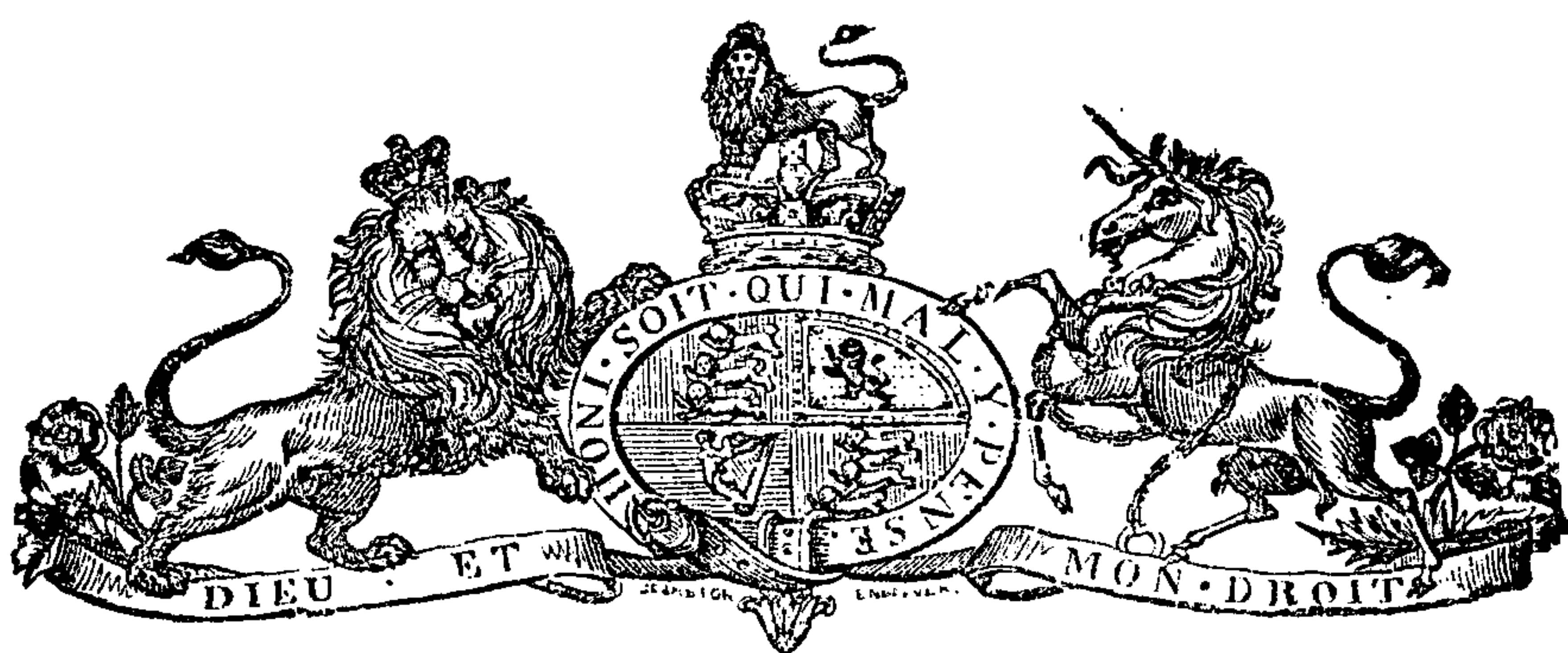




ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. clviii.

An Act for making a Railway from the *Caledonian* Railway, near *Kirtlebridge* Station, to the *Maryport and Carlisle* Railway, near *Brayton* Station, with Branch Railways in connexion therewith, in the Counties of *Dumfries* and *Cumberland*; and for other Purposes. [30th June 1864.]

