such payment shall be entitled to recover from each of the other parties having and exercising a voice in the appointment of the general harbour-master as aforesaid the proportion of such salary and expenses due by such other party.

A.D. 1878.  
of general  
harbour-  
master.

42. If any difference shall arise as to the amount of salary or expenses to be paid to the general harbour-master, or as to the person who should be appointed to be the general harbour-master, or as to his removal, such difference shall be determined by the Board of Trade, who shall be entitled, upon the application of any of the parties having a voice in the appointment of the general harbour-master, to appoint the general harbour-master, or to remove him and appoint another in his stead, and to determine the amount of salary or expenses to be paid to him.

Differences  
as to ap-  
pointment,  
&c. of  
general  
harbour-  
master, how  
to be deter-  
mined.

43. No vessel or boat shall, without the consent of the harbour-master appointed by the Company, be anchored or moored within a distance of thirty yards from that part of the quay and sea wall by this Act authorised extending from Shore Street, near Cawdor House, to a point eighty yards to the north thereof, and a distance of fifty yards from any other part of the quay or sea wall by this Act authorised, excepting for the purpose of loading or unloading at the said quay or sea wall.

Vessels not  
to anchor  
within cer-  
tain limits.

44. The Company shall, upon the said quay and sea wall hereby authorised, exhibit and keep burning from sunset to sunrise such lights (if any) as the Commissioners of Northern Lighthouses shall from time to time direct.

Company  
to exhibit  
lights.

45. The Company shall have the appointment of meters and weighers.

Company to  
appoint meters  
and weighers.

46. The branch railway and quay and sea wall, road, and the deviation railway by this Act authorised shall be constructed and completed by the Company to the satisfaction of the engineer-in-chief for the time being of the Caledonian Railway Company: Provided always, that in the event of any requirements of such engineer on any matter connected with the construction or completion of the above-mentioned works being objected to by the Company as unreasonable, the question raised thereon shall as and when it arises be referred to and determined by an engineer to be agreed upon by the respective engineers-in-chief of the Caledonian Railway Company and of the Company, or, failing such agreement,

Railway, &c.  
to be con-  
structed to  
satisfaction  
of Caledonian  
Railway  
Company's  
engineer.

A.D. 1878. by an engineer to be appointed by the Board of Trade, on the application of either of those companies; and the costs of the reference shall be in the discretion of the referee: Provided further, that, before any such engineer is appointed, the Company making the application shall provide sufficient security, to the satisfaction of the Board of Trade, for the payment of such costs, if any, as the Board may pay or incur in selecting or appointing the said engineer; and the amount of such costs shall be paid by both the companies, or either of them, in such proportions as the Board of Trade in their discretion may determine, and the amount of such costs shall be a debt due by the said companies, or either of them, as the Board of Trade may determine, and shall be recoverable accordingly.

Public  
burdens, &c.  
and interest  
on borrowed  
money to be  
first charge  
on railway  
receipts.

47. Subject to payment of all public and parish burdens, including poor rates, county rates, prison assessments, and taxes generally that may be chargeable upon the undertaking of the Company, and to all payments (if any) to be made for land held or which may be held by the Company in feu, and all annual and other allowances to tenants (if any), and (subject as respects the interest on any money borrowed by the Company under the powers of the recited Acts before the passing of this Act, and continuing owing at the passing of this Act, to the first charge created by the Act of 1870 and the Act of 1874) the interest on all money which may be borrowed by the Company under the authority of this Act, either on mortgage or by debenture stock, or by way of overdrafts on bankers on account current, or otherwise (but so that the aggregate amount on which such interest is payable shall in no case or at any time exceed the amount by the recited Acts and this Act authorised to be borrowed), shall be secured in the same manner as interest on money borrowed by the Company is secured under the provisions of the Act of 1870 and of the Act of 1874.

Works  
authorised to  
form part of  
undertaking,  
and be main-  
tained and  
worked by  
Caledonian  
Railway  
Company.

