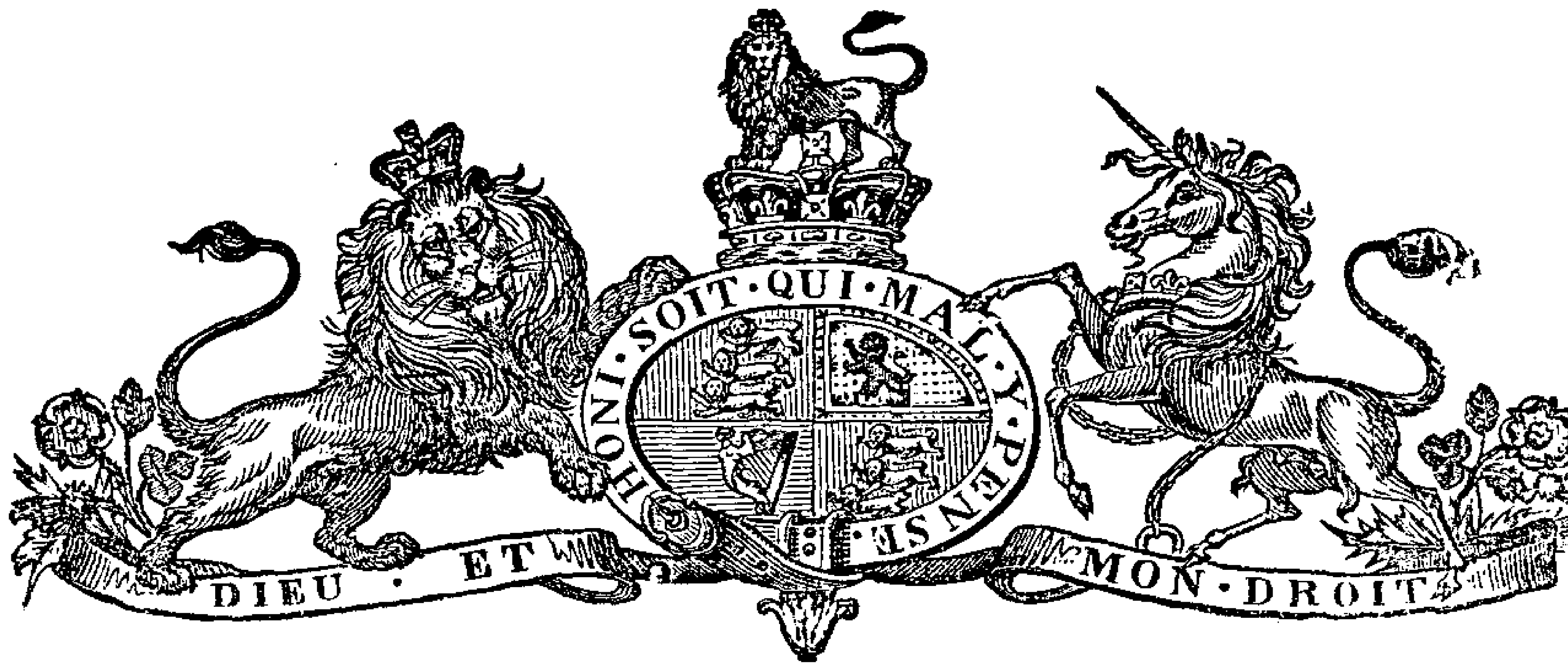



ANNO DECIMO SEXTO & DECIMO SEPTIMO

# VICTORIÆ REGINÆ.

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## *Cap.* cxlviii.

**An Act to authorize the Extension of the Railway already partly executed between *Smithstown* and *Dalmellington* in the County of *Ayr* to *Dalmellington,* and to the *Glasgow and South-western* Railway near *Ayr*. [4th *August* 1853.]**

WHEREAS an Act was passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act for making a Railway from* Smithstown *to* Dalmellington *in the County of* Ayr, whereby the *Ayrshire and Galloway* (*Smithstown and Dalmellington*) Railway Company were incorporated, and empowered to make and maintain a Railway, commencing by a Junction with a Railway then intended to be constructed by the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company at or near *Smithstown* in the Parish of *Dalrymple*, and terminating at the Village of *Dalmellington* in the Parish of *Dalmellington*, all in the County of *Ayr:* And whereas it was by the said recited Act enacted, that the Capital of the Company so incorporated should be One hundred thousand and fifty Pounds, divided into Six thousand nine hundred Shares of Fourteen Pounds Ten Shillings each, and that when the whole of the said Capital should have been subscribed for, and One Half thereof should