WHEREAS the Construction of the Railway herein-after described from the *Caledonian* Railway, near *Kirtlebridge* Station, to the *Maryport and Carlisle* Railway, near *Brayton* Station, with the Branch Railways herein-after described in connexion therewith, in the Counties of *Dumfries* and *Cumberland*, would be of great local and public Advantage: And whereas the Persons herein-after named, with others, are willing at their own Expense to carry such Undertaking into execution if authorized so to do, and are desirous of being incorporated into a Company for that Purpose: And whereas the Objects of this Act cannot be attained 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 of the Commons, in
[Local.] 23 D this

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this present Parliament assembled, and by the Authority of the same, as follows:

Short Title. 1. This Act may be cited for all Purposes as "*The Solway Junction Railway Act, 1864.*"

8 & 9 Vict.
cc. 16., 18.,
& 20.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
cc. 92. & 118.
incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I. of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation Act, 1845," and Part I. of "The Railways Clauses Act, 1863," (save so far as any of the Sections and Provisions of those Acts respectively are by this Act expressly varied or excepted,) shall be respectively incorporated with and form Part of this Act.

8 & 9 Vict.
cc. 17., 19.,
& 33. in-
corporated.

3. Whereas a Portion of the Railway and Works herein-after authorized to be made and maintained will be situate in that Part of the United Kingdom called *Scotland*: Therefore, so far as may be necessary for carrying into effect the Object and Purposes of this Act, in relation to such Portion of the said Railway and Works, "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," (save so far as any of the Sections and Provisions of those Acts respectively are by this Act expressly varied or excepted,) shall be respectively incorporated with and form Part of this Act.

Interpreta-
tion of
Terms.

4. In this Act the Expression "the Company" shall denote the Company incorporated by this Act; and the Expression "the Railway" shall mean the whole Railways and Works comprised in the Undertaking of the Company as herein-after defined; and the Expressions "Court of competent Jurisdiction" or "Superior Court," or any other like Expression in the Acts incorporated herewith, shall be read and have effect as if the Debt or Demand with respect to which the Expression is used were a Simple Contract Debt, and not a Debt or Demand created by Statute.

Incorporation of
Company.

5. *James Dees, Alexander Brogden, Joseph Fletcher, Hugh Ker, William Bunce Greenfield*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railways by this Act authorized, to be called "*The Solway Junction Railway*," and for other Purposes of this Act, and for such Purposes shall be incorporated by the Name of "*The Solway Junction Railway Company*," and by that Name

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Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes but subject to the Restrictions of this Act, and to put this Act in all respects into execution.

6. The Capital of the Company shall be Three hundred and twenty thousand Pounds, and the Number of Shares into which the Capital shall be divided shall be Thirty-two thousand, and the Amount of each Share shall be Ten Pounds.

Capital and Number and Amount of Shares.

7. It shall not be lawful for the Company to issue any Share, nor shall any Share vest in the Person accepting the same, unless and until a Sum not less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

One Fifth Part of Share to be paid up before Issue.

8. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Two Months at the least shall intervene between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of the Calls to be made in any One Year upon such Share.

Calls.

9. The Company may borrow on Mortgage any Monies not exceeding in the whole One hundred and six thousand six hundred Pounds; but no Part thereof shall be borrowed until the whole of the Capital of Three hundred and twenty thousand Pounds shall have been subscribed for *bonâ fide* and issued, and One Half thereof shall have been actually paid up, nor until the Company shall prove to the Justice who is to certify under the Provisions contained in the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all such Capital has been subscribed for *bonâ fide* and issued, and that not less than One Fifth of the Amount of each Share has been paid on Issue of the same, and that such Shares are held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, of which Proof having been given the Certificate of the Justice under that Section shall be sufficient Evidence.

Power to borrow Money.

10. All and every Part of the Money raised under this Act, whether by Shares or by borrowing, shall be applied in carrying out the Purposes of this Act only, and for no other Purposes.

Application of Money.

11. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on any Mortgage by the

Arrears may be enforced by Appoint-

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ment of
Receiver.

the Appointment of a Receiver, and the Amount to authorize a Requisition for a Receiver shall be Sixteen thousand Pounds.

Interest not
to be paid on
Calls paid
up.

12. The Company shall not, out of any Money by this Act authorized to be raised by Shares or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him: Provided that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as in conformity with "The Companies Clauses Consolidation Act, 1845."

