



CHAPTER lxxxix.

An Act for making a Railway from Stranraer to New England Bay, in the county of Wigtown; and for other purposes. A.D. 1878.

[17th June 1878.]

**W**HEREAS the making of a railway from Stranraer to New England Bay, in the county of Wigtown, and a branch railway connecting the same at Stranraer with the Portpatrick Railway, will be of local and public advantage :

And whereas the persons herein-after named, with others, are willing to carry the undertaking into execution, and it is expedient that they should be incorporated for that purpose :

And whereas it is expedient that the Company herein-after incorporated and the Glasgow and South-western Railway Company, the Portpatrick Railway Company, and the Girvan and Portpatrick Junction Railway Company, or any one or more of those companies, should be authorised to enter into agreements with respect to the maintenance, management, working, and use of the railway and branch railway, and the interchange, accommodation, and conveyance of traffic; and also that provision should be made for facilitating the passage and transmission of traffic over the railway and branch railway, and the railways of the Portpatrick Railway Company, and of the Girvan and Portpatrick Junction Railway Company respectively, as herein-after provided :

And whereas plans and sections showing the lines and levels of the railway and branch railway 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, have been deposited with the principal sheriff clerk of the county of Wigtown, 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

[Ch. lxxxix.] *Rhins of Galloway Railway Act, 1878.* [41 VICT.]

A.D. 1878. — 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 Rhins of Galloway Railway Act, 1878.

Incorporation of general Acts. 8 & 9 Vict. c. 17. 26 & 27 Vict. c. 118. 8 & 9 Vict. c. 19. 23 & 24 Vict. c. 106. 8 & 9 Vict. c. 33.

26 & 27 Vict. c. 92.

2. The Companies Clauses Consolidation (Scotland) Act, 1845, Parts I. (cancellation and surrender of shares) and III. (debenture stock) of the Companies Clauses Act, 1863, the Lands Clauses Consolidation (Scotland) Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways Clauses Consolidation (Scotland) Act, 1845, and Parts I. (construction of a railway) and III. (working agreements) of the Railways Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation 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 Company" means the Company incorporated by this Act, and the expressions "the railway" and "the undertaking" respectively mean and include the railway and branch railway and the undertaking by this Act authorised.

Company incorporated.

4. Mark John Stewart, James McDouall, William Maitland, Dougald Maclaurin, David Frederick, and Peter Mac Lean, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the railway, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Rhins of Galloway Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make railway according to deposited plans.

5. 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 railway and branch railway hereinafter described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose.



The railway and branch railway herein-before referred to and authorised by this Act are— A.D. 1878.

First. A railway, twelve miles six furlongs and nine chains or thereabouts in length, commencing at or near the station of the Portpatrick Railway at Stranraer, and terminating at or near New England Bay, in a field situate to the eastward of the public road leading from Stranraer to Drummore :

Second. A branch railway, eight chains or thereabouts in length, commencing by a junction with the railway above described at a point ninety-six yards or thereabouts south-eastward from the door of the booking office at the station of the Portpatrick Railway at Stranraer, and terminating by a junction with the main line of the Portpatrick Railway at a point thereon eighty yards or thereabouts westward from the door of the said booking office.

6. The capital of the Company shall be sixty thousand pounds, in six thousand shares of ten pounds each. Capital.

7. The Company shall not issue any share created under the authority of this Act, nor shall any such 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 is paid in respect thereof. Shares not to issue until one-fifth part paid up.

8. One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

9. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of his tutor or curator or curator bonis shall be a sufficient discharge to the Company. Receipt in case of persons not sui juris.

10. The Company may from time to time borrow on mortgage any sum not exceeding in the whole twenty thousand pounds, in manner following; that is to say, in respect of thirty-six thousand pounds of the capital which the Company are by this Act authorised to raise, any sum or sums not exceeding in the whole twelve thousand pounds, and in respect of twenty-four thousand pounds, being the remainder of such capital, any further sum or sums not exceeding in the whole eight thousand pounds; but no part of such respective sums of twelve thousand pounds and eight thousand pounds shall be borrowed until the whole of the respective portions of capital in respect of which such respective sums are authorised to be borrowed is issued and accepted, and one half thereof is paid up, and the Power to borrow on mortgage.

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A.D. 1878.  
8 & 9 Vict.  
c. 17.

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 respective portion of 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 in such respective portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such respective portion of capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, 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 shall be sufficient evidence thereof.

