ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

****

Cap. cii.

An Act to amend the Acts for making a Railway from *Dundee* to *Newtyle* in the County of *Forfar*. [4th *July* 1836.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making a Railway from the Royal Burgh and Port of* Dundee *in the County of* Forfar *to* Newtyle *in the said County*, whereby certain Persons were incorporated by the Name and Style of "The *Dundee* and *Newtyle* Railway Company," with Powers to make the said Railway and other Works in manner therein set forth, and to raise and borrow certain Sums of Money for that Purpose, and to levy certain Rates, Tolls, and Duties: And whereas another Act was passed in the Eleventh Year of the Reign of His said late Majesty, intituled *An Act to amend an Act for making a Railway from* Dundee *to* Newtyle, whereby further Powers were conferred upon the said Company: And whereas the said Railway has been formed, and been in use for several Years, and has yielded great Advantage to the Public, and other Railways uniting with it are now in the Course of being completed, and the Traffic upon the said Railway in the Conveyance of Passengers and Goods and Commodities has been gradually increasing, and is likely to be increased to a great Extent; but the Works authorized by the said recited Acts have not been fully completed; and it would be advantageous, both to the said Company and the Public, if the said Railway between *Dundee* and *Newtyle*, and the Works connected therewith, were completed and improved, and if Provision were made for the

7 G.4. c.101.

11 G.4. c.60.

Payment of the Debts owing by the said Company; and for these Ends, and for rendering the said Railway more useful to the Public, it is expedient that the said Company should be empowered to raise a further Sum of Money, and that the Rates, Tolls, and Duties granted by the said first-recited Act should be varied or altered, and that the Powers of the said Company should in other respects be enlarged and amended: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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, That all the Powers, Authorities, Provisions, Regulations, Directions, Privileges, Forfeitures, Penalties, Clauses, Restrictions, Matters, and Things whatsoever contained in the said Two recited Acts (except in so far as the same are hereby altered, varied, or repealed) shall extend and be construed to extend to and operate and be in force for the Purposes of this Act, as fully and effectually to all Intents and Purposes as if the same and every Part thereof were repeated and re-enacted in this Act, and were made Part thereof; and the said recited Acts and this Act shall, as to all Matters and Things whatsoever, except as aforesaid, be construed as One Act.

Provisions of the former Acts extended to this Act, except as hereby altered.

II. And be it further enacted, That it shall and may be lawful for the said *Dundee* and *Newtyle* Railway Company from Time to Time, and in such Portions as they think fit, to raise and contribute Money among themselves, or by the Admission of new Subscribers, in addition to the Sums which they were authorized and empowered to raise by and under the said several recited Acts, under this Limitation, that the Amount of the new or additional Stock or Capital so to be created shall not exceed in the whole the further Sum of One hundred thousand Pounds over and above the Sums authorized by the said Two recited Acts; and the new or additional Stock or Capital so to be created shall be divided, like the original Stock or Subscription under the said recited Acts, into Shares of Fifty Pounds each; and such new or additional Shares so to be created by virtue of this Act, and the several Shares made or created by virtue of the said several recited Acts, shall to all Intents and Purposes be and they are hereby declared to be consolidated and to be one and the same Joint Stock and Property, and the Subscriptions under this Act shall be held to be the same to all Effects, Intents, and Purposes as a Subscription under the said first-recited Act; and all Persons, Bodies Politic, Corporate, and Collegiate, and Parties whatsoever, who shall acquire Right to any Share or Shares of such new or additional Stock, shall have the same Rights, Profits, and Advantages for such Share or Shares held by or belonging to them respectively, according to the Number of such Shares so held by or belonging to them respectively, as any Person or Persons, Bodies Politic, Corporate, or Collegiate, or Parties whatsoever holding or having Right to the like Number of Shares of original Stock under the said first-recited Act: Provided always, that the Preference in the Distribution of the Profits and Advantages of the Undertaking provided under the said second-recited Act to the Holders of the Shares created under that Act shall not be diminished, but shall endure

Further Sum of Money may be raised on new Stock.

Old and new Stock consolidated.

dure as if this Act had not been passed; and the Shareholders of the new or additional Stock to be created by virtue of this Act shall not participate in such Preference, but such new Shares hereby created shall be only in the like Case with the Shares of the original Stock created under the said first-recited Act.

