



**CHAPTER cxciv.**

An Act for making a Railway from Barrmill to Kilwinning and for other purposes. A.D. 1883.  
[20th August 1883.]

**W**HEREAS the making and maintaining of a railway from Barrmill to Kilwinning in the county of Ayr would be of public and local advantage :

And whereas the persons hereinafter named with others are willing at their own expense to construct the railway and it is expedient that they should be incorporated for the purpose of carrying the undertaking into execution :

And whereas it is expedient that agreements with other Companies for the working and use of the railway be authorised as hereinafter provided :

And whereas plans and sections showing the lines and levels of the railway 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 Ayr and are hereinafter 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 Barrmill and Kilwinning Railway Act 1883. Short title.

2. The Companies Clauses Consolidation (Scotland) Act 1845 Parts I. (relating to cancellation and surrender of shares) and III. Incorporation of general Acts.  
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A.D. 1883. — (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation (Scotland) Act 1845 the Lands Clauses Consolidation Acts Amendment Act 1860 the Railways Clauses Consolidation (Scotland) Act 1845 and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpreta-  
tion.

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 the expression "the Caledonian Company" means the Caledonian Railway Company the expression "the South Western Company" means the Glasgow and South Western Railway Company the expressions "the railway" and "the undertaking" mean respectively the railways and the undertaking by this Act authorised.

Company  
incorporated.

4. The Right Honourable Archibald William Montgomerie Earl of Eglinton and Winton Robert Bruce Robertson Glasgow The Honourable Greville Richard Vernon John Charles Cunninghame Henry Gardiner Patrick Hugh Brisbane King and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors or 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 Barrmill and Kilwinning 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 rail-  
ways.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways 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 railways hereinbefore referred to and authorised by this Act are :

1. A railway (No. 1) six miles four furlongs and thirty-six yards in length commencing in the parish of Beith by a junction

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with the Beith branch of the Caledonian and Glasgow and South Western Railways (Kilmarnock Joint Line), at a point thereon three hundred and forty yards or thereabouts measuring along that branch railway in an easterly direction from the east end of the Barrmill Station House on that branch railway and terminating in the parish of Kilwinning on the east side of the turnpike road leading from Dalry to Kilwinning at a point three hundred yards or thereabouts measuring in a north-westerly direction from the north-west corner of the dwelling-house called or known as Inner Wood.

2. A Railway (No. 2) two furlongs and eighty-eight yards in length wholly situate within the parish of Kilwinning commencing at the termination of Railway (No. 1) above described and terminating by a junction with the Glasgow and South Western Railway at a point thereon two hundred yards or thereabouts measuring along that railway in a northerly direction from the north end of the Kilwinning Passenger Station Buildings.

6. The capital of the Company shall be seventy-five thousand pounds in seven thousand five hundred 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 be issued until one-fifth paid.

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 the guardian or committee of his estate or of his tutor or curator or curator bonis shall be a sufficient discharge to the Company. Receipt clause in case of persons not sui juris.

10. Subject to the provisions of this Act the Company with the authority of three-fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not so divide any share under the Power to divide shares.

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A.D. 1883. authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividends on half-shares.

11. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say):—First in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder if any in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on preferred half-shares to be paid out of the profits of the year only.

12. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year 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.

Half-shares to be registered and certificates issued.

13. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated in certificates.

14. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred half shares.

15. The provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the forfeiture of shares for

non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest.

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16. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred half-shares not to be cancelled or surrendered.

17. The several half shares created under the authority of this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions hereinbefore contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

Half-shares to be half-shares in capital.

18. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole twenty-four thousand pounds but no part thereof shall be borrowed until the whole capital of seventy-five thousand pounds is issued and accepted and one-half thereof is paid up and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 before he so certifies that the whole of such 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 capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by 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.

Power to borrow.

19. The mortgagees of the undertaking 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

For appointment of a judicial factor.

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A.D. 1883. — 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 two thousand pounds in the whole.

Debenture  
stock.

20. 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 and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages.

Application  
of moneys.

21. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable.

First  
ordinary  
meeting.

22. The first ordinary meeting of the Company shall be held within three months after the passing of this Act.

Number of  
directors.

23. 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 three.

Qualification  
of directors.

24. The qualification of a director shall be the possession in his own right of not less than fifty shares.

Quorum of  
directors.

25. The quorum of a meeting of directors shall be three but if the number of directors be reduced to three the quorum shall be two.

First direc-  
tors.

26. The Right Honourable Archibald William Montgomerie Earl of Eglinton and Winton Robert Bruce Robertson Glasgow The Honourable Greville Richard Vernon John Charles Cunninghame Henry Gardiner Patrick and Hugh Brisbane King 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 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 hereinbefore contained for reducing the number of directors) elect persons to supply the places of the directors then retiring

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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 same Act. A.D. 1883.

**27.** The principal office of the Company shall for all purposes be and be deemed to be in the city of Glasgow. Principal office of the Company.

**28.** 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 two acres. Lands for extraordinary purposes.

**29.** 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.

**30.** In altering for the purposes of this Act the road next hereinafter mentioned the Company may make the same of any inclination not steeper than the inclination hereinafter mentioned in connection therewith (that is to say): Inclination of a certain road.

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
76	Kilwinning	Statute labour	1 in 15 on one side of the Railway.

**31.** The Company may make the arches of the bridges for carrying the railway over the roads tramway and railway next hereinafter mentioned of any heights and spans not less than the heights and spans hereinafter mentioned in connection therewith respectively (that is to say): Height and span of bridges.

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
12	Beith - - -	Turnpike Road -	15 feet	20 feet.
30	Beith - - -	Private Tramway -	8 feet	10 feet.
13	Kilwinning -	Statute Labour Road	15 feet	20 feet.
1				
68	Kilwinning	Railway - - -	14 feet throughout.	30 feet.

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Width of  
certain  
roadways.

**32.** 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 connection therewith respectively (that is to say):

No. on deposited Plan.	Parish.	Description of Road.	Width of Roadway.
54	Beith - - - -	Statute Labour Road -	15 feet.
62	Beith - - - -	Statute Labour Road -	20 feet.
25	Dalry - - - -	Statute Labour Road -	18 feet.
76	Kilwinning - - -	Statute Labour Road -	20 feet.
89	Kilwinning - - -	Turnpike Road - - -	30 feet.

Power to  
stop up  
portion  
of road.

**33.** The Company may stop up and discontinue as a public highway so much of the disused Statute Labour Road now waste ground and numbered 50 on the deposited plans in the parish of Kilwinning.

Vesting in  
Company  
site and  
soil of road  
stopped up.

**34.** The site and soil of the roadway stopped up and discontinued under the authority of this Act and the fee simple and inheritance thereof shall be vested in the Company so far as the Company is the owner of the lands on both sides thereof.

Provisions  
of Railways  
Clauses Act  
relating to  
mines to  
apply.

**35.** The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to mines lying under or near the railway shall apply to the lands so vested as if such lands had been purchased by the Company but the mines had not been expressly purchased.

Regula-  
tions as to  
interference  
with Beith  
Branch of  
Glasgow  
and Kilmar-  
nock Joint  
Line.

**36.** Notwithstanding anything contained in this Act the Company shall in the construction of Railway No. 1 and relative works in so far as the same interfere with or affect the railway known as the Beith Branch of the Glasgow and Kilmarnock Joint Line and the works and lands connected therewith which railway and works (hereinafter called "the Beith Branch") and lands belong to the Caledonian Railway Company and the Glasgow and South Western Railway Company jointly (hereinafter called "the two Companies") and are under the management of the Glasgow and Kilmarnock Joint Line Committee (hereinafter called "the Joint Line Committee") observe and comply with the following provisions unless with the previous consent in writing of the two Companies and the Company shall not without such consent enter upon use or interfere with any part of the Beith Branch or of the said lands further or



otherwise than in accordance with those provisions (that is to say) :— A.D 1883.