As to  
appointment  
of a judicial  
factor.

**11.** The mortgagees of the Company 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 one thousand pounds in the whole.

Debenture  
stock.  
26 & 27 Vict.  
c. 118.

**12.** The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; 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.

Application  
of moneys.

**13.** All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First and  
subsequent  
ordinary  
meetings.

**14.** The first ordinary meeting of the Company shall be held within three months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held twice in every year, in the months of March and September, and all meetings of the Company, whether ordinary or extraordinary, shall be held in Stranraer or such other place as the directors may from time to time appoint.



15. The number of directors shall be six, but the Company may from time to time reduce the number, provided that the number be not less than five.

Number of directors.

16. The qualification of a director shall be the possession in his own right of not less than thirty shares in the capital of the Company.

Qualification of directors.

17. The quorum of a meeting of directors shall be three.

Quorum of directors.

18. Mark John Stewart, James McDouall, William Maitland, Dougald Maclaurin, David Frederick, and Peter Mac Lean shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, respectively eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation (Scotland) Act, 1845, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the said Act.

First directors.

Election of directors.

8 & 9 Vict. c. 17.

19. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation (Scotland) Act, 1845, shall not exceed three acres.

Lands for extraordinary purposes.

8 & 9 Vict. c. 33.

20. 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 compulsory purchase of lands.

21. Subject to the provisions in the Railways Clauses Consolidation (Scotland) Act, 1845, and in Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863, contained in reference to the crossing of roads on the level, the Company may, in the construction of the railway, carry the same with a single line only, whilst the railway shall consist of a single

Power to cross certain road on the level.

8 & 9 Vict. c. 33.

26 & 27 Vict. c. 92.

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A.D. 1878. line, and afterwards with a double line only, across and on the level of the road next herein-after mentioned; that is to say,

No. on deposited Plans.	Parish.	Description of Road.
66	Stoneykirk - -	Public road.

Inclinations of roads.

**22.** 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,

No. on deposited Plans.	Parish.	Description of Road.	Intended Inclinations.
31	Inch - -	Public road - -	1 in 20.
57	Inch - -	Public road - -	1 in 20.
27 <sup>a</sup>	Stoneykirk - -	Public road - -	1 in 20.
31 <sup>a</sup>	Stoneykirk - -	Public road - -	1 in 20.
40	Stoneykirk - -	Public road - -	1 in 20.

Height and span of bridge.

**23.** The Company may make the arch of the bridge for carrying the railway over the road next herein-after mentioned of any height and span not less than the height and span herein-after mentioned; that is to say,

No. on deposited Plans.	Parish.	Description of Road.	Height.	Span.
57	Inch - -	Public road - -	15 feet - -	25 feet.

Widths of certain roadways.

**24.** 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 herein-after mentioned in connexion therewith respectively; that is to say,

No. on deposited Plans.	Parish.	Description of Road.	Width of Roadway.
31	Inch - -	Public road - -	20 feet.
47	Inch - -	Public road - -	25 feet.
12	Stoneykirk - -	Public road - -	15 feet.
27	Stoneykirk - -	Public road - -	25 feet.
31 <sup>a</sup>	Stoneykirk - -	Public road - -	20 feet.
40	Stoneykirk - -	Public road - -	25 feet.



**25.** 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 two thousand nine hundred and twenty-one pounds, being five per centum upon the amount of the estimate in respect of the railway, has been deposited with the Court of Exchequer in Scotland in respect of the application to Parliament for this Act, which sum is referred to in this Act as the deposit fund: Be it enacted, that, notwithstanding anything contained in the said Act, 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 warrant or order 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 referred to as the depositors, unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of passengers; provided that if within such period as aforesaid the Company open any portion of the railway 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 railway 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 railway so opened bears to the entire length of the railway, the Court shall, on the application of the depositors, or the majority of them, order the portion of the deposit fund specified in the certificate to be paid to them, or as they shall direct, and the certificate of the Board of Trade shall, if signed by the secretary or by an assistant secretary of the said Board, be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

A.D. 1878.  
 Deposit money not to be repaid except so far as railway opened.

**26.** If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers, then and in every such case the deposit fund, or so much 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 railway 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 this Act, and for which injury or loss no compensation or inadequate

Application of deposit fund.



A.D. 1878. — 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 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 judicial factor has been appointed, shall wholly or in part be paid to such judicial factor, 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 has become otherwise applicable as herein-before mentioned, any interest 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 depositors.