Holders of Shares in the old Stock to have the Preference of subscribing for the new.

III. And be it enacted, That the Person or Persons, Bodies Politic, Corporate, or Collegiate, or Parties whatsoever, who shall at the Time of the passing of this Act be Holders of Shares of the Stock of the said Undertaking, shall be entitled, in the first place, to subscribe for and acquire the new Shares of Stock to be created by virtue of this Act, in preference to all others, according to the Number of the Shares which they shall respectively hold in the said Undertaking at the Time of the passing of this Act, paying for each Share the said Sum of Fifty Pounds, no Subscription being for less than One Share; and in case of any Competition those Shareholders who shall intimate by Letter, subscribed by them respectively, delivered to the Clerk of the said Company within One Calendar Month after the passing of this Act, their Agreement to subscribe for and take any Share or Shares of such new Stock, shall be entitled to be preferred in their Order to such Shares of new Stock, in proportion to the Number of Shares in the Undertaking held by them respectively at the Time of the passing of this Act, paying as aforesaid Fifty Pounds for each Fifty Pounds Share; but in so far as the new Stock shall not be subscribed for and taken by such Holders of Shares as before mentioned within the Space of One Calendar Month after the passing of this Act, the said Company shall be at liberty to dispose thereof to any Person or Persons, Bodies Politic, Corporate, or Collegiate, or Parties whatsoever, willing to subscribe for and take the same, paying Fifty Pounds for each Fifty Pound Share; and the said Company shall assemble within their usual Place of Meeting in *Dundee* on the Fifth *Friday* after the passing of this Act, at Twelve of the Clock Noon, and shall then and there receive and dispose of all Applications (if there be any) for Shares under the Provision above expressed at the said Price of Fifty Pounds for each Share.

Shares not so subscribed for, how to be disposed of.

IV. And whereas the Shares of Fifty Pounds each of the original Subscription under the said first-recited Act are not reputed to be of the Value of Fifty Pounds, and are openly sold at Prices under that Sum; be it enacted, That it shall be lawful to the said Company at the said General Meeting, or at any adjourned Meeting to be held as shall then and there be appointed, or at any other Meeting, special or adjourned, from Time to Time, as they shall judge it expedient, to set apart a Portion of the said Shares of Fifty Pounds each of new or additional Stock to be created by virtue of this Act, in so far as not subscribed for and taken in manner herein-before provided, and fix a Price, being less than Fifty Pounds, for the Fifty Pounds Share at which such Portion so set apart may be sold, and from Time to Time, as to the said Company shall appear expedient, to set apart another Portion or Portions in like Manner, and fix a Price as aforesaid at which such Portion so set apart may be sold; and on any Portion being so set apart, and the Price being fixed,

fixed, Notice thereof shall in every Case be given by Advertisement in some Two Newspapers published in *Dundee*, and all Persons, Bodies Politic, Corporate, or Collegiate, or Parties whatsoever, who shall at the Time be the Holders of Shares of the Stock of the said Company under either of the said recited Acts, or by Subscription as aforesaid for Shares of the new or additional Stock to be created by virtue of this Act, shall be entitled, in the first place, to subscribe for and take the Shares of the new or additional Stock so set apart at such reduced Price, in so far as the same shall not have been previously subscribed for at the full Sum of Fifty Pounds for each Share in manner herein-before mentioned, in preference to all others, according to the Number of Shares which they shall respectively hold as aforesaid in the Undertaking at the Time, no Subscription being for less than One Share; and in case of Competition those Shareholders who shall by Letters addressed and delivered to the Clerk of the said Company within One Calendar Month after the Day of Publication of the Two Newspapers containing the Notice aforesaid declare their Agreement to subscribe for and take a Share or Shares at such reduced Price shall be entitled to be preferred in their Order, in proportion to the Number of Shares held by them respectively in the said Undertaking at the Time when their Application is considered; and the said Company at any General Meeting, or the Committee of the said Company at the Time, if any General Meeting shall delegate such Powers to the Committee, shall allot the Shares set apart as aforesaid to the Applicants in Terms of the Preference above written; and after the Lapse of One Calendar Month after the Publication of any such Notice the said Company at any General Meeting, or the Committee of the said Company if such Powers shall be delegated by any General Meeting to the Committee, shall be at liberty to dispose of at such reduced Price to any Person or Persons, Bodies Politic, Corporate, or Collegiate, or Parties whatsoever, willing to take the same, any Share or Shares set apart as aforesaid not taken by Parties entitled to be preferred, or to sell any such Share or Shares so set apart by public Auction to the highest Bidder, at such Price as can be obtained for the same, not being less than the Price previously fixed as aforesaid, or to withdraw the Shares so set apart and not sold from the Market until they shall be of new set apart, and until a Price shall of new be fixed, and until Advertisement shall of new be made as aforesaid.