(1.) The Company shall not take any part of the Beith Branch or of the said lands but may in the manner provided by the Lands Clauses Consolidation (Scotland) Act 1845 with respect to the purchase and taking of lands purchase and take an easement or way leave over so much of the said lands as may be necessary for making a junction between Railway No. 1 with not more than a double line of rails and the Beith Branch in the manner hereinafter provided.

(2.) The junction of Railway No. 1 with the Beith Branch shall not be deviated to the westward of or so as to be nearer to the Barrmill Station on that Branch than the point of junction delineated on the deposited plans and the Company shall not interfere with the bridge numbered on those plans 3 in the parish of Beith further than by extending the same so far as may be necessary for carrying Railway No. 1 over the road crossed by that bridge.

(3.) Railway No. 1 where passing through the lands of the two Companies shall not be deviated to the northward of the line thereof as delineated on the deposited plans.

(4.) The levels of the Beith Branch shall not be interfered with.

(5.) Working plans sections and specifications of all the works of the Company so far as to be executed on or as affecting the lands or works of the two Companies shall be submitted to the engineer of the Joint Line Committee for his approval at least one week previously to the commencement of such works and all such works shall be constructed and completed with all reasonable dispatch and so as to cause as little interruption or inconvenience as may be to the traffic of the two Companies.

(6.) Except as hereby otherwise specially provided sections 9 10 11 and 12 of the Railways Clauses Act 1863 shall apply to the aforesaid junction and shall for the purposes thereof and of this section be read as if the two Companies had been named therein as the Company or person with whose railway the junction is made.

(7.) If the two Companies should at any time or times hereafter think fit to double the line of the Beith Branch at or near the junction of Railway No. 1 therewith either by laying down an additional line of rails or by removing the present line and laying down two new lines of rails the Company shall if required permit the two Companies to make at their own cost such alterations of or additions to Railway No. 1 as may be

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necessary for connecting the same with such additional or new lines of rails and the junction of such alterations of or additions to Railway No. 1 with the line or lines of rails which may be laid by the two Companies as aforesaid shall be subject to the same provisions in all respects as the junction by this Act authorised of Railway No. 1 with the existing Beith Branch Provided always that such alterations or additions shall be constructed and completed with all reasonable dispatch and to the reasonable satisfaction of the engineer of the Company and so as to cause as little interruption or inconvenience as may be to the traffic of the Company.

(8.) If any difference shall at any time arise between the two Companies or the Joint Line Committee or their engineer and the Company or their engineer with respect to any of the matters referred to in this section the settlement of which is not otherwise hereinbefore provided for such difference shall be determined by an engineer to be appointed by the Board of Trade on the application of any of the said parties And the decision of the engineer so appointed including the determination by him of all questions of costs of the reference shall be final and conclusive.

Notice to be given of taking houses of labouring classes.

**37.** The Company shall not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers make known their intention to take the same by placards handbills or other general notice placed in public view upon or within a reasonable distance from such houses and the Company shall not take any such houses until they have obtained the certificate of the sheriff that it has been proved to his satisfaction that they have so made known their intention.

Company to procure accommodation for persons of the labouring classes to be displaced.

**38.** Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of any house which the Company are by this Act authorised to acquire and to which the immediately preceding enactment shall apply the Company notwithstanding the certificate of the sheriff as aforesaid shall (unless the Company and such person otherwise agree) procure sufficient accommodation elsewhere for such person Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by the sheriff and the Company may for the purpose of procuring such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase by agreement such further lands as may be necessary for such purpose and may on

such lands erect labouring-class dwellings and may let on lease or otherwise dispose of such lands and buildings and may apply for the purposes of this section or any of them any moneys they may have already raised or are authorised to raise.

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**39.** 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 rent-charges as 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 by agreement.

**40.** 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 four thousand pounds being equal to 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 public traffic. Provided that if within such period as aforesaid the Company open any portion of the railway for public traffic 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 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 this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Deposit money not to be repaid except so far as railway is opened.

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Application  
of deposit.