Period for completion of railway.

27. If the railway is not completed within five years from the passing of this Act, then, on the expiration of that period, the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Tolls.

28. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; that is to say,

For passengers.

In respect of passengers and animals conveyed on the railway:  
For every person, per mile twopence; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per mile of one penny;

For animals.

For every horse, mule, ass, or other beast of draught or burden, and for every ox, cow, bull, or head of neat cattle, per mile fourpence; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per mile of one penny;

For every calf, pig, sheep, lamb, hog, or other small animal, per mile one penny; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per mile of one halfpenny.



In respect of goods conveyed on the railway :

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For all coal, dung, compost, and manure (except guano and artificial manures), and all lime, limestone, and undressed materials for the repair of public roads or highways, per ton per mile one penny halfpenny; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile of one penny ;

For goods.

For all coke, culm, charcoal, cinders, guano, artificial manures, stones for building, pitching, and paving, bricks, slates, clay, sand, ironstone, iron ore, and pig iron, per ton per mile two-pence; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile of one penny ;

For all sugar, grain, corn, flour, hides, dyewoods, tiles, timber, staves, deals, and metals (except iron), and all bar iron, rod iron, hoop iron, and all other descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise, nails, anvils, vices, and chains, per ton per mile threepence; and if conveyed in or upon a carriage 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, earthenware, manufactured goods, and all other wares, merchandise, articles, matters, and things, per ton per mile fourpence; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile of one penny ;

For every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not weighing more than one ton, carried or conveyed on a truck or platform belonging to or provided by the Company, per mile sixpence, 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.

**29.** The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal, or for each ton of goods, in addition to the several other tolls or sums by this Act authorised to be taken.

Tolls for propelling power.

**30.** The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; that is to say,

Regulations as to tolls and charges.

For all passengers, animals, or goods conveyed on the railway for a less distance than four miles, the Company may demand tolls and charges as for four miles ;

Short distances.



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Fractional parts of a mile.

For a fraction of a mile beyond four miles or beyond any greater number of miles, the Company may demand tolls and charges on animals and goods for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile; and in respect of passengers, every fraction of a mile beyond an integral number of miles shall be deemed a mile;

Fractional parts of a ton.

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;

General weight.

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight;

Weight of stone and timber.

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

Tolls and charges for small parcels and single articles of great weight.

**31.** With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding anything in this Act, the Company may demand and take any tolls and charges 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, threepence;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight, fivepence;

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight, sevenpence;

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight, ninepence;

And for parcels exceeding fifty-six pounds in weight the Company may demand any sum they think fit:

Provided 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 on the railway:

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 be less than four tons, sixpence per



ton per mile; if such weight shall exceed four tons but shall not exceed eight tons, one shilling per ton per mile; and if such weight shall exceed eight tons, the Company may demand any sum they think fit. A.D. 1878.

**32.** 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 every passenger conveyed in a first-class carriage, threepence per mile;

For every passenger conveyed in a second-class carriage, twopence per mile;

For every passenger conveyed in a third-class carriage, one penny halfpenny per mile.

**33.** The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railway, including the tolls for the use of the railway and for waggons or trucks and locomotive power, and for every other expense incidental to such 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 every horse, mule, or ass, per mile fourpence;

For every ox, cow, bull, or head of neat cattle, per mile threepence;

For every calf or pig, per mile twopence;

For every sheep, lamb, or other small animal, per mile one penny;

For coal and the other articles, matters, and things herein-before classed therewith, per ton per mile one penny halfpenny;

For coke and the other articles, matters, and things herein-before classed therewith, per ton per mile twopence;

For sugar and the other articles, matters, and things herein-before classed therewith, per ton per mile threepence;

For cotton and the other articles, matters, and things herein-before classed therewith, per ton per mile fourpence;

And for every carriage of whatever description, not being a carriage adapted and used for travelling on a railway, and not

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weighing more than one ton, carried or conveyed on a truck or platform belonging to or provided by the Company, per mile sixpence, and for every quarter of a ton beyond one ton, one penny halfpenny per mile.

Passengers  
luggage.

**34.** Every passenger travelling on 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.

Terminal  
station.

**35.** 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.

Foregoing  
charges not  
to apply to  
special  
trains.

**36.** 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.

**37.** 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 goods 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 of the conveyance of animals or goods (other than small parcels) by passenger trains.

