ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. lxiii.

An Act to enable the *Dundee and Arbroath* Railway Company to enlarge their present Terminal Station in *Dundee*, and to amend the Acts relating to the Company. [3*d July* 1851.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled "The *Dundee and Arbroath* Railway Act, 1836," incorporating the *Dundee and Arbroath* Railway Company, with Power to make a Railway from *Dundee* to *Arbroath*: And whereas Two other Acts were passed, One thereof in the Fifth Year of the Reign of Her present Majesty, intituled "The *Dundee and Arbroath* Railway Act, 1842," and the other thereof in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled "The *Dundee and Arbroath* Railway Act, 1846," conferring further Powers on the Company: And whereas another Act was passed in the Eleventh and Twelfth Years of the Reign of Her said Majesty, intituled "The *Dundee and Arbroath* Railway (*Dundee* Junction) Act, 1848," authorizing the Company to make a short Junction Line of Railway in the Royal Burgh of *Dundee*, with a proper Station in connexion therewith, for the Purposes of the Undertaking of the Company: And whereas no Part of the said last-mentioned Railway or Station hath been constructed:

6 & 7 W. 4. c. 32.

5 & 6 Vict. c. 83.

9 & 10 Vict. c. 123.

11 & 12 Vict. c. 129.

structed: And whereas the present Terminal Station of the Company at *Dundee* is altogether inadequate for the Purposes of the Company and the Convenience of the Public, and it would be more convenient and advantageous, and would be attended with a great Saving of Expense, if the Company were allowed, instead of constructing the Railway and Station by the said last-recited Act authorized, to enlarge their present Terminal Station at *Dundee*, partly upon the Lands authorized to be taken for the Purposes of the said Railway and other Station, and to abandon the Formation of the said Railway and other Station: And whereas the Capital raisable by the Company consists of Two hundred and sixty-six thousand seven hundred Pounds, in Shares divided into Eight thousand Shares of Twenty-five Pounds each, and Eight thousand and four Shares of Eight Pounds Six Shillings and Eightpence each, and of Eighty-eight thousand nine hundred Pounds, authorized to be borrowed on Mortgage or Bond: And whereas the whole of the said Shares have been created, and a Sum of Two hundred and five thousand eight hundred and thirty-one Pounds Six Shillings and Eightpence has been paid thereon, which, together with the Sum of Forty-eight thousand five hundred and fifteen Pounds, borrowed on Mortgage or Bond, has been applied towards the Railways and Works authorized to be constructed by the Company, and in providing Plant for working the same: And whereas the estimated Expenses of the Works by this Act authorized and remaining to be done, notwithstanding the Abandonment of the said Railway, amount together to the Sum of Twenty-three thousand Pounds; but it is expedient and necessary that the Company should have Power to raise the Remainder of the said Capital and Monies, and to apply the same for the Completion of their Undertaking: And whereas certain of the Provisions of the before-recited Acts relating to Capital and other Matters require to be amended; but 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,)

Provisions of 8 Vict. cc. 16. 19. & 33. incorporated with this Act.

I. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," except where otherwise provided for in this Act, and the Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the keeping of Accounts, and the Right to Inspection thereof by Shareholders, and for affording Access to the Special Act by all Parties interested, shall be incorporated with and form Part of this Act, and shall be applicable to the Company and also to the Objects and Purposes of this Act.

Power to enlarge Station at Dundee.

II. Subject to the Provisions of this Act, the Company may enlarge the Station at the Terminus of the Company's Railway at *Dundee*, in the Line and Situation shown upon the Plan thereof deposited in the Office of the Principal Sheriff Clerk of the County of *Forfar* in *Dundee*, and may construct the other Works in connexion therewith, shown upon such Plan in the Line and Situation shown thereon, and according to the Levels shown on the Section also deposited therewith; and for such Purposes they may enter upon, take, and use the Lands delineated or described on the said Plan, and in the Book of Reference thereto deposited therewith, or such Parts thereof as may be necessary, and upon such Lands may make, construct, and maintain such Works and Buildings as may be necessary for such Purposes; and for the like Purposes they may alter, divert, stop up, and discontinue, either temporarily or permanently, all or any of the Streets, Roads, or Ways shown upon the said Plan as included within the Site of the said intended Station and Works connected therewith; and the said Station shall be and be deemed to be a Part of the Undertaking of the Company.