10 & 11 Vict. c. x.

have been actually paid up, it should be lawful for the said Company to borrow on Mortgage or Bond any Sums not exceeding in the whole Thirty-three thousand Pounds: And whereas it was by the said recited Act enacted, that the Powers of the said Company for the compulsory Purchase of Lands for the Purposes of that Act should not be exercised after the Expiration of Three Years from the passing thereof, and that on the Expiration of Five Years from the passing of that Act the Powers thereby or by the therein-recited Acts granted to the said Company for executing the said Railway should cease to be exercised, except as to so much thereof as should then be completed: And whereas the said Capital was subscribed for, and the said Shares were created and issued, and Calls amounting together to Seven Pounds Ten Shillings *per* Share were made thereon, and more than One Half of the said total Capital has been paid up, and Part thereof is still unexpended, but no Money has been yet borrowed by the said Company upon Mortgage or Bond: And whereas the said Company have constructed and opened for public Traffic a Portion of the Railway authorized by the said recited Act, extending from a Point near *Waterside* to a Point near *Sillyhole*, both in the Parish of *Dalmellington*, but their Powers of compulsory Purchase of Lands and of Execution of Works as respects the Remainder of the said Railway have expired, and it is expedient that the said Company's Powers of making further Calls upon the Capital authorized by the said Act should be repealed: And whereas the Railways intended to have been constructed by the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company between *Smithstown* aforesaid and *Ayr*, whereby the Railway authorized by the said recited Act was intended to have been connected with the Town of *Ayr*, and with the other Ports and Places on the Lines of Railway of the said last-mentioned Company, now called the *Glasgow and South-western* Railway Company, have not been constructed; and it is expedient to complete the intended Railway Communication from the Village of *Dalmellington* and the Ironworks and Mineral Fields on the existing Line of Railway, constructed under the Powers of the said recited Act, to the Town, Ports, and Places aforesaid, by the Formation of an Extension of the said existing Line from its present Southern Terminus near *Sillyhole* aforesaid to the said Village of *Dalmellington*, and of another Extension of the said existing Line from its present Northern Terminus near *Waterside* aforesaid to the *Glasgow and South-western* Railway near the *Ayr* Foundry in the Parish of *Newton-upon-Ayr*: And whereas for that Purpose it is expedient that the Company incorporated by the said recited Act should be authorized to apply their Funds on hand towards the Execution of the new Works before mentioned, and that the *Glasgow and South-western* Railway Company should be authorized to contribute thereto, and to raise a further Sum of Money for that Purpose: And whereas the said new Works may be economically and beneficially worked by the

*Glasgow*

*Glasgow and South-western* Railway Company, and it is expedient that the said Two Companies should be empowered to enter into Agreements for that Purpose: And whereas it is expedient that the Name of the Company incorporated by the said recited Act should be altered so as better to correspond with their Undertaking: And whereas the several Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

I. In citing or referring to this Act for any Purpose or on any Occasion it shall be sufficient to use the Expression "The *Ayr and Dalmellington* Railway Act, 1853."

Interpretation of Terms.

II. In this Act the Expression "The *Ayrshire and Galloway* Railway" shall mean the Railway authorized to be made by the said recited Act; the Expressions "the Railway" and "the Undertaking" shall comprehend the Railway authorized by the said recited Act so far as constructed, and the Railways hereby authorized to be made, and the Works connected therewith respectively; the Expression "The *Ayrshire and Galloway* Railway Company" shall mean the *Ayrshire and Galloway* (*Smithstown and Dalmellington*) Railway Company incorporated by the said recited Act; and the Expression "the Company" shall mean the said Company as re-constituted under this Act under the Name of the *Ayr and Dalmellington* Railway Company.

Change of Name of Company and Undertaking.