48. Subject to the provisions of section twenty-six of this Act, the branch railway, and the quay and sea wall and road, and the deviation railway by this Act authorised shall form part of the undertaking of the Company, and the provisions with respect to the maintenance and working by the Caledonian Railway Company of other portions of the undertaking of the Company contained in the Act of 1874 shall apply and extend to the said branch railway, quay and sea wall, road, and deviation railway, and, except so far as inconsistent with the provisions in the Act of 1874 and this Act contained, all the powers and provisions of the 60th section of the Act of 1865, and of the agreement thereby confirmed, shall be exercisable by the Caledonian Railway Company with respect to



[41 & 42 VICT.] *Callander and Oban Railway* [Ch. clxvii.]  
*Act, 1878.*

the said branch railway, quay and sea wall, road, and deviation railway, and shall be applicable to the same as if the same formed part of the undertaking authorised by the Act of 1865. A.D. 1878.

49. The Caledonian Railway Company may from time to time raise for the purposes of their subscriptions to the undertaking of the Company any capital not exceeding in nominal amount one hundred and forty thousand pounds, by the issue at their option of new ordinary shares or stock, or new preference shares or stock, or wholly or partially by any one or more of those modes respectively; and the clauses and provisions of the Companies Clauses Consolidation (Scotland) Act, 1845, with respect to the following matters; (that is to say,) Power to Caledonian Railway Company to raise money by creation of shares or stock.  
8 & 9 Vict. c. 17.

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 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 Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act, 1863, 26 & 27 Vict. c. 118.

shall extend and apply to the Caledonian Railway Company, and to the additional capital which they are by this Act authorised to raise; and all the provisions of the Companies Clauses Consolidation (Scotland) Act, 1845, 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 Caledonian Railway Company are by this Act authorised to issue, and to the holders thereof: 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 dividends 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 Caledonian Railway Company. 8 & 9 Vict. c. 17.

A.D. 1878.

Power to  
London and  
North-  
western  
Railway  
Company to  
raise money  
by creation  
of shares or  
stock.

8 & 9 Vict.  
c. 16.

**50.** The London and North-western Railway Company may from time to time raise for the purposes of their subscriptions to the undertaking of the Company any capital, not exceeding in nominal amount fifty thousand pounds, by the issue at their option of new ordinary shares or stock, or new preference shares or stock, or wholly or partially by any one or more of those modes respectively, and the clauses and provisions of the Companies Clauses Consolidation 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 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 ;

26 & 27 Vict.  
c. 118.

And Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act, 1863,

shall extend and apply to the London and North-western Railway Company, and to the additional capital which they are by this Act authorised to raise.

Shares not to  
issue until  
one-fifth part  
paid up.

**51.** The Caledonian Railway Company and the London and North-western Railway Company shall not issue any share under the authority of this Act of less nominal value than ten pounds, nor shall any share vest in the person or corporation 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.

Application  
of moneys.

**52.** All moneys which the Caledonian Railway Company and the London and North-western Railway Company may respectively raise under the powers of this Act shall be applied for the purposes of the before-mentioned subscriptions only.

New shares  
or stock of  
subscribing  
companies to

**53.** Except as by this Act otherwise provided, the capital in new shares or stock created by the Caledonian Railway Company and the London and North-western Railway Company respectively under



this Act, and the new shares or stock, and the holders thereof respectively, shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges, and incidents whatsoever in all respects as if that capital were part of the now existing ordinary capital of the Company creating the same of the same class and description, and the new shares or stock were shares or stock in such existing capital; and the capital in new shares or stock so created shall form part of the capital of the Company creating the same.

A.D. 1878.  
 be subject to same incidents as other shares or stock of those companies.

54. Every person who becomes entitled to new shares or stock of the Caledonian Railway Company or the London and North-western Railway Company under this Act shall in respect of the same be a holder of shares or stock in the Company creating such new shares or stock, and shall be entitled to a dividend, either preferential or ordinary, as the case may be, with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares, or to the whole amount of such stock, as the case may be.

Dividends on new shares or stock.

55. Each holder of new shares or stock in the capital of the Caledonian Railway Company created under the powers of this Act shall be entitled to the same number of votes in respect thereof at all meetings of that Company which the possession of an equal nominal amount of the existing capital stock of that Company would have conferred upon him: Provided always, that, except as otherwise expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Voting, &c. in Caledonian Railway Company.