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

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

First and
subsequent
General
Meetings.

14. The First Ordinary Meeting of the Company shall be held within Three Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *February* or *March* and *August* or *September* in every Year.

Quorum of
General
Meetings.

15. The Quorum of General Meetings of the Company shall be Ten Shareholders present, personally or by proxy, holding in the aggregate not less than Twelve thousand Pounds in the Capital of the Company.

Number and
Qualification
of Directors.

16. The Number of Directors shall be Five, and the Qualification of a Director shall be the Possession in his own Right of Thirty Shares in the Capital of the Company.

Quorum of
Directors.

17. The Quorum of a Meeting of Directors shall be Three.

First
Directors.

18. *James Dees, Alexander Brogden, Joseph Fletcher, Hugh Ker, and William Bunce Greenfield* shall be the First Directors of the Company.

Election of
Directors
at First
Ordinary
Meeting.

19. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors,

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or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

20. The Directors appointed at the First Ordinary Meeting after the passing of this Act shall continue in Office until the First Ordinary Meeting to be held after the opening for public Traffic of the Railway or any Portion of the Railway; and at such Meeting the Shareholders present, personally or by proxy, may either continue in Office the Directors appointed at the First Ordinary Meeting after the passing of this Act, or any Number of them, or may elect a new Board of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed at such First Ordinary Meeting being eligible as Members of such new Body; and at the First Ordinary Meeting in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected, the Shareholders present, personally or by proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, in conformity with the Provisions in "The Companies Clauses Consolidation Act, 1845," in that Behalf; 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 last-mentioned Act.

Subsequent
Election of
Directors.

21. The Newspaper for Advertisements shall be any Newspaper published in the County of *Cumberland* or *Dumfries*.

Newspaper
for Adver-
tisements.

22. Whereas Plans and Sections of the Railways by this Act authorized, showing the Lines and Levels thereof, and the Lands intended to be or which may be taken for the Purposes thereof, and also Books of Reference to the Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of those Lands, have been deposited with the Clerk of the Peace for the County of *Cumberland* and with the Principal Sheriff Clerk of the County of *Dumfries*: Therefore, subject to the Provisions of this Act and of the Acts and Parts of Acts incorporated herewith, the Company from Time to Time may make and maintain in the Lines and according to the Levels respectively shown on the deposited Plans and Sections, and on the Lands shown on the deposited Plans and specified in the deposited Books of Reference, and within the Limits of Deviation shown on the deposited Plans, the Railways and Works by this Act authorized, and may enter upon, take, and use for the Purposes of the Railways and Works by this Act authorized such of the Lands shown on the deposited Plans and specified in the deposited Books of Reference as they think requisite.

Power to
make Rail-
way accord-
ing to depo-
sited Plans,
and to take
and use
Lands for
Works
authorized
by Act.

[*Local.*]

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23. The

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Lines of
Railway.

23. The Railways by this Act authorized comprise the following, with all proper Approaches, Stations, and Works and Conveniences connected therewith; (that is to say,)