41. If the Company do not previously to the expiration of the period limited for the completion of the railway complete and open the same for public traffic 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 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 judicial factor has been appointed shall wholly or in part be paid or transferred 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 hereinbefore 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 depositors.

Period for  
completion  
of works.

42. 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.

Owners  
may be  
required to  
sell to  
Company

43. And whereas in the exercise by the Company of the powers of this Act it may happen that portions only of certain houses buildings or manufactories shown on the deposited plans will be sufficient for the purposes of the Company and that such portions

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may be severed from the remainder of the said properties without material detriment thereto. Therefore notwithstanding section ninety of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and persons interested in the houses buildings or manufactories described in the first schedule to this Act and whereof parts only are required for the purposes of the Company may (if such portions can in the judgment of the jury arbitrators umpire or other authority assessing or determining the compensation under that Act be severed from the remainder of the said properties without material detriment thereto) be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compelled to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise. Provided always that nothing in this section contained shall be held as determining whether the properties described in the said Schedule are or are not subject to the provisions of section ninety of the Lands Clauses Consolidation (Scotland) Act 1845.

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parts only  
of certain  
buildings.

44. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following (that is to say):

In respect of passengers and animals conveyed in carriages upon the railway or any part thereof as follows:—

For every person conveyed in or upon any such carriage per mile two pence and if conveyed in or upon any carriage belonging to or provided by the Company an additional sum per mile of one penny;

Passengers.

Class I.—For every horse mule ass or other beast of draught or burden conveyed in or upon such carriage per mile three pence and if conveyed in or upon any carriage belonging to or provided by the Company an additional sum per mile of one penny;

Animals.

Class II.—For every ox cow bull or head of neat cattle conveyed in or upon any such carriage per mile two pence; and if conveyed in or upon any carriage belonging to or provided by the Company an additional sum per mile of one penny;

Class III.—For every calf pig sheep or other small animal conveyed in or upon any such carriage per mile one penny and if conveyed in or upon any carriage belonging to or provided by the Company an additional sum per mile of one halfpenny;

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Goods.

In respect of goods conveyed on the railway :

Class IV.—For all dung compost manure (except guano and artificial manures) lime limestone and undressed materials for the repair of public roads or highways per ton per mile not exceeding one penny and if conveyed in or upon a carriage belonging to or provided by the Company an additional sum per ton per mile not exceeding one penny ;

Class V.—For all coal coke culm charcoal cinders stones for building pitching and paving bricks tiles slates clay sand iron-stone iron-ore pig-iron bar-iron rod-iron hoop-iron and all other similar descriptions of wrought iron and iron castings not manufactured into utensils or other articles of merchandise per ton per mile not exceeding 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 not exceeding one penny ;

Class VI.—For all sugar grain corn flour hides dyewood earthenware guano artificial manures timber staves deals and metals (except iron) nails anvils vices and chains per ton per mile not exceeding three pence and if conveyed in or upon a carriage belonging to or provided by the Company an additional sum per ton per mile not exceeding one penny ;

Class VII.—For all cotton and other wools drugs manufactured goods fish and all other wares merchandise articles matters and things (except small parcels and single articles of great weight as hereinafter defined) per ton per mile not exceeding four pence and if conveyed in or upon a carriage belonging to or provided by the Company an additional sum per ton per mile not exceeding one penny ;

Class VIII.—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 if conveyed on a truck or platform belonging to or provided by the Company not exceeding six pence per mile and not exceeding 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.

Tolls for  
propelling  
power.

45. 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.

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46. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say) : A.D. 1883.  
Regulations  
as to tolls.

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

For a fraction of a mile beyond three 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 ;

For a fraction of a ton the Company may demand toll 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 ; Fractional  
parts of a  
ton.

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

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

47. 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 not exceeding the following (that is to say) :— Tolls for  
small par-  
cels and  
great  
weights.