56. The holders of the shares or stock in the London and North-western Railway Company created under this Act shall have rights of voting and qualifications in respect thereof on the principle that each sum of one hundred pounds paid up in respect of the shares or stock held by any such holder shall be deemed equivalent to one original share of one hundred pounds in the capital of that Company as prescribed by their Act of Incorporation: Provided that no person shall be entitled to vote in respect of any less amount than one hundred pounds paid up: Provided also, that (unless otherwise specified in any resolution of that Company) no person shall be entitled to vote in respect of any share or stock created or issued under this Act to which a preferential dividend shall be assigned.

Voting, &c. in London and North-western Railway Company.

57. Subject to the provisions of any Act already passed by which the Caledonian Railway Company or the London and North-western Railway Company are authorised to raise capital by new shares or stock, and to the provisions of this Act, and any other Act passed

New shares or stock raised under this and any other Acts

A.D. 1878. in the present session of Parliament, whether before or after the passing of this Act, by which the Caledonian Railway Company or the London and North-western Railway Company may be authorised to raise capital by new shares or stock, the Caledonian Railway Company and the London and North-western Railway Company respectively 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 respectively are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Appointment  
of director  
by London  
and North-  
western  
Railway  
Company.

58. When and so soon as the London and North-western Railway Company shall have subscribed towards the undertaking of the Company, and shall have fully paid up the sum of fifty thousand pounds which they are by this Act authorised so to subscribe, the directors of the London and North-western Railway Company shall be entitled to appoint a person to be one of the directors of the Company from and after the date of the first ordinary meeting of the Company held in the month of August or September then next ensuing, or from and after the date of any ordinary meeting held in either of those months in any ensuing year, which person shall remain in office until he shall die or resign, or become disqualified, or until his appointment be revoked as after mentioned; and the directors of the London and North-western Railway Company shall have power from time to time to revoke any such appointment, and to appoint a new director of the Company in the place of any director appointed by them whose appointment shall be so revoked, or who shall have died, resigned, or become disqualified; and a writing given under the common seal of the London and North-western Railway Company, or under the hands of their chairman of directors and secretary, and deposited with the secretary of the Company, shall be evidence of any such appointment or revocation; and the qualification of a director so appointed shall be the possession in his own right of shares or stock to the nominal amount of not less than five hundred pounds in the capital of the Company or of the London and North-western Railway Company: Provided always, that at the meeting at which such appointment by the London and North-western Railway Company takes effect the place of the director or (if there be more than one director then retiring from office) of one of the directors then retiring from office by rotation shall not be supplied by the shareholders, and thereafter the number of directors elected by the shareholders (other than the Caledonian Railway Company and the London and North-western Railway Company) shall not exceed three.



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**59.** If any money is payable to a holder of shares or stock in the Company, or the Caledonian Railway Company, or the London and North-western Railway Company, being a minor, pupil, idiot, or lunatic, the receipt of the guardian, curator, tutor, committee of his estate, or curator bonis shall be a sufficient discharge to the Company paying the same.

A.D. 1878.

Receipt in case of persons not sui juris.

**60.** Nothing contained in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects or any rights, powers, or authorities reserved by or mentioned in sections twenty, twenty-one, and twenty-two of the Crown Lands Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, her heirs or successors.

Saving rights of Crown under 29 & 30 Vict. c. 62. ss. 20-22.

**61.** It shall not be lawful for the Company to construct any work on any land over which a right of salmon fishing belongs to Her Majesty without the previous consent in writing of the Commissioners or Commissioner for the time being of Her Majesty's Woods, Forests, and Land Revenues having the management of the land revenue of the Crown in Scotland; and such consent may be given on payment of such compensation as may be agreed upon for any injury which the works by this Act authorised may be reasonably expected to occasion to any such right of salmon fishing as in this section mentioned; and in case the amount of such compensation as aforesaid shall not be agreed upon, the same shall be settled by two referees, one being appointed by the said Commissioners or Commissioner, and one being appointed by the Company or by an umpire to be appointed by the said referees, and the charges and expenses of such referees or their umpire shall be paid by the Company.

For protection of salmon fishings.

**62.** Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights of the Crown in the foreshore.

A.D. 1878.

Railway not exempt from provisions of Merchant Shipping and other general Acts.