1. A Railway commencing in the Parish of *Middlebie* in the County of *Dumfries*, by a Junction with the *Caledonian* Railway at a Point thereon near to the *Kirtlebridge* Station of the *Caledonian* Railway, which intended Railway will be carried across the *Solway Frith*, and will terminate in the Township of *Aspatia with Brayton* in the Parish of *Aspatia* in the County of *Cumberland*, by a Junction with the *Maryport and Carlisle* Railway, at or near the Mile Post thereon which indicates Ten Miles from *Maryport*:
2. A Railway situate wholly in the Parish and Royal Burgh of *Annan* and County of *Dumfries*, commencing by a Junction with Railway No. 1. in the Field on the Property of *Shawhill* distinguished on the Ordnance Survey Plan of the Parish of *Annan* by the No. 1933, which Field is the Property and in the Occupation of *William Johnston* of *Shawhill*, and terminating by a Junction with the *Glasgow and South-western* Railway, at a Point thereon near the Town of *Annan*, and distant about One hundred and ten Yards to the East of the level Crossing of the said Railway, commonly known as *Hannah's* level Crossing, and about One hundred Yards Southward of *Solway Cottage*:
3. A Railway situate wholly in the Parish and Royal Burgh of *Annan* and County of *Dumfries*, commencing by a Junction with Railway No. 1. in the Field on the Property of *Seafield* distinguished on the Ordnance Survey Plan of the Parish of *Annan* by the No. 1971, which Field is the Property of the Reverend *Walter Stevenson Halliday*, and in the Occupation of the Representatives of the late *William Irving*, tenant in *Seafield*, and terminating at or near to the Eastern Jetty at *Annan Waterfoot*, the Property of the Royal Burgh of *Annan*, or of the Magistrates and Town Council of the said Burgh:
4. A Railway situate wholly in the Parish of *Bowness* in the County of *Cumberland*, commencing by a Junction with Railway No. 1. at a Point at or near the Northern Boundary of a certain Field known formerly as *Grimeldales*, and now commonly known as *How Close*, the Property of *William Hodgson*, and in the Occupation of the Representatives of the late *Thomas Simpson*, and terminating by a Junction with the *Port Carlisle* Dock and Railway Main Line, at or near to the Station thereof at *Port Carlisle*:
5. A Railway commencing by a Junction with Railway No. 1 in the Township of *Holme East Waver* and Parish of *Holme Cultram*, otherwise *Abbey Holme*, at a Point in a certain Field known

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known as the *Great Gribbs*, otherwise the *Far Gribbs*, the Property of *John Stoddard*, in the Occupation of *James Roe*, and distinguished in the Plans deposited with reference to the "*Carlisle and Silloth Bay Railway and Dock Act, 1855*," as No. 18. in the last-named Parish and Township, and terminating by a Junction with the *Carlisle and Silloth Bay Railway and Dock Line* at or near the Point at which the last-named Railway crosses *Monk's Dyke*, being the Boundary or near to the Boundary between the Parish of *Holme Cultram*, otherwise *Abbey Holme*, and the Parish of *Kirkbride*.

24. Subject to the Provisions in this and the incorporated Acts contained, the Railway hereby authorized shall join and communicate at or near to the Points shown upon the Plans deposited as aforesaid with the Lines and Rails of the *Caledonian Railway*, the *Glasgow and South-western Railway*, the *Port Carlisle Railway*, the *Carlisle and Silloth Bay Railway* (the two last-mentioned Railways being now leased to the *North British Railway Company*), and the *Maryport and Carlisle Railway* respectively.

Junction of this Railway with other Railways.

25. The Junction by this Act authorized to be made with the *Caledonian Railway* shall be made at such Point within the Limits of Deviation shown on the Plans deposited as aforesaid, and according to such Plans as may have been or may be agreed upon between the *Caledonian Railway Company* and the Company; and the Company shall construct and maintain such Sidings, Works, and Conveniences as may be necessary for facilitating the Transfer or Interchange of Traffic between the Railway and the *Caledonian Railway*, according to a Plan to be agreed upon as aforesaid, or, in case of Difference, as may be determined by a Referee to be appointed by the Board of Trade; and notwithstanding anything in this Act contained, it shall not be lawful for the Company to make such Junction until such Plans have been so agreed on or determined.

As to Junction with the *Caledonian Railway*.

26. It shall be lawful for the Company (but by Agreement only) to use the Stations, Sidings, Platforms, Water, Watering Places, Machinery, Works, and Conveniences of the respective Companies, Owners or Lessees of the Five last-mentioned Railways, at *Kirtlebridge*, *Annan*, *Port Carlisle*, *Abbey Kirkbride*, and *Brayton*, and also (but by Agreement only) to run over, use, or work with the Engines and Carriages of the Company, and for all Purposes, the Railways of the said respective Companies, between their said respective Stations and the Junctions of the Railway with the said Railways respectively; and that upon Payment of such Tolls, Rates, Rent, or other Charges as may be mutually agreed upon between the Company and the respective Companies, or any of them, Parties or Party to the Agreement.

User of Portions of certain Railways.