Before closing up a Part of Dock Street, substituted Street to be formed.

III. Before closing up that Part of *Dock Street* in *Dundee* shown upon the said Plan as intended to be included in the said intended Station, the Company shall set out, make, and complete the Work shown upon the said Plan, and described thereon as "Proposed Diversion of *Dock Street*," extending Eastward from the East Boundary of *Trades Lane* Four Furlongs and Eighty Yards or thereby, to the Satisfaction of the Trustees of the Harbour of *Dundee* or their Engineer, or, in the Option of the Company, of the Sheriff; and after the said Street shall have been finished as aforesaid the said Trustees shall not be liable in any way to uphold the said Street so far as opposite to the Ground acquired by the Company for Station Accommodation; and the Remainder of the said Street, after being formed as aforesaid, shall be subject to the Obligations and Rules of the Act for regulating the Police of the Burgh of *Dundee*.

Part of Dock Street included in the Station to belong to the Company without Price.

IV. And inasmuch as the Company are bound, under the Provisions in the last Section contained, to provide and substitute a new Portion of Street for the Portion of Street to be so included within the said intended Station, and are also to provide the Lands necessary for such Purpose, the Company shall not be bound or required to pay to the Owners of or other Persons interested in the Portion of Street so included any Sum of Money in consideration of or as a Price for the Lands of such Owners or Persons upon which such Portion of the said Street so to be included has been or is intended to be formed; but such Lands shall, upon the said proposed Diversion of *Dock Street* being made and completed as in the last Section provided, become and be vested in and shall belong to the Company for the Purposes of this Act.

V. In

Company to form Footpaths on the South Side of the new Street.

V. In constructing the said Diversion of *Dock Street* the Company shall lay out and complete along the South Side thereof, in so far as the same shall be opposite the said intended Station, such proper Footpaths as shall be agreed upon between them and the said Trustees, and in default of any such Agreement as shall be appointed by the Sheriff.

Not to deviate from Line shown on deposited Plans.

VI. In making the said Diversion the Company shall not deviate from the Line thereof as shown on the said deposited Plans.

Certain Operations prohibited upon the Lands to be acquired.

VII. The Company shall not use any Building or Work to be constructed upon any Part of the Lands to be acquired under the Authority of this Act South of the North Side of the present Street called *Dock Street* for the Purpose of manufacturing Engines, or as a Foundry, or therein carry on any Manufacture or other Operation which may be dangerous to the Shipping in the Harbour of *Dundee*, or to the Goods upon any of the Quays thereof, nor shall any Part of the Lands to be acquired by the Company under the Authority of this Act be occupied or used by the Company as a Depôt for Manure.

Defining Harbour Boundaries at the Station.

VIII. From and after the passing of this Act the Northern Limits of the Harbour of *Dundee* at the said intended Station, and between the South End of *Trades Lane* and the Line of the East Wall of *Victoria* Dock, shall be deemed and taken to be One hundred Feet from the South Side of the North Wall of *Victoria* Dock, as delineated on the Plans referred to in the Second Section of the Act relating to the said Harbour, passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth; and between the East Wall of the said Dock and the Junction of the said intended new Street with the present Street called *Dock Street* near to *Carolina Port* Pier the said Limits shall be deemed and taken to be the Southern Boundary of the said new Street; and all Lands at the said Harbour lying within the said Limits shall continue to be the Property of the Trustees of the said Harbour.

How Rates and Duties payable to Harbour Trustees to be calculated.

IX. So long as the said intended Station shall be in use the Amount of Rates and Duties to be paid by the Company to the Trustees of the Harbour of *Dundee*, in respect of the Portion of Railway between *Trades Lane* and the East Wall of *Victoria* Dock, whether the same shall be included within the said Station or not, shall at least be such Proportion of the annual Amount now payable to the said Trustees by the Company for the whole Distance between *Trades Lane* and *Carolina Port* as the Distance between *Trades Lane* and the said East Wall bears to the whole of the said Distance between *Trades Lane* and *Carolina Port*; but without Prejudice

to the said Trustees claiming to have the said Amount calculated upon whatever Amount of increased Traffic they may be able to show as having taken place upon or over the Two Lines of Rails now laid thereon which may increase the minimum Sum herein covenanted to be paid.

Saving Rights of Trustees of Harbour of Dundee.