For the carriage of small parcels on the railway :

For any parcel not exceeding seven pounds in weight three pence ;

For any parcel exceeding seven and not exceeding fourteen pounds in weight five pence ;

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight seven pence ;

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight nine pence ;

And for any parcel exceeding fifty-six pounds and not exceeding five hundred pounds in weight the Company may demand and take any sum they think fit :

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels

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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 the carriage of any single article the weight of which including the carriage exceeds four tons but does not exceed eight tons the Company may demand any sum not exceeding six pence per ton per mile ;

For the carriage of any single article the weight of which including the carriage exceeds eight tons the Company may demand and take any sum they think fit.

Maximum  
rates for  
passengers.

• 48. 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 of carriages and for locomotive power and every other expense incidental to such conveyance shall not exceed the following (that is to say) :

For every passenger conveyed in a first-class carriage per mile three pence ;

For every passenger conveyed in a second-class carriage per mile two pence ;

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

Maximum  
rates for  
animals and  
goods.

49. 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 wagons or trucks and locomotive power and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading of goods at any terminal station in respect of such goods and for delivery and collection and any other services incidental to the business or duty of a carrier where any such services are performed by the Company) shall not exceed the following sums (that is to say):—

For every animal mentioned in Class I. per mile four pence ;

For every animal mentioned in Class II. per mile three pence ;

For every animal mentioned in Class III. per mile one penny halfpenny ;

For the articles and goods mentioned in Class IV. (except dung compost and manure) per ton per mile two pence and for dung compost and manure per ton per mile one penny halfpenny ;

For the articles and goods mentioned in Class V. (except coal) per ton per mile two pence and for coal per ton per mile one penny halfpenny ;



For the articles and goods mentioned in Class VI. (except guano and artificial manures) per ton per mile three pence and for guano and artificial manures per ton per mile two pence half-penny ;

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For the articles and goods mentioned in Class VII. per ton per mile four pence ;

For any carriage mentioned in Class VIII. not weighing more than one ton six pence per mile and if weighing more than one ton one penny halfpenny per mile for every quarter of a ton or fractional part of a quarter of a ton.

**50.** Every passenger travelling upon the railway may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first-class passengers one hundred pounds in weight for second-class passengers and sixty pounds in weight for third-class passengers without any charge being made for the carriage thereof.

Passengers' luggage.

**51.** 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.

Terminal station.

**52.** 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 may 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.

Foregoing charges not to apply to special trains.

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

Company may take increased charges by agreement.

**54.** The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railway shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company

Classification table to be open to inspection and copies to be sold.

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Accounts to  
be rendered  
as to  
terminal  
charge.

Penalty.

Working  
and traffic  
arrange-  
ments with  
Caledonian  
and South  
Western  
Companies  
or either of  
them.

at a price not exceeding one shilling The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges if any and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by the Regulation of Railways Act 1873 section 14.

**55.** The Company on the one hand and the Caledonian Company and the South Western Company or either of those Companies on the other hand 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 the works connected therewith or any of them ;
- The use or working of the railway or of any part thereof and the conveyance of traffic thereon and the employment of officers and servants ;
- The supply and maintenance during any agreement for the railway being worked by those Companies or either of them of engines stock and plant necessary for and during the continuance of such agreement ;
- The regulation management and transmission of the traffic of the Companies parties to any such agreement ;
- The fixing and collection and apportionment of the tolls rates charges receipts and revenues levied taken or arising in respect of traffic ;
- The payments and allowances to be made and the conditions to be performed with respect to the matters aforesaid.

Tolls on  
traffic con-  
veyed partly  
on the rail-  
way and  
partly on  
the railways

**56.** During the continuance of any agreement to be entered into under the provisions of this Act for the working and use of the railway by the Caledonian Company and the South Western Company or either of them the railway and the railways of the other

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Company or Companies parties to such agreement (whether solely or jointly belonging to them) 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 and partly on the railways of the Caledonian Company or the South Western Company as the case may be for a less distance than three miles tolls and charges may only be charged as for three miles; and in respect of passengers for every mile or fraction of a mile beyond three 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 three 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 and partly on the railways of the Caledonian Company or the South Western Company.

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 ———  
 of the  
 Caledonian  
 and the  
 South  
 Western  
 Companies.