Shares to be numbered and entered in a Book, and Certificates to be granted.

V. And be it enacted, That all the Shares of new or additional Stock so to be created shall be numbered and entered in a Book in manner directed in the said recited Acts, and Certificates shall be delivered to every Holder of any such Shares, on Demand, (due Payment of the Sum subscribed for each Share being first made,) upon the Condition and in the Terms mentioned in the said first-recited Act in reference to the Shares of the original Stock of the said Company.

Subscription Money to be paid.

VI. And be it enacted, That all Persons, Bodies Politic, Corporate, or Collegiate, or Parties whatsoever, who shall subscribe for or purchase any of the Shares of the new or additional Stock to be

created under this Act, either at the full Sum of Fifty Pounds for every Fifty Pounds Share, or at any diminished or increased Price, shall be bound to pay the stipulated Sum for each and every Share subscribed for by them respectively to the said Company, or the Treasurer for the Time, for behoof of the said Company, at such Time or Times as shall be fixed by the Committee of the said Company for such Payment; and failing such Payment at such Time or Times the Party or Parties failing shall incur all the Penalties and Forfeitures, and be subject to the same Actions and Remedies, as are provided in the said first-recited Act for the Cases of Failure in the due Payment of Calls of the original Stock; and the said Company and its Committee and Treasurer, or any of them, shall have the same Rights, Powers, and Privileges against the Party or Parties so failing as are provided against Defaulters under the said first-recited Act.

Money raised by the Shares created by this Act how to be applied.

VII. And be it enacted, That all the Sums of Money which shall be received by the said Company from Time to Time for such Shares of new or additional Stock to be created by virtue of this Act shall be applied, in the first place, in Payment of the Expences of obtaining this Act, and thereafter in Payment of the Sums borrowed or otherwise owing by the said Company, and in completing and improving the said Railway and other Works, and carrying into execution the other Purposes authorized by the said recited Acts or either of them, or by this Act: Provided always, that nothing herein contained shall prevent the said Company from re-borrowing, and again making over the said Railway and other Works, and the Rates, Tolls, and Duties, in Security of any Sum or Sums of Money authorized by the said recited Acts or either of them to be borrowed, notwithstanding the Payment of the Sums now borrowed and owing as aforesaid by the Means provided under this Act; nor shall any thing herein contained in any other respect diminish the Powers of the said Company under the said recited Acts or either of them, except in so far as the same are hereby expressly taken away.

Rates and Duties which may be levied.

VIII. And be it enacted, That it shall and may be lawful for the said Company from Time to Time and at all Times hereafter to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company, for all Goods, Wares, and Merchandize, and other Things which shall be by them carried and conveyed upon the said Railway or upon any Part thereof, and loaded or unloaded into or from the Waggons, Carts, or other Carriages, the Rates, Tolls, and Duties herein-after mentioned, in place of the Rates, Tolls, and Duties authorized by the said first-recited Act, (that is to say,) such Sum as the said Company or the Committee of the said Company shall direct and appoint, not exceeding what is set forth in the Schedule marked (A.) hereunto annexed; and in all Cases where there shall be a Fraction of a Quarter of a Mile in the Distance which any Goods, Wares, and Merchandize and other Things shall be conveyed upon the said Railway, such Fraction shall be deemed and considered as a whole Quarter of a Mile, and such Goods, Wares, Merchandize, and other Things conveyed such Fraction of a Quarter of a Mile shall be charged with Tonnage Duty for One whole Quarter of a Mile; and in all Cases where there shall

be a Fraction of a Quarter of a Ton, the proportionate Rate for a whole Quarter of a Ton shall be demanded and taken for such Fraction; and in order to ascertain and calculate with greater Precision and Facility the Distance for which Tonnage shall be demanded and taken upon the said Railway the said Company shall cause the said Railway to be measured from End to End, and Stones or other conspicuous Marks, with proper Inscriptions, to be set up and for ever maintained on the Sides of the same at the Distance of One Quarter of a Mile from each other.