27. Subject

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Level
Crossings.

27. Subject to the Provisions of this Act, and of the Acts and Parts of Acts incorporated herewith, the Company may carry the Railways by this Act authorized with not exceeding One Line of Rails, so long as the Railways consist of a single Line of Rails, and not exceeding Two Lines of Rails if the Railways shall consist of more than a single Line of Rails, across and on the Level of the several Roads numbered on the deposited Plans as follows ; (that is to say,)

No. on Plan.	Parish.	Description of Road.
RAILWAY No. 1.		
3	Bowness (Township of Fingland) - -	Public Highway.
10	Holme Cultram (Township of Holme East Waver).	Public Highway.
RAILWAY No. 3.		
8	Annan - - - - -	Public Road.
RAILWAY No. 4.		
3	Bowness (Township of Bowness) - -	Public Highway.

Lands for
extraordi-
nary Pur-
poses.

28. The Company from Time to Time may purchase by Agree- ment, in addition to the Lands by this Act authorized to be taken compulsorily, any Quantity of Land for the extraordinary Purposes mentioned in the Railways Clauses Consolidation Acts incorporated herewith, not exceeding in the whole Seven Acres:

Powers for
compulsory
Purchases
limited.

29. The Powers of the Company under this Act for the com- pulsory Purchase of Lands shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for
Completion
of Works.

30. The Railways by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for making the Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railways as shall then be completed.

Security for
Completion
of Railway
within Time
limited.

31. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Twenty-five thousand two hundred Pounds has been deposited with the Court of Chancery in *England*, pursuant to the said Act, in respect of the Application to Parliament for this Act, being Eight *per Centum* upon the estimated Cost of the Railways : Be it enacted, That, notwithstanding anything contained in

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in the said recited Act, the Sum of Twenty-five thousand two hundred Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, 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 Survivor or Survivors of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway, either open the Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the Railways for public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*.: Provided, that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Twenty-five thousand two hundred Pounds shall have been executed by the Company, with One or more Sureties (such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury), conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Twenty-five thousand two hundred Pounds if the Company shall not, within the Time limited for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half the said Capital; and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them; and it shall

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not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Company to apply for an Act in next Session to authorize a Railway by Holme Cultram in substitution for Part of the Railway, and their Powers suspended in the meantime.

32. And whereas a Bill is now pending in Parliament to authorize the *North British* Railway Company to make a Railway from the *Carlisle and Silloth Bay* Railway in the Parish of *Holme Cultram* in the County of *Cumberland* to the *Maryport and Carlisle* Railway in the Parish of *Wigton* in the same County: And whereas the Objects of such projected Railway and of the Railway No. 1. by this Act authorized would be effected, and the Construction of a Second Railway avoided, if so much of the Railway No. 1. by this Act authorized as lies between *Kirkbride* and a Place called *High Scales* were deviated so as to pass by *Abbey* or *Holme Cultram*: Therefore the Company shall in the next Session of Parliament apply for and use their best Endeavours to obtain an Act authorizing them to abandon so much of the Railway No. 1. by this Act authorized as is situate between *Kirkbride* and *High Scales* aforesaid, and in substitution for the same to make a Railway from *Kirkbride* *viâ Holme Cultram* to *High Scales* aforesaid in such Line and Direction as has been or may be agreed upon between the Company or the Promoters thereof and the *North British* Railway Company, and the *North British* Railway Company shall not oppose, directly or indirectly, the passing of such Act so far as relates to the Purposes aforesaid; and the Company shall not, with respect to so much of the said Railway No. 1. by this Act authorized as is situate between *Kirkbride* and *High Scales* aforesaid, exercise any of the Powers of this Act until the End of the Session of Parliament which will be in the Year One thousand eight hundred and sixty-five, nor then nor thereafter exercise such Powers if in the meantime the Act herein-before mentioned for authorizing such Abandonment and Substitution as aforesaid shall have been passed.

Tolls.

33. It shall be lawful for the Company to demand and recover any Tolls for the Use of the Railway not exceeding the following; (that is to say,)

Tonnage on Articles of Merchandise.