**57.** The agreement made between the promoters of the Railway of the first part and the South Western Company of the second part (a copy of which is set forth in the Second Schedule to this Act) is hereby confirmed and made binding upon the parties to the said agreement and full effect shall be given thereto accordingly.

Confirming  
 Agreement  
 with  
 Glasgow  
 and South  
 Western  
 Railway  
 Company.

**58.** 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.

Interest not  
 to be paid  
 on calls  
 paid up.

**59.** 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.

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

**60.** 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

Provision as  
 to general  
 railway  
 Acts.

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A.D. 1883. — rates of fares and charges or of the rates for small parcels authorised  
by this Act.

Expenses of  
Act.

**61.** All costs charges and expenses of and incident to the pre-  
paring for obtaining and passing of this Act or otherwise in relation  
thereto shall be paid by the Company.

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

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DESCRIBING LANDS BUILDINGS AND MANUFACTORIES OF WHICH PORTIONS  
ONLY ARE REQUIRED TO BE TAKEN.

No. of Railway.	Number on Deposited Plans.	Parish.	Description of Property.
1	27	Beith - - -	Kitchen gardens wash houses and coal-cellars.
1	45	Beith - - -	Bleaching green.

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

THIS AGREEMENT entered into and executed by and between the Right Honourable Archibald William Montgomerie Earl of Eglinton and Winton Robert Bruce Robertson Glasgow of Montgreenan Ayrshire the Honourable Greville Richard Vernon Auchans near Kilmarnock John Charles Cunninghame of Craigends Renfrewshire Henry Gardiner Patrick of Giffen Ayrshire and Hugh Brisbane King solicitor and banker Kilwinning the promoters of the proposed railway from Barrmill to Kilwinning of the first part any three being a quorum and the Glasgow and South Western Railway Company incorporated by Act of Parliament of the second part Witnesseth that whereas the first parties have applied to Parliament in the present Session for an Act to authorise the making and maintaining of a railway from Barrmill to Kilwinning in the county of Ayr called Railway (No. 1) in said Act and a railway called Railway (No. 2) in said Act to connect the said Railway (No. 1) with the second party's railway at or near Kilwinning And whereas the Act for the construction of the said proposed railways has already passed the House of Lords and is in course of passing through the House of Commons And whereas the second party object to the first parties obtaining power under their said Act to run over and use with their engines and carriages of every description and with their clerks officers and servants for the purposes of traffic of all kinds so much of the second party's said railway as lies between the junction of the proposed Railway (No. 2) therewith and the station or stations at Kilwinning belonging to the second party and all sidings platforms points signals junctions and roads water engines engine sheds standing room for engines booking and other offices warehouses machinery works and conveniences connected with such portion of railway as aforesaid And whereas the second party have offered to withdraw all further opposition to the said Act becoming law and to allow the same to

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pass through the House of Commons as an unopposed measure on the terms and conditions hereinafter written Therefore the said parties do hereby covenant and agree to and with each other and bind and oblige themselves in the manner hereinafter written videlicet:—

First. The first parties shall not ask or require Parliamentary powers under said Act to run over and use the said portion of railway sidings and others belonging to the second party as before narrated and Clauses 55 56 57 and 58 shall accordingly be struck out of the Bill But they shall have right to make and construct a junction on the said proposed Railway (No. 2) with the said railway of the second party at a point to be fixed by the engineer of the second party within one hundred feet northward of the existing junction of the Ardrossan Branch Railway with the second party's said railway at Kilwinning.

Second. In lieu of the power to run over and use a portion of the undertaking of the second party as above-mentioned the first parties shall if they think fit be entitled to make and construct or apply in any subsequent session of Parliament for power to make and construct at their own expense a station for their own exclusive use adjoining the said station at Kilwinning of the second party on the ground marked number 1360 1360A and 1012 on the Ordnance Survey map for the Parish of Kilwinning in the county of Ayr or part thereof with sidings and all other necessary conveniences and works which the first parties may determine to make and construct on the said ground.