III. From and after the passing of this Act the Company incorporated by the said recited Act shall no longer be called by the Name of "The *Ayrshire and Galloway* (*Smithstown and Dalmellington*) Railway Company," but shall be called by the Name of "The *Ayr and Dalmellington* Railway Company," and by such last-mentioned Name shall have perpetual Succession and a Common Seal, and shall have and may exercise and enjoy all the Powers, Rights, and Privileges, and shall hold, and may take, possess, and use, all the Lands, Sums of Money, Securities, Debts, Goods, Effects, and Property of every Description which are now vested in or held for or belonging or owing to the *Ayrshire and Galloway* Railway Company, or which by virtue of the said recited Act might have been acquired by or have become vested in or belonged or been owing to that Company if the Change in their Name hereby authorized had not taken place; and the Undertaking which under the Provisions of the said recited Act and of this Act is or shall be vested in the Company shall from and after the passing of this Act be called by the Name of "The *Ayr and Dalmellington* Railway."

IV. From

Debts, &c. to remain in force in favour of and against new Company.

IV. From and after the passing of this Act all Debts, Liabilities, and Obligations incurred by or to or which ought to be discharged or performed by or in favour of the *Ayrshire and Galloway* Railway Company, and all Actions, Suits, and Proceedings at the Instance of or against that Company, shall be paid, discharged, and performed, and may be prosecuted and enforced, by or to or in favour of or against the Company, as if the Company had been named in the said recited Act in lieu of the *Ayrshire and Galloway* Railway Company; and all Acts, Deeds, and Writings in which the Name of such last-mentioned Company occurs shall be construed and may be enforced as if in lieu of such Name the Name of the Company had been inserted therein.

8 & 9 Vict. cc. 19. and 33. incorporated with this Act.

V. The Lands Clauses Consolidation (*Scotland*) Act, 1845, and the Railways Clauses Consolidation (*Scotland*) Act, 1845, shall, for the Purposes of the new Works authorized by this Act, and except in so far as expressly varied by this Act, be incorporated with this Act.

Power to execute Railways according to deposited Plans.

VI. Whereas Plans and Sections showing the Lines and Levels of the Railways after mentioned, and a Book of Reference to the said Plans, have been deposited for public Inspection in the Office at *Ayr* of the Principal Sheriff Clerk of the County of *Ayr*: It shall be lawful for the Company, with the Powers of Deviation and other Powers, but subject to the Provisions contained in this Act and in the Acts incorporated herewith, to make and maintain, in the Lines and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, the Railways herein-after described, and all proper Works and Conveniences in connexion therewith, and to enter upon, take, and use such of the said Lands as they may find necessary for the said Purposes; (that is to say,)

1. A Line of Railway in continuation of the existing Line of the *Ayrshire and Galloway* Railway from its present Southern Terminus near *Sillyhole* in the Parish of *Dalmellington* and County of *Ayr* to the Village of *Dalmellington* in the same Parish and County; and
2. A Line of Railway from the *Glasgow and South-western* Railway near the *Ayr* Foundry in the Parish of *Newton-upon-Ayr* to the existing Line of the *Ayrshire and Galloway* Railway at its present Northern Terminus near *Waterside* in the Parish of *Dalmellington*, all in the County of *Ayr*.

Certain Roads may be crossed on the Level.

VII. It shall be lawful for the Company to carry the Railways by this Act authorized across and on the Level of the Roads numbered as

as after mentioned on the Plans deposited as aforesaid; (that is to say,)

In the Parish of *Newton-upon-Ayr*, the Road numbered 6, and the Road and private Railway numbered 45;

In the Parish of *Ayr*, or of *Ayr* and *Alloway* united, the Roads numbered 66 and 133; and

In the Parish of *Dalmellington*, the Road numbered 114.

Company to erect Stations or Lodges where Roads cross on the Level.

VIII. The Company shall, for the Security of the Public, erect and maintain either a Station or a Lodge at the Points where the said Railways shall cross the before-mentioned Roads on the Level thereof, and shall be subject to and abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations; and if the Company shall fail to erect or at all Times maintain such Stations or Lodges, or to appoint proper Persons to watch or superintend the Crossings at such Points or Stations, or to observe or abide by any such Rules or Regulations as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridges to be erected in lieu of level Crossings.