First in respect to the Tonnage of all Articles conveyed upon the Railway, or any Part thereof, as follows:

For

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For all Coal, Coke, Culm, Charcoal and Cinders, Ironstone and Iron Ore, and for all Dung, Compost, and all Sorts of Manure, and Limestone, and undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* One Penny; and if conveyed by Carriages provided by the Company, an additional Sum *per Ton per Mile* of One Halfpenny:

For all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, 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* Twopence Halfpenny; and if conveyed in Carriages provided by the Company, an additional Sum *per Ton per Mile* of One Halfpenny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* Twopence; and if conveyed in Carriages provided by the Company, an additional Sum *per Ton per Mile* of One Penny:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per Ton per Mile* Threepence; and if conveyed in Carriages 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, *per Mile* Sixpence; 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 which any such Carriage may weigh.

Secondly, in respect of Passengers and Animals conveyed in Carriages upon the Railway, or any Part thereof, as follows:

Tolls for
Passengers
or Cattle.

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

For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any such Carriage, *per Mile* Fourpence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* of One Penny:

For every Ox, Cow, Bull, or Neat Cattle, *per Mile* Threepence; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum *per Mile* of One Penny:

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

34. The

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Tolls for
propelling
Power.

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

Limiting
Charges for
the Con-
veyance of
Passengers.

35. It shall not be lawful for the Company to demand or receive any greater Sum in respect of the Carriage of Passengers conveyed on the said Railway by this Act authorized than Threepence *per* Passenger *per* Mile in respect of any Passenger travelling in a First-class Carriage, Twopence *per* Passenger *per* Mile in respect of any Passenger travelling in a Second-class Carriage, and One Penny Halfpenny *per* Passenger *per* Mile in respect of any Passenger travelling in a Third-class Carriage, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance.

Passengers
Luggage.

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

Limiting
Charges for
the Con-
veyance of
Goods.

37. It shall not be lawful for the Company to charge in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals herein-after mentioned, conveyed on the Railway, any greater Sum, including the Charges for the Use of Carriages, Waggon, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance, except a reasonable Sum for loading, covering, and unloading Goods at any Terminal Station of such Goods, and for Delivery and Collection, and any other Services incidental to the Business or Duty of a Carrier, when such Services, or any of them, are or is performed by the Company, than the several Sums herein-after mentioned; (that is to say,)

For Coals, Dung, and other Articles before classed therewith, *per* Ton *per* Mile One Penny Halfpenny :

For Stones for building and other Articles before classed therewith, *per* Ton *per* Mile Twopence :

For Sugar and other Articles before classed therewith, *per* Ton *per* Mile Threepence :

For Cotton and other Articles 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 weighing more than One Ton, carried or conveyed on a Truck or Platform,
per

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per Mile Sixpence ; 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 which such Carriage may weigh :

For every Horse and other Animal classed therewith, *per* Mile Fourpence :

For every Ox and other Animal classed therewith, *per* Mile Twopence :

For every Calf and other Animal classed therewith, *per* Mile Three Farthings each.

38. No Station is to be considered a Terminal Station in regard to any Goods conveyed on the Railway which have not been received thereat direct from the Consignor of such Traffic, or are not directed to be delivered thereat to the Consignee. Terminal Station.

39. The following Provisions and Regulations shall be applicable to the fixing of the Tolls and maximum Charges by this Act authorized ; (that is to say,) Regulations as to Tolls.

For Articles, Animals, or Persons conveyed on the Railway for a less Distance than Four Miles, the Company may demand Tolls as for Four entire Miles :

For a Fraction of a Mile beyond Four Miles, or beyond any greater Number of Miles, the Company may demand Tolls on all Animals, Articles, Matters, and Things 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 :

With respect to all Articles, except Stone or Timber, the Weight shall be determined according to the usual Avoirdupois 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 in proportion for any smaller Quantity.

40. The Provisions of this Act shall apply to all Ordinary or Express Trains from Time to Time appointed to be run, but it shall be lawful for the Company to demand, receive, and take any reasonable Sum for the Use of Engines and Carriages for Special Trains by or on the said Railway. Restrictions not to apply to Special Trains.