Wharfage Rates.

IX. And be it enacted, That the said Company, in consideration of the Charges and Expences of making and maintaining Wharfs, Depôts, Warehouses, and Storing Places for the Benefit of those whose Goods, Wares, Merchandize, and other Things shall be conveyed or intended to be conveyed along the said Railway or Part thereof, shall and may from Time to Time and at all Times hereafter ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company, for all Goods, Wares, and Merchandize and other Things which shall be deposited or laid upon or within any of their Wharfs, Depôts, Storing Places, or Warehouses, the Rates and Duties herein-after mentioned, (that is to say,) such Sums as the said Company or their Committee shall fix, not exceeding the Rates and Duties specified in the Schedule marked (B.) hereunto annexed.

Rates may be reduced.

X. Provided always, and be it enacted, That it shall and may be lawful for the said Company and their Successors, for the Encouragement of the Traffic on the said Railway, from Time to Time, at any General Meeting of the said Company, with Consent of Three Fourths of those Shareholders of the said Company who may happen to be present and shall vote, counting the Votes as directed by the said first-recited Act, to lessen or reduce all or any of the Rates, Tolls, and Duties herein-before granted on all or any Sort of Goods or other Articles, notwithstanding a previous Resolution fixing the Amount to be levied, and afterwards from Time to Time at any General Meeting to advance all or any of the said Rates, Tolls, and Duties so lessened to any Sum or Sums not exceeding the Rates before mentioned.

Extra Rates for Inclined Planes.

XI. And be it enacted, That it shall and may be lawful to the said Company to demand, levy, and receive, for and in respect of the Use of the several stationary Steam Engines and Ropes and Machinery used on the several Inclined Planes on the said Railway, and the Expences of upholding the same, for all Goods, Wares, and Merchandizes and other Things carried or conveyed up or down the Two Inclined Planes at the North and the South Extremities of the Line, or either of them, or Part of either of such Inclined Planes, such Sum or Sums as the said Company shall from Time to Time appoint, not exceeding One Shilling for each Ton or Fraction of a Ton, or for each Barrel Bulk of Five Cubic Feet, or Part of a Barrel Bulk, for each of the said Inclined Planes on which or on Part of which such Goods, Wares, and Merchandizes or other Things shall be so carried or conveyed, over and above the Rates and Duties herein-before authorized, and for all Passengers carried or conveyed up or down any of the Inclined Planes on the said Railway, or Part of such Inclined Planes, such Sum or Sums as the said Company shall from

from Time to Time appoint, not exceeding One Shilling for each Passenger so carried or conveyed, over and above the Rate for such Passengers authorized by the said first-recited Act.

Regulating the Charge for short Distances.

XII. And be it enacted, That in all Cases where any Passengers, Cattle, or other Animals, Goods or other Things, shall be conveyed on the said Railway for a less Distance than One Mile, the said Company are hereby empowered, if they think fit, to demand and receive the Tolls, Rates, or Fares, as the Case may be, for One Mile, how short soever such Distance may be.

Dues for small Parcels.

XIII. And be it enacted, That it shall be lawful for the said Company or Committee from Time to Time to make such Orders for fixing and to fix the Sums to be charged by the said Company in respect of small Parcels not exceeding One hundred Pounds Weight each, as to them shall seem proper, and from Time to Time to repeal or vary the same as they shall think fit: Provided always, that the Provision herein-before contained shall not extend to Goods or other Matters sent in large aggregate Quantities, although made up of separate and distinct Parcels, but only to single Parcels unconnected with Parcels of a like Nature which may be sent upon the said Railway at the same Time.

Packages containing Goods of a dangerous Quality to be marked.