IX. It shall be lawful for the Lords of the said Committee, if it shall appear to them to be necessary for the Public Safety, at any Time, either before or after the Railways hereby authorized to be carried across the said Roads on the Level thereof shall have been completed and opened for public Traffic, to require the Company, within such Time as the said Lords shall direct, and at the Expense of the Company, to carry any of the said Roads either over or under the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Lords best adapted for removing or diminishing the Danger arising from such level Crossing.

Regulating the Inclinations of certain Roads.

X. It shall be lawful for the Company, for the Purpose of the Crossings and Diversions delineated on the Plans deposited as aforesaid of the Roads numbered thereon as after mentioned, to alter the Inclinations of the said Roads to such an Extent as they may think fit, provided that such altered Inclinations shall not be steeper than the following; (that is to say,)

The Road numbered 157 in the Parish of *Ayr*, or of *Ayr* and *Alloway* united, One in Seventeen:

The Road numbered $\frac{6}{1}\frac{3}{}$ in the Parish of *Dalrymple*, One in Fifteen, in connexion with the Crossing thereof occurring near Nine

Miles from the Commencement of the Railway last herein-before described, and One in Twenty-five in connexion with the Diversion thereof occurring near Nine Miles and Two Furlongs from such Commencement.

Regulating the Dimensions of certain Bridges.

XI. It shall be lawful for the Company to construct the Bridges for carrying the said Railway last herein-before described over the Roads numbered as after mentioned on the Plans deposited as aforesaid, of such Dimensions as they may think fit, not less than the Dimensions following respectively; (that is to say,)

In the Case of the Road numbered 157 in the Parish of *Ayr*, or of *Ayr* and *Alloway* united, the Width of the Arch shall not be less than Twenty Feet, and the Height thereof not less than Thirteen Feet:

In the Case of the Road numbered $\frac{6}{1}\frac{3}{}$ in the Parish of *Dalrymple*, at the Crossing thereof last herein-before mentioned, the Width of the Arch shall not be less than Thirty Feet.

For the Protection of the Property of Belmont.

XII. It shall not be lawful for the Company, in constructing the Railways and Works by this Act authorized, to take or use, without the Consent in Writing of the Proprietor for the Time being, any Portion of the Plantation, Gardens, or Inclosures numbered on the Plans deposited as herein-before mentioned 70, 71, 72, and 73 of the Parish of *Ayr*, or *Ayr* and *Alloway* united, in the County of *Ayr*, nor without such Consent to construct the Railway last herein-before described so as to bring the Eastern Fence Wall thereof nearer than Eight Feet to the present Line of the Hedge which now separates the Plantation numbered 70 as aforesaid from the present Line of the Turnpike Road numbered 64 of the said Parish on the said Plans.

For the Protection of the Property of Holly-bush.

XIII. It shall not be lawful for the Company, without the Consent in Writing of the Proprietor for the Time being of the Estate of *Holly-bush*, to construct the Railway last herein-before described through or upon the Land and Property numbered on the Plans deposited as herein-before mentioned 69, 70, 72, 73, 74, 75, 76, 77, 78, 80, 81, 82, 86, 87, and 88 of the Parish of *Dalrymple* in the County of *Ayr*, or through or upon the Portion of the Stream numbered 79 of the said Parish situate on the South Side of the Turnpike Road between *Ayr* and *Dalmellington*, nor without such Consent to take or use any Part of such Land or Property, or of the foresaid Portion of the said Stream, for the Purposes of the said Railway and Works.

For Protection of J. Campbell, Esq., of Craigie.

XIV. The Company shall be bound to allow all Railways coming from the South or North to use the Line of Railway hereby authorized, in so far as it passes through the Lands belonging to *James Campbell* of *Craigie*, and upon Terms to be adjusted by the Parties; and no Station for Goods or Passengers, or Offset or Siding, shall be constructed

constructed by the Company within the Two Fields belonging to the said *James Campbell* numbered 13 and 14 of the Parish of *Saint Quivox* upon the Plans before mentioned, or within One hundred and fifty-three Yards to the North of the Carriage Approach to *Craigie House* numbered 12 of the said Parish upon the Plans aforesaid, without the Consent in Writing of the said *James Campbell* or his Successors in the Estate of *Craigie*; and the Company shall not, without such Consent, use the Lines of the Railway so far as situated between Two Points, the one at the South Side of the said Two Fields and the other at the Northern Extremity of the said One hundred and fifty-three Yards to the North of the Approach to *Craigie House*, as a Depôt for Waggons or Engines, or for raising the Steam of the Engines employed on the Railway.