X. Nothing herein contained shall extend or be considered to extend to alter, diminish, or affect any Powers, Rights, Privileges, Authorities, or Jurisdictions conferred upon the Trustees of the Harbour of *Dundee* in and by the several Acts relating to the said Harbour in respect of any Lands lying on the South of the said proposed new Street, and between the Eastern Side of the said intended Station and the Junction of the said new Street with the Line of the present Street called *Dock Street*, near to *Carolina Port* Pier; all which Powers, Rights, Privileges, Authorities, and Jurisdictions are hereby reserved entire, excepting in so far as the same are altered or varied by this Act, or are inconsistent with the Provisions herein contained.

Station, &c. to be subject to the Dundee Police Act.

XI. The Station and Works to be made by the Company under the Authority of this Act shall be deemed and taken to be within the Limits of the Act relating to the Police of the Royal Burgh of *Dundee*, and shall be subject to all the Powers, Authorities, and Jurisdictions, and be liable to be assessed under and for the Purposes of such last-mentioned Act, in the same Manner as any other Premises within the said Burgh.

Provisions as to Burgh Customs.

XII. And whereas the Magistrates and Town Council of the Royal Burgh of *Dundee*, through or into which the Railway is intended to pass, have been in use to levy certain Customs and Imposts on certain Goods, Articles, Animals, Matters, and Things entering, leaving, or passing through the said Burgh: And whereas it would be attended with Delay and Inconvenience if such Customs and Imposts were levied by the said Magistrates and Town Council on Goods, Articles, Animals, Matters, and Things entering, leaving, or passing through the said Burgh by the Railway; and it is expedient that Provision should be made for obviating such Inconvenience and Delay, by enabling the Company to levy and collect the Customs and Imposts over such Goods, Articles, Animals, Matters, and Things, and to account to the said Magistrates and Town Council, or to compensate them for the same; the Company may, with the Concurrence and Authority of the said Magistrates and Town Council, levy and collect the Customs and Imposts due to and legally exigible by the said Magistrates and Town Council on Goods, Articles, Animals, Matters, and Things entering, leaving, or passing through the said Burgh by the Railway, but they shall be bound to account to the said Magis-

trates and Town Council for the same, or to make such other Compensation therefor as shall be mutually agreed upon between the said Magistrates and Town Council and the said Company; and the said Magistrates and Town Council and the said Company may enter into such Agreements, Leases, or other Contracts as may be necessary or expedient for the said Purposes, and such Agreements, Leases, and Contracts may contain such Covenants and Conditions as shall be mutually agreed upon between the Parties.

Saving Rights of Magistrates and Commissioners of Police.

XIII. Nothing herein contained shall extend or be construed to extend to diminish, alter, or affect any Powers, Rights, Titles, Dues, Duties, Privileges, Authorities, or Jurisdictions of the Magistrates and Town Council of *Dundee*, or of the Commissioners of Police of *Dundee*, all which Powers, Rights, Titles, Dues, Duties, Privileges, Authorities, and Jurisdictions are hereby reserved entire, excepting so far as the same are altered or varied by this Act, or are inconsistent with the Provisions herein contained.

Power for compulsory Purchase of Lands limited.

XIV. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised or put in force after the Expiration of Two Years from the passing of this Act.

Dundee Junction Railway to be abandoned.

XV. The Company shall abandon the Formation of the Railway and Station and Roads by the said *Dundee and Arbroath* Railway (*Dundee* Junction) Act, 1848, authorized, and all the Powers, Authorities, and Privileges by the said Act granted to the Company for the Construction, Use, or Maintenance of the said Railway and Station, and Roads, so required to be abandoned, shall from and after the passing of this Act cease and determine.

Compensation to be made where Contracts have been entered into or Notices given.

XVI. In any Case where before the passing of this Act any Contract has been entered into or Notice given by the Company for purchasing any Lands which the Company were empowered to purchase for the Purpose of constructing the Railway and Works so to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice, and the Amount and Application of such Compensation shall be determined in the Manner provided by the said Lands Clauses Consolidation (*Scotland*) Act, 1845, for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof; but the Authority hereby given for abandoning the Formation of the aforesaid Railway and Works shall not prejudice or affect the Right of the Owners or Occupiers of any Lands which the Company were so empowered to

purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway and Works, pursuant to the Provisions for that Purpose in the last-recited Act contained.