**63.** Nothing in this Act contained shall exempt the Company or their undertaking from the provisions of the Merchant Shipping Acts, or of any general Acts relating to dues on shipping now in force, or which may be passed during the present or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the rates authorised by this Act in respect of the use of the quay and sea wall by this Act authorised.

Saving for general Acts relating to animals.

32 & 33 Vict. c. 70.

**64.** Nothing in this Act shall interfere with the operation of the Contagious Diseases (Animals) Act, 1869, or of any Order of Council made under that Act, or of any order or regulation of a local authority made under that Act or under any such Order of Council, or exempt the undertaking to which this Act relates, or any person, from the provisions of any general Act relating to animals now in force or to be passed in this or any future session of Parliament.

Interest not to be paid on calls paid up.

**65.** The Company and the Caledonian Railway Company and the London and North-western Railway Company shall not, out of any money by this Act, or any other Act relating to the Company, or the Caledonian Railway Company, or the London and North-western Railway Company, authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company, or the Caledonian Railway Company, or the London and North-western Railway 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, and the Companies Clauses Consolidation Act, 1845, respectively.

8 & 9 Vict. c. 17.

8 & 9 Vict. c. 16.

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

**66.** The Company and the Caledonian Railway Company and the London and North-western Railway Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company, or the Caledonian Railway Company, or the London and North-western Railway Company to construct any other railway or to execute any other work or undertaking.

Railway not exempt from provisions of any present or future

**67.** Nothing in this Act contained shall exempt the railways by this Act authorised 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



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hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels authorised by this Act. A.D. 1878.  
—  
general Rail-  
way Acts.

**68.** 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. Expenses of  
Act.

A.D. 1878.

**SCHEDULE** referred to in the foregoing Act.

**RATES ON ANIMALS, GOODS, MINERALS, AND ARTICLES SHIPPED,  
 UNSHIPED, TRANSHIPPED, RECEIVED, OR DELIVERED.**

|  |                 | s. | d. |
|--|-----------------|----|----|
| Ale, beer, or porter   | per hogshead    | 0  | 6  |
| Animals (see Cattle, Dogs, Fowls, Geese, Hares, Horses, Lambs, Pigs, Sheep). |                 |    |    |
| Asphalte   | per ton         | 0  | 6  |
| Bark in bulk or bag  | per ton         | 0  | 10 |
| Ballast  | per ton         | 0  | 1  |
| Beef, fresh or salt  | per cwt.        | 0  | 2  |
| Biscuit and bread  | per cwt.        | 0  | 2  |
| Bones  | per ton         | 0  | 6  |
| Books and stationery   | per cwt.        | 0  | 4  |
| Bone dust  | per ton         | 0  | 8  |
| Bottles  | per gross       | 0  | 2  |
| Boxes, full  | per barrel bulk | 0  | 4  |
| Bricks   | per thousand    | 0  | 8  |
| Butter   | per cwt.        | 0  | 2  |
| Carriages with four wheels   | each            | 0  | 8  |
| Carriages with two wheels  | each            | 0  | 6  |
| Cattle   | each            | 0  | 2  |
| Casks, empty, not being returned   | each            | 0  | 3  |
| Cement   | per barrel      | 0  | 2  |
| Cheese   | per cwt.        | 0  | 4  |
| Chimney cans   | each            | 0  | 2  |
| Clay   | per ton         | 0  | 6  |
| Cloth, haberdashery  | per barrel bulk | 0  | 2  |
| Clover seed  | per quarter     | 0  | 2  |
| Coach or cart wheels   | per pair        | 0  | 2  |
| Coals  | per ton         | 0  | 3  |
| Copper and brass   | per ton         | 1  | 4  |
| Corks  | per barrel bulk | 0  | 2  |
| Corn   | per quarter     | 0  | 2  |
| Cordage  | per cwt.        | 0  | 3  |
| Crystal and crockery   | per barrel bulk | 0  | 2  |
| Dogs   | each            | 0  | 2  |
| Drugs  | per barrel bulk | 0  | 2  |
| Dissolved bones  | per ton         | 0  | 8  |
| Earthenware  | per barrel bulk | 0  | 2  |
| Eggs   | per barrel bulk | 0  | 2  |
| Felt   | per cwt.        | 0  | 1  |
| Fish, fresh, salted, or dried  | per cwt.        | 0  | 1  |