For Protection of private Railway of J. T. Gordon.

XV. It shall not be lawful for the Company, either when constructing the Railway and Works by this Act authorized, or at any future Period, to alter the Level of the Road and private Railway numbered on the said Plans 45 in the Parish of *Newton-upon-Ayr*, without the Consent in Writing of *John Taylor Gordon* of *Blackhouse*, or his Successors, and it shall be competent to him at any Time to apply to the Sheriff of *Ayrshire*, and the said Sheriff shall have Power, upon such Application being made to him, to ordain the Company to erect and maintain Gates and to employ a Gatekeeper at the Crossing of such Road and private Railway, and also to adopt such other Measures as the said Sheriff shall judge necessary and proper for the Protection and Security of the Traffic of the said *John Taylor Gordon* passing along the said private Railway, and of the Parties engaged in conveying the same, which protective Measures shall be determined by the said Sheriff in such a Manner as to occasion as little Obstruction as possible to the said Traffic, and the Expense of all such Measures shall be borne by the Company, and the Expense of the Proceedings before the said Sheriff shall be subject to his Determination.

For Protection of A. Oswald of Auchencruive.

XVI. It shall be lawful for *Alexander Oswald* of *Auchencruive*, or his Successors in the entailed Estate of *Auchencruive*, in constructing the private Railway or Coal Road which he has Power to form between his Lands of *Auchencruive* and the North Harbour of *Ayr*, to carry the same across the Railway hereby authorized upon the Level thereof, and also across the Main Line of the *Glasgow and South-western* Railway on the Level thereof, near the North Boundary of the Property of *Newton Lodge*, the Radius of the Curve of the said private Railway or Coal Road at the said Crossings being One hundred and eighty Feet; or, in the Option of the said *Alexander Oswald* or his Successors, it shall be lawful for him or them to form the said private Railway or Coal Road in such a Manner as to cross the said Main Line of the *Glasgow and South-western* Railway at a Point

Point to the North of the Junction between such Main Line and the Railway hereby authorized, and that either by a Bridge or by a level Crossing; and if the said *Alexander Oswald* or his Successors shall elect to cross the said Main Line by a Bridge, such Bridge shall be built by and at the Expense of the Company and the said *Glasgow and South-western* Railway Company equally, the said *Alexander Oswald* or his Successors always providing the Land necessary for such Bridge and making the Approaches thereto.

Limiting Time for compulsory Purchase of Lands.

XVII. The Powers 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.

Limiting Time for Completion of Works.

XVIII. On the Expiration of Five Years from the passing of this Act the Powers hereby granted to the Company for making the Railways herein-before described shall cease, except as to so much thereof as shall then be completed; and if the said Railways shall not be completed and opened for public Traffic within the said Period of Five Years, the Payment of any Dividend on the ordinary and unguaranteed Capital of the Company shall, after the Expiration of that Period, be suspended until the said Railways shall be so completed and opened.

Tolls.

XIX. It shall be lawful for the Company to demand and recover, for the Use of the Railway and the Conveyance of Traffic thereon, the Tolls, Rates, and Charges specified in the said recited Act, subject to the Conditions, Limitations, and Provisions therein contained: Provided always, that with respect to small Parcels (that is to say, Packages not exceeding Five hundred Pounds Weight each), instead of the Tolls in the said recited Act prescribed, the Company may lawfully demand for the Carriage of such Packages upon the Railways by this Act authorized to be made or any Part thereof the Tolls following; (that is to say,)

Tolls for small Parcels.

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

For any Parcel exceeding Seven Pounds and not exceeding Fourteen Pounds in Weight, Eightpence:

For any Parcel exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds in Weight, One Shilling and Fourpence:

For any Parcel exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds in Weight, Two Shillings:

For any Parcel exceeding Fifty-six Pounds and not exceeding Five hundred Pounds in Weight the Company may demand any Sum which they 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, and to

Parcels

Parcels not being aggregate Quantities of the same Description of Article sent in the same Package.

Restriction and Application of Share Capital, and Power to call up Sum contributed by Glasgow and South-western Railway Company.