[Local.]

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41. Nothing

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Company
may take
increased
Charges by
Agreement.

41. Nothing herein contained shall be held to prevent the Company from taking any increased Charge over and above the Charges herein-before limited for the Conveyance of Goods of any Description by Agreement with the Owners or Persons in charge of such Goods, either in respect of the Conveyance thereof (other than small Parcels) by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto.

Tolls for
small Parcels
and single
Articles of
great
Weight.

42. And with respect to small Packages and single Articles of great Weight the Company, notwithstanding the Rate of Tolls prescribed by this Act, may lawfully demand Tolls not exceeding the following; (that is to say,)

For the Carriage of small Parcels on the Railway, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Threepence:

For any Parcel exceeding Seven Pounds in Weight, but not exceeding Fourteen Pounds in Weight, Fivepence:

For any Parcel exceeding Fourteen Pounds in Weight, but not exceeding Twenty-eight Pounds in Weight, Sevenpence:

For any Parcel exceeding Twenty-eight Pounds in Weight, but not exceeding Fifty-six Pounds in Weight, Ninepence:

And for Parcels exceeding Fifty-six Pounds in Weight, but not exceeding Five hundred Pounds in Weight, the Company may demand any Sum which they may think fit: Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

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

Arrange-
ment with
the Burgh of
Annan.

43. It shall be lawful for the Company to make or enter into and carry into effect Arrangements between the Magistrates and Town Council of the Royal Burgh of *Annan* and the Company with respect to the Customs or Duties claimed to be leviable by and payable to the Magistrates and Town Council in respect of the Traffic passing into, through, or out of the said Burgh, and which has been or is to be conveyed on the said Railway and Works, and for the Lease of such Customs and Duties to the Company, or for the Composition of the same for a fixed or annual Sum, and to empower the

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the Company in Terms of any such Agreement to levy and recover the said Customs and Duties.

44. If in the course or by means of the Execution of any of the Works by this Act authorized any Part of the Shores or Bed of the *Solway Frith* belonging to Her Majesty shall be inned, gained, or reclaimed from the Water, the said Company shall not have or exercise any Right upon the same, or in respect thereof, and shall not enter upon, take, use, or interfere with the Lands so inned, gained, or reclaimed for any Purpose whatsoever without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them; but such innings, gaining, or Reclamation shall enure absolutely for the Benefit of the Queen's Majesty, Her Heirs and Successors.

Any Land reclaimed by the Works not to be taken without the Consent of the Commissioners of Woods, &c.

45. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the said Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving Rights of the Crown.

46. If in the course or by means of the Execution of any of the Works by this Act authorized any Part of the Shores or Bed of the *Solway Frith*, or of any of its Tributaries not shown on the deposited Plans nor specified in the deposited Books of Reference, which may belong to the Right Honourable *William* Earl of *Lonsdale*, shall be inned, gained, or reclaimed from the Water, the Company shall not have or exercise any Right upon the same or in respect thereof, and shall not enter upon, take, use, or interfere with the Lands so inned, gained, or reclaimed for any Purpose whatsoever without the Consent in Writing of the Earl, his Heirs or Assigns, but such innings, gaining, or Reclamation shall enure absolutely for the Benefit of the Earl, his Heirs and Assigns.

For the Protection of the Rights of the Earl of Lonsdale.

47. Nothing in this Act contained shall be deemed or construed to exempt any Railway to which this Act relates from the Provisions of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force

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

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or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges by this Act or any other Act relating to the respective Railways authorized, or the Rates for small Parcels thereby authorized.

Saving
Rights of
other Com-
panies.

48. Excepting as is by this Act specially provided, nothing in this Act contained shall in any way alter, lessen, interfere with, prejudice, or affect the Rights and Interests of the said Six Companies.

Expenses of
Act.

49. All the Costs, Charges, and Expenses of and incidental to the applying for, obtaining, and passing of this Act, or preparatory or incident thereto, shall be paid by the Company.

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