Working  
agreements  
with  
Glasgow  
and South-  
western,  
Portpatrick,  
and Girvan  
and Port-  
patrick  
Junction  
Railway  
Companies.  
26 & 27 Vict.  
c. 92.  
36 & 37 Vict.  
c. 76.

**38.** The Company on the one part, and the Glasgow and South-western Railway Company, the Portpatrick Railway Company, and the Girvan and Portpatrick Junction Railway Company (herein-after called "the three railway companies"), or any one or more of those companies, on the other part, may (subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended or varied by the Regulation of Railways Act, 1873) from time to time enter into agreements with respect to the following purposes, or any of them; that is to say, the maintenance and management of the railway, or any part thereof, and of the works connected therewith, or any of them, by the three railway companies, or any of them, for such period and on such terms and conditions as may be agreed on; the working and use of the railway, or any part thereof, and the conveyance by the three railway companies, or any of them, of all or



any part of the traffic passing on the railway, or any part thereof; the providing by the three railway companies, or any of them, of plant and rolling stock necessary for the purposes of any such agreement for the working and use of the railway, or any part thereof; the payment and the division and apportionment between the Company and the three railway companies, or any of them, of the expense of such maintenance, management, working, and use of the railway, or any part thereof; the booking, forwarding, and interchange of traffic from, to, or beyond the railway to, from, or beyond the respective railways of the three railway companies, or any of them; the collection, division, and apportionment of the tolls, rates, charges, receipts, and revenues levied, taken, or arising in respect of such last-mentioned traffic; and the appointment, employment, and remuneration of officers and servants.

A.D. 1878.

**39.** During the continuance of any agreement to be entered into under the provisions of this Act for the working and use of the railway, or any part thereof, by the three railway companies, or any of them, the several railways of the contracting companies shall for the purposes of short-distance tolls and charges be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway of the Company and partly on the railways of any of the three railway companies contracting as aforesaid for a less distance than four miles, tolls and charges shall only be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond four miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway of the Company and partly on the railways of any of the three railway companies contracting as aforesaid.

Tolls on traffic conveyed on railways worked continuously.

**40.** In order to facilitate the transmission of traffic passing or directed or intended to pass to, from, or over the railway from, to, or over the railways of the Portpatrick Railway Company and of the Girvan and Portpatrick Junction Railway Company respectively, the Portpatrick Railway Company and the Girvan and Portpatrick Junction Railway Company respectively, and any companies or persons from time to time working their respective undertakings, shall give to the Company in respect of the traffic in this section mentioned all such facilities as are usual or necessary for the convenient working or development of railway traffic, including, among other things, through rates and fares, through booking, through

Facilities for transmission of traffic over Portpatrick and Girvan and Portpatrick Junction Railways.

A.D. 1878. tickets and invoices, and shall accommodate, manage, and forward such traffic and give such facilities as effectually, regularly, and expeditiously as if it were the proper traffic of the Portpatrick Railway Company and the Girvan and Portpatrick Junction Railway Company respectively, or of any companies or persons from time to time working their respective undertakings; and the terms and conditions on which such facilities shall be given, the through rates and fares to be charged in respect thereof, and the apportionment of such rates and fares, may be agreed on by and between the Company and the Portpatrick Railway Company and the Girvan and Portpatrick Junction Railway Company respectively, or any companies or persons from time to time working their respective undertakings, and in case of difference shall be determined by arbitration under the provisions of the Railway Companies Arbitration Act, 1859.

22 & 23 Vict.  
c. 59.

Interest not  
to be paid on  
calls paid up.

**41.** The Company shall not, out of any money by this Act 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 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.

8 & 9 Vict.  
c. 17.

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

**42.** The 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 to construct any other railway, or to execute any other work or undertaking.

Railway not  
exempt from  
provisions of  
any present  
or future  
general  
Railway  
Acts.

**43.** Nothing in this Act contained shall exempt the Company or the railway 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, authorised by this Act.

Saving  
rights of  
the Crown.

**44.** 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



[41 VICT.] *Rhins of Galloway Railway Act*, 1878. [Ch. lxxxix.]

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. A.D. 1878.

**45.** 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, mentioned in or reserved by sections 20, 21, and 22 of the Crown Lands Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, her heirs or successors. Saving  
rights of  
the Crown  
under  
29 & 30 Vict.  
c. 62.

**46.** 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.