Company not relieved from Obligation to fill up certain Areas or Spaces of the Bed of the River Tay.

XVII. The Company shall be bound to fill up, embank, and drain the Areas or Spaces by the Twentieth Section of the said *Dundee and Arbroath* Railway (*Dundee* Junction) Act, 1848, required to be filled up, embanked, and drained, but always subject to the Powers, Conditions, Rights, and Privileges in and by the said Section, and the Twenty-second and Twenty-third Sections of the same Act, and by this Act, granted, imposed, or reserved to, in favour of, or against the Company.

Powers for filling up certain other Areas or Spaces East of Trades Lane transferred to the Company.

XVIII. Subject to the Provisions of this Act, the Powers, Conditions, Rights, and Privileges in and by "The *Dundee and Perth* Railway (*Dundee* Junction) Act, 1848," granted, imposed, or reserved to the *Dundee and Perth and Aberdeen* Railway Junction Company, for filling up, embanking, and draining certain other Areas or Spaces of the Bed of the River *Tay* cut off from the said River by the existing Line of the Company between *Trades Lane* in *Dundee* and the Areas or Spaces in the last Section referred to, are hereby transferred to, and may and shall, in so far as obligatory on the said *Dundee and Perth and Aberdeen* Railway Junction Company, be exercised, performed, and enjoyed by the Company to the like Extent as the same were or might have been exercised, performed, or enjoyed or were obligatory upon the said other Company.

Certain Provisions of 11 & 12 Vict. cc. 52. and 129. repealed.

XIX. The following Provisions of the "*Dundee and Perth* Railway (*Dundee* Junction) Act, 1848," and of the "*Dundee and Arbroath* Railway (*Dundee* Junction) Act, 1848," are hereby repealed; (that is to say,) so much of the Twentieth Section of the said "*Dundee and Arbroath* Railway (*Dundee* Junction) Act, 1848," and so much of the Fifteenth Section of the said "*Dundee and Perth* Railway (*Dundee* Junction) Act, 1848," requiring the said Two Companies respectively to fill up, embank, and drain the Spaces or Areas therein mentioned, within Three Years from and after the passing of the said respective Acts, the Twenty-third Section of the said "*Dundee and Arbroath* Railway (*Dundee* Junction) Act, 1848," and the Eighteenth Section of the said "*Dundee and Perth* Railway (*Dundee* Junction) Act, 1848."

Defining Areas or Spaces to be filled up,

XX. The Spaces or Areas to be filled up, embanked, and drained under the Provisions of this Act shall be all such Spaces or Areas as are

embanked, and drained under this Act.

are described in the said Two last-mentioned Acts, situate between *Trades Lane* on the West and the Pool or Plot of Ground numbered 38 on the said deposited Plans on the East, including the circular Portion of such Pool or Plot of Ground at the West of such Plot or Pool.

Period for filling up and embanking Spaces or Areas.

XXI. The Company shall be bound to fill up, embank, and drain the said Spaces or Areas in this Act provided within Three Years from and after the passing of this Act; and if the Company shall fail so to fill up, embank, and drain the same within the said Period, they shall forfeit a Sum not exceeding Five Pounds for every Day they shall be in default, to be paid to the Kirk Session of the Parish of *Dundee*, and for the Benefit of the Poor of such Parish.

How Penalties to be recovered.

XXII. Such Penalty shall only be recoverable before the Sheriff in the Manner and subject to the Provisions in the said "Lands Clauses Consolidation (*Scotland*) Act, 1845," contained with respect to the Recovery of Penalties the Recovery of which is not otherwise provided for: Provided always, that no such Penalty shall be recoverable except at the Instance or by the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, which Consent they are hereby authorized to grant under their Hands, or under the Hands of any Two of them.

Commissioners may grant Certificates that Areas have been filled up, &c.

XXIII. The said Commissioners may, under their Hands, or under the Hands of any Two of them, grant to the Company a Certificate in Writing, that the said Spaces or Areas have been filled up, embanked, and drained to their Satisfaction under the Provisions of this Act; and upon Publication of such Certificate once in the "*Edinburgh Gazette*," and once in some Newspaper published in *Dundee*, the Right to recover any such Penalty shall cease and determine.

Saving Rights of Owners of Spaces.