XIV. And, for the better preventing of Accidents or Injury which might arise on the said Railway and Works from the unsafe and improper Carriage of certain Goods and other Matters upon the same, be it enacted, That every Person who shall send or cause to be sent by the said Railway any Aquafortis, Oil of Vitriol, Gunpowder, or other Goods or Matters of a dangerous Quality, shall distinctly mark or state the Nature of such Goods or Matters on the Outside of the Package containing the same, or shall otherwise give Notice in Writing to the Servant of the said Company with whom the same shall be left at the Time of so sending or causing the said Goods to be sent, on pain of forfeiting for every Default herein the Sum of Five Pounds: Provided always, that the said Company shall not be compelled or compellable to carry upon the said Railway any Gunpowder or other Goods which, in the Judgment of the said Committee, shall be of a dangerous Character; and it shall be lawful also for the said Company to restrain any other Persons from carrying thereon Gunpowder or such other Goods as aforesaid.

Rates to be charged equally.

XV. And be it enacted, That the Rates, Tolls, or Duties hereby authorized to be charged shall at all Times be charged equally and after the same Rate *per* Ton *per* Mile throughout the whole of the said Railway in respect of the same Description of Goods or other Matters; and no Reduction or Advance in the said Rates, Tolls, or Duties shall either directly or indirectly be made partially or in favour of or against any particular Person or Company, or be confined to any particular Part of the said Railway, but every such Reduction or Advance of Rates, Tolls, or Duties upon any particular Kind or Description of Goods or other Matters shall extend to and take place throughout the Whole and every Part of the said Railway, upon and in respect of the same Description of Goods or other Matters so reduced or advanced, and shall extend to all Persons whomsoever using the same, or carrying the same Description of Goods or other Matters thereon.

XVI. And

Provisions for Deficiencies of Land Tax.

XVI. And whereas by reason of the Exercise of the Powers granted by the said recited Acts and this Act there may be Deficiencies in the Assessments for Land Tax in the several Parishes through or in which the several Works thereby authorized may pass or be situate; be it therefore enacted, That the said Company shall, from and after they shall have become seised and possessed, by virtue of the said recited Acts and this Act, of any Premises charged with the Land Tax, and until the Works by the said Acts and this Act authorized to be made shall be completed and assessed to such Land Tax, unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of Land Tax, be subject and liable from Time to Time to pay and make good to or in aid of such several Parishes as aforesaid, out of the Monies to arise by virtue of the said recited Acts and this Act, all such Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said several Parishes by reason of taking down or using for the Purposes of the said recited Acts or this Act any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of the said recited Acts or this Act; and the Treasurer, Collector, or Receiver appointed or to be appointed under the said recited Acts or this Act is hereby required to pay all such Deficiencies, on Demand thereof, to the Collector of the said Assessments.

Company empowered to contract with other Railway Companies.

XVII. And whereas it would tend much to the Convenience of the Public if Railway Companies were empowered to enter into mutual Arrangements, so as to avoid the Necessity of a Change of Carriages and other Delays arising from a Diversity of Interests; be it therefore enacted, That notwithstanding any thing in this Act contained it shall be lawful for the said *Dundee* and *Newtyle* Railway Company and they are hereby empowered from Time to Time to make and enter into any Contract or Agreement with any other Railway Company (and which Contract or Agreement all other Railway Companies are hereby empowered to make and enter into), either for the Division or Apportionment of Tolls or Rates, or for the Passage over or along the Railway by this Act authorized to be made of any Engines or Carriages of or belonging to any other Railway Company or other Person, or which shall pass over or along any other Line of Railway, or for the Passage over or along any other Line of Railway of any Engines or Carriages which shall belong to the said *Dundee* and *Newtyle* Railway Company, or which shall pass over or along their Line of Railway, upon the Payment of such Tolls or Rates and under such Conditions and Restrictions as may be mutually agreed upon, and also to make and enter into any other Contract with any other Railway Company that may be deemed advisable; and any such Contract may contain such Covenants, Clauses, Provisoes, Conditions, and Agreements as the contracting Parties may respectively think advisable and mutually agree upon: Provided always, that no such Contract shall in any Manner alter, affect, increase, or diminish any of the Rates, Tolls, or Sums which the respective Companies, Parties to such Contracts, shall for the Time being be respectively authorized and entitled to have, demand, recover, or receive of or from any Person or any other Company, but that all other Persons and Companies shall, notwithstanding any such Contract, be entitled to the Use and Benefit of any of the said Railways upon the same Terms