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|   | s. | d.    | A.D. 1878. |
|---|----|-------|------------|
| Fish landed from boats belonging to the town of Oban and not forwarded by railway |    | Free. | —          |
| Flax  | 0  | 1     |            |
| Flour   | 0  | 2     |            |
| Fowls and ducks, live   | 0  | 2     |            |
| Freestone   | 0  | 2     |            |
| Fruit   | 0  | 1     |            |
| Gates   | 0  | 1     |            |
| Geese and turkeys, live   | 0  | 1     |            |
| Glass   | 0  | 3     |            |
| Grain   | 0  | 2     |            |
| Grates or stoves  | 0  | 2     |            |
| Gravel  | 0  | 1     |            |
| Grease and greaves  | 0  | 1     |            |
| Groceries   | 0  | 3     |            |
| Guano and artificial manures  | 0  | 8     |            |
| Gunpowder   | 0  | 1     |            |
| Hardware  | 0  | 3     |            |
| Hares and rabbits   | 0  | 2     |            |
| Hay   | 0  | 6     |            |
| Hemp and cotton, unwrought  | 1  | 4     |            |
| Hides   | 0  | 0½    |            |
| Household furniture   | 0  | 2     |            |
| Hurdles   | 0  | 1     |            |
| Herrings, cured   | 0  | 3     |            |
| Herrings, fresh   | 0  | 1     |            |
| Horses, asses, and mules  | 0  | 2     |            |
| Husbandry utensils  | 1  | 4     |            |
| Iron, all kinds   | 1  | 0     |            |
| Kelp  | 0  | 8     |            |
| Lambs   | 0  | 3     |            |
| Lathwood  | 0  | 0½    |            |
| Lead, of all kinds, zinc  | 1  | 4     |            |
| Leather   | 0  | 1     |            |
| Lime  | 0  | 1     |            |
| Limestone   | 0  | 3     |            |
| Machinery   | 1  | 4     |            |
| Malt  | 0  | 4     |            |
| Manure  | 0  | 2     |            |
| Masts and spars   | 1  | 6     |            |
| Meal  | 0  | 2     |            |
| Meat  | 0  | 2     |            |
| Milk  | 0  | 0½    |            |
| Millstones  | 0  | 6     |            |
| Oakum   | 0  | 1     |            |
| Oil   | 0  | 4     |            |
| Oil cake  | 0  | 8     |            |
| Oysters   | 0  | 2     |            |