XX. It shall be lawful for the Company to apply towards the Purposes of this Act their Funds on hand, and any Arrears which they may recover upon the Calls already made in respect of the Share Capital specified in the said recited Act, but not to call up the remaining Seven Pounds *per* Share of such Capital; and it shall likewise be lawful for the Company from Time to Time to call up, demand, and receive from the *Glasgow and South-western* Railway Company such further Sums as they may find necessary for the Execution of the new Works hereby authorized, not exceeding in the whole the Sum of Ninety thousand Pounds, as herein-after mentioned, which last-mentioned Sums shall be called up subject to the like Conditions and Restrictions as to the maximum Amount of each Call, and the Interval between the successive Calls, as are prescribed by the said recited Act in relation to the Capital thereby authorized; and the *Glasgow and South-western* Railway Company shall, in respect of each such Sum so from Time to Time called up from and paid by them, be entitled to a corresponding Amount of paid-up Capital Stock in the Company, which the Company are hereby empowered to create and issue, and which may be taken and held either by the *Glasgow and South-western* Railway Company or by any Trustees to be appointed by them: Provided always, that the Capital hereby authorized to be raised shall be applicable only to the Objects and Purposes of this Act, and that the Holders of such new Capital shall not in respect thereof have any Interest in the Portion of the Railway already constructed, or in the Tolls, Rates, and Charges leviable thereon.

Power to borrow Money on Mortgage

XXI. It shall be lawful for the Company from Time to Time to borrow upon Mortgage on the Security of the Undertaking, or upon Bond, and if paid off again to borrow any Sum or Sums of Money not exceeding in the whole Seventeen thousand two hundred and fifty Pounds: Provided always, that the Sums so to be borrowed shall be applicable only to the Objects and Purposes of this Act.

Certain Provisions of 8 & 9 Vict. c. 16. incorporated with this Act.

XXII. Subject to the Provisions of this Act, all the Clauses and Provisions of the Companies Clauses Consolidation (*Scotland*) Act, 1845, with respect to the Distribution of the Capital of the Company into Shares, and with respect to the Transfer or Transmission of Shares, and with respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls, and with respect to the Forfeiture of Shares for Nonpayment of Calls, and with respect to the borrowing of Money by the Company on Mortgage or Bond, and with respect to the Conversion of the borrowed Money into Capital, and with respect to the Consolidation of the Shares into Stock, and with respect to the General Meetings of the Company, and the Exercise of the Right of voting

voting by the Shareholders, shall be incorporated with this Act, and shall be applicable to the Monies hereby authorized to be raised and borrowed: Provided always, that each Holder of new Shares or Stock in the Capital hereby authorized to be raised shall be entitled to the same Number of Votes in respect thereof which the Possession of an equal nominal Amount in Money of the Capital authorized by the said recited Act would have conferred upon him: Provided also, that all or any of the Shares in the Company which now are or may hereafter be declared forfeited under the Provisions of the Companies Clauses Consolidation (*Scotland*) Act, 1845, may, upon the written Consent of the last registered Proprietors thereof respectively being obtained for that Purpose, be cancelled by the Company, instead of being sold or disposed of as provided by that Act, and upon Entries of such Cancellations respectively being made in the Register of Shareholders all Rights, Claims, and Demands in respect of the Shares so cancelled shall be absolutely extinguished.

Power to Glasgow and South-western Railway Company to contribute Money to new Works.

XXIII. It shall be lawful for the *Glasgow and South-western* Railway Company and they are hereby required to contribute and apply their Funds, to the Extent of Ninety thousand Pounds, towards the Execution of the new Works hereby authorized; and upon such Contribution being made the *Glasgow and South-western* Railway Company, and such Trustees as may be appointed by them as aforesaid, shall have all the Powers, Rights, and Privileges, including the Power of selling and transferring, and be subject to all the Obligations, belonging to Proprietors of Shares or Stock in the Company to the Extent aforesaid; and such Trustees shall be entitled to vote at Meetings, and to be elected Directors of the Company, in respect of the Shares or Stock held by them respectively in trust for the *Glasgow and South-western* Railway Company.