XXIV. Nothing herein contained shall prejudice or affect the Rights and Titles (if any) of any Party or Parties in or to the Spaces or Areas so to be filled up and embanked as aforesaid, nor any Actions or Suits pending in any of the Courts of Law in *Scotland*, or any other Proceedings in relation to the same, or prevent the Company from enlarging the said Spaces or Areas by making the said proposed new Street to the South of the Line laid down on the said Plans, but with the Consent only of the said Trustees of the Harbour of *Dundee*: Provided always, that the Party having Right to the same shall repay to the Company the Sums expended by them in filling the Portions of such Party, together with a reasonable Allowance in respect of the Benefit of Drainage, as the said Sums and Allowance shall be fixed and determined by the said Commissioners; and the

Party

Party or Parties who shall not have transacted or agreed, or shall not otherwise transact or agree, with the Company as to the said Spaces or Areas, shall be bound to institute proper Proceedings for establishing their Right and Title within the Space of Twelve Months from the Date of the passing of this Act, unless in Cases where such Proceedings have already been instituted, reserving always the Rights, if any, of all Parties under "The Lands Clauses Consolidation (*Scotland*) Act, 1845," to Compensation in respect of the Operations authorized by this Act.

Saving Rights of the Crown.

XXV. Nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners or any Two of them are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Provision for Payment of Works, and Application of Capital under 11 & 12 Vict. c. 129.

XXVI. The Capital and Monies authorized to be raised or borrowed by the Company by the said "*Dundee and Arbroath* Railway (*Dundee* Junction) Act 1848," may and shall in so far as necessary be raised, and shall in so far as necessary be applied, as follows:

First, in Payment of the Expense of completing the Works by the said Act authorized, and which remain and are required to be executed, notwithstanding the Abandonment of the said Railway and Station and Works connected therewith:

Second, subject to such First Payment, in Payment of the Expense of constructing the Works by this Act authorized:

Third, subject to such First and Second Payments, the said Capital and Monies shall be deemed to have been and to be applicable towards the Completion of the Undertaking of the Company.

As to Dividends on certain Shares.

XXVII. From and after the First Day of *July* One thousand eight hundred and fifty-one the Holder for the Time being of each Share in the Capital created under the Authority of the said "*Dundee and Arbroath* Railway (*Dundee* Junction) Act, 1848," or which shall be issued in lieu of any other Share in the same Capital under the Provisions of this Act, shall be entitled to receive a fixed guaranteed Dividend or Interest in Perpetuity, after the Rate of Five Pounds *per Centum per Annum* upon the Monies from Time to Time paid up on such Share; and such guaranteed Dividend or Interest shall

be paid by equal half-yearly Payments on the First Day of *January* and on the First Day of *July* in each and every Year, before any other Dividend or Interest shall be paid in respect of any other Shares or Stock whatsoever in the Capital of the Company; and the First of such half-yearly Payments shall become due and be payable on the First Day of *January* One thousand eight hundred and fifty-two, but no such fixed guaranteed Dividend or Interest shall be payable in respect of any such Share upon which any Calls are in arrear.

Share-holders may relinquish such Dividends.

XXVIII. The Holder of any such Share may nevertheless, at any Time within Two Years after the passing of this Act, and by Notice in Writing to the Company in the Manner prescribed by the One hundred and thirtieth Section of the said "Railways Clauses Consolidation (*Scotland*) Act, 1845," relinquish the Right to the fixed guaranteed Dividend or Interest to which the whole or any of the said Shares held by him may be entitled; and thenceforth and for ever thereafter the Holder of any such Share on which such fixed guaranteed Dividend or Interest has been so relinquished shall only be entitled to a Dividend thereon at the same Time and after the same Rate as the Dividends from Time to Time paid on the other ordinary Shares or Stock of the Company not entitled to any fixed or guaranteed Dividend or Interest; and on every such Relinquishment taking place, Notice thereof shall be stated on the Face of the Certificates of the Shares to which the same relates, and for such Purpose the Certificate of every such Share in respect of which the fixed guaranteed Dividend or Interest is so desired to be relinquished shall be transmitted and delivered up along with the said Notice of Relinquishment, otherwise such Notice shall be deemed and taken to be null and void.

Former Grants of Preference not to be prejudiced.