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*Act, 1878.*

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|  |                                 | s.    | d.              |
|--|---------------------------------|-------|-----------------|
| Passengers luggage, not exceeding four barrel bulk                                       | - - -                           | Free. |                 |
| Passengers luggage, all above four barrel bulk   | - per barrel bulk               | 0     | 3               |
| Pease or beans   | - per quarter                   | 0     | 2               |
| Peats  | - per ton                       | 0     | 4               |
| Pigs   | - each                          | 0     | 0 $\frac{1}{2}$ |
| Ploughs (see Husbandry utensils).  |                                 |       |                 |
| Potatoes   | - per ton                       | 0     | 6               |
| Rape cake  | - per ton                       | 0     | 8               |
| Rags   | - per cwt.                      | 0     | 1               |
| Ropes  | - per cwt.                      | 0     | 3               |
| Rye grass seeds  | - per quarter                   | 0     | 2               |
| Salt   | - per cwt.                      | 0     | 0 $\frac{1}{2}$ |
| Sand   | - per ton                       | 0     | 3               |
| Seaware or wreck   | - per ton                       | 0     | 1               |
| Seeds not enumerated   | - per cwt.                      | 0     | 1               |
| Sheep  | - per score                     | 0     | 6               |
| Skins, dried   | - per dozen                     | 0     | 4               |
| Slates, undersize  | - per thousand                  | 0     | 6               |
| Slates, sizeable   | - per thousand                  | 0     | 8               |
| Slates, oversize   | - per thousand                  | 1     | 0               |
| Soda-water or lemonade   | - per gross                     | 0     | 6               |
| Spirits  | - per fifty-six gallons         | 0     | 8               |
| Spokes and naves for wheels  | - per gang                      | 0     | 2               |
| Steel  | - per ton                       | 1     | 4               |
| Stones   | - per ton of sixteen cubic feet | 0     | 2               |
| Stones, pavement   | - per ton of sixteen cubic feet | 0     | 4               |
| Straw  | - per ton                       | 0     | 4               |
| Stucco   | - per barrel                    | 0     | 4               |
| Sugar  | - per hogshead                  | 0     | 6               |
| Tallow   | - per ton                       | 1     | 4               |
| Tar, pitch, or rosin   | - per barrel                    | 0     | 2               |
| Tea  | - per cwt.                      | 0     | 6               |
| Tiles or pipes   | - per thousand                  | 0     | 8               |
| Turpentine   | - per hogshead                  | 0     | 8               |
| Timber, unwrought, of all kinds  | - per load of fifty cubic feet  | 0     | 8               |
| Tin of all kinds   | - per ton                       | 1     | 4               |
| Turnips  | - per ton                       | 0     | 6               |
| Tobacco  | - per ton                       | 2     | 6               |
| Vitriol  | - per carboy                    | 0     | 2               |
| Whisky   | - per fifty-six gallons         | 0     | 8               |
| Wine, in cask  | - per hogshead                  | 1     | 0               |
| Wine, in bottle  | - per dozen                     | 0     | 1               |
| Wool   | - per stone                     | 0     | 1               |
| Yarn   | - per cwt.                      | 0     | 1               |
| All other unenumerated articles to pay at landing, shipping, or transhipping as follows: |                                 |       |                 |
| If by measurement  | - per barrel bulk               | 0     | 2               |
| If by weight   | - per ton                       | 1     | 4               |



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Articles which can be measured to pay by barrel bulk, all others by weight. A.D. 1878.

In charging the rates on goods the gross weight or measurement of all goods to be taken, and for any less weights, measures, and quantities than those above specified a proportion of the respective rate shall be charged; five cubic feet, not exceeding two and a half hundredweight, to be rated as a barrel bulk, but when the weight of five cubic feet is greater than two and a half hundredweight, then two and a half hundredweight to be rated as a barrel bulk.

RATES ON VESSELS.

Every steam vessel plying regularly to and from the quay or sea wall, or harbour limits, per register ton one penny.

Every vessel (other than a steam vessel plying regularly as aforesaid, or an open or undecked vessel) using the quay or sea wall, or loading or unloading or transshipping goods or passengers thereat, or within the harbour limits, per register ton twopence.

Every open or undecked vessel, one penny each time of using the quay or sea wall, or loading or unloading or transshipping goods or passengers thereat, or within the harbour limits.

Fishing boats belonging to the town of Oban and engaged in fishing only, free.

RATES FOR THE USE OF QUAY AND SEA WALL, SHEDS, WAREHOUSES,  
 CRANES, AND WEIGHING MACHINES.

*Sheds.*

For each ton of goods of eight barrels bulk, or for each ton of goods of twenty hundredweights, which shall remain on the quay or sea wall or in any shed or warehouse for a longer time than forty-eight hours, the sum of fourpence, and the sum of twopence per ton for each complete twenty-four hours during which such goods shall remain after the first forty-eight hours.

*Cranes.*

|  | s. | d. |
|--|----|----|
| All goods or packages not exceeding one ton  | 0  | 3  |
| Exceeding one ton and not exceeding two tons   | 0  | 4  |
| Exceeding two tons and not exceeding three tons  | 0  | 6  |
| Exceeding three tons and not exceeding four tons   | 0  | 8  |
| Exceeding four tons and not exceeding five tons  | 0  | 10 |
| Exceeding five tons and not exceeding six tons   | 1  | 0  |
| Exceeding six tons and not exceeding seven tons  | 1  | 2  |
| Exceeding seven tons and not exceeding eight tons  | 1  | 4  |
| Exceeding eight tons and not exceeding nine tons   | 1  | 8  |
| Exceeding nine tons and not exceeding ten tons   | 2  | 0  |
| Exceeding ten tons, two shillings for the first ten tons, and sixpence per ton for every ton above ten tons. |    |    |

*Weighing Machines.*

For goods weighed, one penny for each ton or part of a ton.