Power to Glasgow and South-western Railway Company to borrow Money for thatPurpose;

XXIV. It shall be lawful for the *Glasgow and South-western* Railway Company to borrow upon Mortgage, on the Security of their Undertaking, or upon Bond, and if paid off again to borrow, for the Purpose of the Contribution herein-before mentioned, any Sums of Money not exceeding in the whole the Sum of Ninety thousand Pounds: Provided always, that the total Amount of the Sums borrowed by the said last-mentioned Company under the Powers of this Act and any other Acts of Parliament, shall not at any Time exceed One Third of the Share Capital of the said Company for the Time being, and that the Mortgages and Bonds already granted by the said Company under the Powers of any other Act of Parliament, and which shall be in force at the Time of the passing of this Act, shall during their Subsistence have Priority over any Mortgages or Bonds which may be granted by the said Company under the Powers of this Act.

XXV. It

or to raise the same by the Creation of preferential Shares.

XXV. It shall be lawful for the *Glasgow and South-western* Railway Company, with the Approbation of Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at any General Meeting of such Company to be called for the Purpose, in lieu of borrowing or continuing upon Mortgage or Bond the Sums hereby authorized to be borrowed by them as aforesaid, or any Part thereof, to raise the same, if they shall think fit, by the Creation and Issue of new Shares or Stock, of such nominal Amount, to such Persons, on such Terms, and bearing, if they shall think fit, a guaranteed or preferential Dividend, at such Rate, not exceeding Six Pounds *per Centum per Annum*, as the said Company may appoint; and such new Shares or Stock shall in other respects be subject to the same Provisions as and become Part of the general Capital of the said Company: Provided always, that any Guarantee or Priority of Dividend which may be granted in respect of such new Shares or Stock shall not prejudice or affect any Guarantee, Preference, or Priority in the Payment of Interest or Dividend on any other Shares or Stock which may have been granted by the *Glasgow and South-western* Railway Company in pursuance of or which may have been created or confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting.

Contracts as to working the Railway.

XXVI. Subject to the Provisions of the "Railways Clauses Consolidation (*Scotland*) Act, 1845," it shall be lawful for the Company and the *Glasgow and South-western* Railway Company from Time to Time to make and enter into any Contracts, Agreements, or Arrangements which may by them mutually be deemed advisable for the working and Use of the new Lines of Railway hereby authorized, the Management of the Traffic thereon, and the Apportionment of the Rates leviable in respect of such Traffic, on such Terms and Conditions and in such Manner as may be agreed on by and between the said Companies.

Interest not to be paid on calls paid up.

XXVII. It shall not be lawful for either of the said Companies, out of any Money by this Act or any other Act relating to such Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay to any Shareholder Interest or Dividend on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that such Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in that Behalf of the Companies Clauses Consolidation (*Scotland*) Act, 1845.

Deposits for future Bills not to be paid out of Com-

XXVIII. It shall not be lawful for either of the said Companies, out of any Money by this Act or any other Act relating to such Company authorized to be raised for the Purposes of such Act, to pay

or

panies Capital. or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing such Company to construct any other Railway or execute any other Work or Undertaking.

Companies, &c. to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

XXIX. Nothing in this Act contained shall be held to exempt the said Companies or the Railways hereby authorized to be made from the Provisions of the following Public General Acts; *viz.*, First and Second *Victoria*, Chapter Ninety-eight, intituled *An Act to provide for the Conveyance of the Mails by Railways;* Third and Fourth *Victoria*, Chapter Ninety-seven, intituled *An Act for regulating Railways;* Fifth and Sixth *Victoria*, Chapter Fifty-five, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* Seventh and Eighth *Victoria*, Chapter Eighty-five, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* Ninth and Tenth *Victoria*, Chapter Fifty-seven, intituled *An Act for regulating the Gauge of Railways;* and Fourteenth and Fifteenth *Victoria*, Chapter Sixty-four, intituled *An Act to repeal the Act for constituting Commissioners of Railways;* but such Provisions shall be in force in respect to the said Companies and Railways so far as the same are applicable thereto.

Railways, not exempt from Provisions of future General Acts.

XXX. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act or the said recited Act authorized to be made from the Provisions of any General Act relating to such Acts, or of any General Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act or the said recited Act, or of the Rates for small Parcels.

Expenses of Act.

XXXI. All the Costs, Charges, and Expenses of applying for and obtaining this Act, and in any way incidental thereto, shall be paid by the Company.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1853.