Third. Whereas the second party obtained power under their Act of 1882 to acquire additional land in the said parish of Kilwinning for the improvement of their station at Kilwinning and have decided inter alia to construct the following works there videlicet:—

First.—A passenger platform on the east side of the main line of railway from Glasgow to Ayr opposite to their existing platform on that railway at Kilwinning Station.

Second.—A passenger platform on the west side of their Kilwinning and Ardrossan Branch Railway opposite to their existing platform on that branch at said station.

Third.—A passenger footbridge or footbridges over their present lines of railway and between said two platforms to be constructed as aforesaid at said station with necessary stairways so as to connect the platforms already existing there with the platforms to be constructed as above-mentioned and

Fourth.—An access from the public road leading from Kilwinning to Ardrossan through No. 1362 on the said Ordnance Survey map to the works to be constructed by the second party on the east side of their main line.

And whereas the platform of the said new station which may be made and constructed by the first parties shall when constructed be on the same level with and partly alongside of the said new passenger platform first above-mentioned to be formed by the second party Therefore for the proper convenience and working of the traffic passing to and from the undertakings of

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the said first and second parties the second party shall at the joint expense of the said first and second parties and simultaneously with the erection of said new station erect and thereafter maintain a suitable wooden fence between the said two platforms with a gateway communication of six feet wide at or near the south end of the said platform to be constructed by the first parties. Declaring that the first and second parties shall afford to passengers and their luggage passing or requiring to pass to and from their respective undertakings all facilities to and from their respective platforms constructed and to be constructed as aforesaid and shall afford all reasonable facilities and perform all reasonable services for the passage reception delivery and transmission of traffic over their respective railways to and from the said railways and stations at Kilwinning.

Fourth. In order to give a proper access betwixt the said new station when made of the first parties and the said public road leading from Kilwinning to Ardrossan the second parties shall so far as they have power to do so allow the first parties to widen on the west side the existing road between the fields Nos. 1362 and 1364 on the Ordnance map of the parish of Kilwinning so as to make a connection with the said access to be constructed by them as aforesaid and to use the said last-mentioned access all on such terms as failing agreement shall be settled by arbitration and it is hereby provided that the portion of the said access to be used by the first parties and the road when widened shall be at least forty feet in width.

Fifth. That the said Act to be got by the first parties shall contain all such clauses and provisions as the Parliamentary Agents of the parties may advise to be necessary or expedient for giving full legal effect to the several provisions and articles herein written.

Sixth. The said parties bind and oblige themselves to implement and fulfil the whole heads articles and provisions hereof to each other under the penalty of five hundred pounds sterling.

Seventh. All differences which may arise between the parties hereto respecting the meaning or effect of this Agreement or the mode of carrying the same into operation shall from time to time so often as any such questions or differences shall arise be referred to arbitration in terms of the Railway Companies Arbitration Act 1859 and the provisions with respect to the settlement of disputes by arbitration in such Act shall be held as incorporated with this Agreement and be operative in the same manner as if they were verbatim inserted herein. And the parties hereto consent to the registration hereof for preservation and execution. In witness whereof these presents written on this and the three preceding pages by Alexander Wilson Muir apprentice to James Graham Girvan writer in Glasgow are (under the declarations that the word "first" in the eighteenth line from the top of page first is written on erasure that the word "the" first occurring in the fifteenth line from the top of page third is delete and that the word "the" is interlined between the twenty-seventh and twenty-eighth lines also from the top of page third and is to be read between the words "that" and "said" in said twenty-eighth line) subscribed in duplicate as follows viz. by George Yuille Strang-Watkins writer in Glasgow agent of and for and on behalf of the first parties

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A.D. 1883. and by Thomas Brunton writer in Glasgow solicitor of and for and on behalf  
of the second party both at Glasgow on the ninth day of July in the year  
eighteen hundred and eighty-three before these witnesses Hugh Laird and  
John Charles Brock both clerks at Glasgow to the second party.

G. Y. STRANG-WATKINS.  
THOMAS BRUNTON.

HUGH LAIRD witness.  
JOHN C. BROCK witness.

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