XXIX. No Preference or Priority in the Payment of Interest or Dividend granted in respect of the said Shares shall prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock (if any such there be) which may have been granted by the Company by or in pursuance of, or which may have been confirmed by, any Act of Parliament passed prior to the passing of this Act, or which otherwise may be lawfully subsisting.

Provision for Return of Deposits on certain Shares.

XXX. The Proprietor of any Share in the Company created or issued under the said "*Dundee and Arbroath* Railway (*Dundee* Junction) Act, 1848," on which the Deposit hath been duly paid, may surrender the same, provided such Surrender be in Writing, under the Hand and Seal of such Proprietor, and duly stamped, and be delivered at the principal Office of the Company within Two Months after the passing of this Act; and the Proprietor of any such Share so surrendered shall be entitled to receive back from the Company the Amount of Deposit which shall have been paid thereon.

XXXI. The

Shares surrendered to merge in the Company, and may be sold.

XXXI. The Proprietor of any Share so surrendered shall cease to be a Shareholder in the Company in respect of such Share, and the same shall thereafter be merged in the general Capital of the Company; and the Company may from Time to Time re-issue the Shares which may have been so merged, either by selling the same by Public Auction or by Private Contract, and either separately or in such Lots as the Committee of Management of the Company may think fit; and any Shareholder of the Company may purchase any such Share, and a Certificate of Proprietorship shall be delivered to such Purchaser, and thereupon he shall be deemed to be the Holder of such Share.

Shares merged and sold to be Part of general Capital, and to have same Advantages as other Preference Shares.

XXXII. The Shares so merged and sold as aforesaid shall be considered as Part of the Capital of the Company under the said "*Dundee and Arbroath* Railway (*Dundee* Junction) Act, 1848," and shall be entitled to the same guaranteed Dividend or Interest and to the same Privileges by this Act attached to any other Share in the Capital created or issued under the Authority of the said last-mentioned Act, and which may not have been so merged or sold.

Capital of the Company not to be increased.

XXXIII. The Capital of the Company shall not by any such Surrender or Sale be extended beyond the aggregate Amount which the Company is already authorized to raise.

Interest not to be paid on Calls paid up.

XXXIV. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital of the Company.

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

XXXV. The Company shall not, out of any Money by this Act or any other Act relating to the Company raised or authorized to be raised for the Purposes of such Act or Acts, pay 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 the Company to construct any other Railway, or execute any other Work or Undertaking.

Scale of Voting.

XXXVI. At all Meetings of the Company every Shareholder shall have One Vote for every Share up to Ten held by him in the Capital of the Company, and he shall have an additional Vote for every Five Shares beyond the first Ten held by him up to One hundred, and an additional Vote for every Ten Shares held by him beyond the first Hundred Shares; but no Shareholder shall be entitled to vote at any

Meeting

Meeting unless he shall have paid up all the Calls then due upon the Shares held by him.

Repeal of Part of recited Act as to Proxies.

XXXVII. So much of the Fifty-fifth Section of the said "*Dundee and Arbroath* Railway Act, 1836," which provides that no Person shall as Proxy have more than Twenty Votes, is hereby repealed.

Company, &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., and 9 & 10 Vict. cc. 57. & 105.

XXXVIII. Nothing in this Act contained shall be held to exempt the said Station or the Company, or the Railways of the Company, from the Provisions of the several Public and General Acts of the First and Second *Victoria*, Chapter Ninety-eight; Third and Fourth *Victoria*, Chapter Ninety-seven; Fifth and Sixth *Victoria*, Chapter Fifty-five; Seventh and Eighth *Victoria*, Chapter Eighty-five; and Ninth and Tenth *Victoria*, Chapters Fifty-seven and One hundred and five respectively; but such Provisions shall be in force in respect of the said Station, Railways, and Company as far as the same shall be applicable thereto.

Railway not exempt from Provisions of future General Acts.

XXXIX. Nothing herein contained shall be deemed or construed to exempt the said Station and Railways by this Act or the recited Acts authorized to be made, or the Company, 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 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 authorized by the said recited Acts or this Act.

Expenses of Act.

XL. All the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the Company.

Interpretation of Terms.

XLI. In this Act the Words "the Company" shall mean "the *Dundee and Arbroath* Railway Company."

Short Title.

XLII. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Dundee and Arbroath* Railway (*Dundee* Station) Act, 1851."

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