and Conditions, and upon Payment of the same Tolls, Rates, and Sums, as they would have been in case no such Contract had been entered into; nor shall any such Contract give any Preference or Advantage to any Company or Person, Party thereto, over any other Company or Person, but all such Companies and Persons so contracting shall, notwithstanding such Contract, pay the same Amount of Tolls or Rates as shall from Time to Time be charged to other Companies or Persons not being Parties to such Contracts; and no Person or Party using the said Railway shall pay or be liable to pay any greater Amount of Toll or Rate for or in respect of any Carriage, Passenger, Goods, Articles, Matters, or Things carried or conveyed upon or along or using the said Railway than any of such Railway Companies.

Recovery of Rates.

XVIII. And be it enacted, That the Tolls or Rates herein authorized to be demanded and taken shall be paid to such Person at such Place at or near the said Railway, in such Manner and under such Regulations, as the said Company or Committee shall direct or appoint; and in case of Refusal, Neglect, or Delay of Payment of any such Tolls and Rates, or any Part thereof, on Demand, to the Person appointed to receive the same as aforesaid, the said Company may sue for the same by Action in any Court competent, or the Person to whom the said Tolls and Rates ought to have been paid may and he is hereby authorized to seize the Beasts or Goods or other Matters for or in respect whereof any such Tolls or Rates ought to have been paid, or any Part thereof, and the Waggon or Carriage laden therewith, as also the Horse or other Beast employed in drawing the same, and retain the same until such Payment shall be made, and also until Payment of all Arrears of any Tolls or Rates which may be due from the Owner of such Waggon or Carriage or Goods, or other Matters, Horse or Beast, to the said Company, together with the reasonable Charges for such Seizure and Detention; and if such Waggon or Carriage or Goods, or other Matters, Horse or Beast, shall not be redeemed within Three Days next after the taking thereof, the same shall be sold by a Warrant to be granted by the Sheriff of the said County or his Substitute, returning the Overplus (if any there be), upon Demand, to the Owners thereof, after such Tolls or Rates, and the reasonable Charges of making such Distress and keeping and selling the same, shall be deducted and paid.

Company may become Lessees of other Railways.

XIX. And be it enacted, That it shall be lawful to the said Company assembled at any General Meeting, or to the Committee of the said Company acting on behalf of the said Company, to treat and agree with any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or other Parties whatsoever having the Power, for the said Company taking in farm or becoming Lessees of all or any of the Railways herein-after mentioned, and the Works and Conveniences belonging thereto, and the Rates, Tolls, and Duties leviable thereupon, or for the Use thereof, or for the Carriage or Conveyance thereon of Goods, Commodities, and other Articles and Passengers conveyed or travelling upon, or to be conveyed or to travel upon, the said *Dundee* and *Newtyle* Railway; *videlicet*, the Railway now in course of being formed between the Termination of the *Dundee* and *Newtyle* Railway at *Newtyle* and the Town of *Coupar Angus*; the Railway now in course of being formed between *Newtyle* and *Glammiss*; any Branch Railway or Branch Railways which may be formed connected with these Railways or either of them;

and any other Railway formed or which may be formed joining the said Railway between *Dundee* and *Newtyle;* and it shall be lawful to the said Company to collect and levy the same Rates, Tolls, and Duties for the Use of and Conveyance of Passengers and Goods, Commodities and other Articles, upon all or any of such Railways, and for the Use of the Wharfs and other Works, as may be agreed upon, or as the said Company shall think fit; provided that no Rates, Tolls, or Duties shall be demanded beyond what the Owner or Owners of such Railways respectively might themselves lawfully demand; and the Profit or Loss upon all such Transactions shall be received or borne by the said *Dundee* and *Newtyle* Railway Company in like Manner as the Profit or Loss on the said *Dundee* and *Newtyle* Railway and other Works.

No Subscriber or Shareholder to be liable beyond his Subscription.

XX. Provided always, and be it enacted, That, notwithstanding of any thing herein contained, no Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is or are or shall be Proprietor or Proprietors of Stock of the said Company, or Contributor or Contributors thereto, nor his, her, or their Real or Personal Estate, shall be chargeable with or made liable for any Debt or Demand whatsoever due or to become due from the said Company, beyond the Extent of his, her, or their Capital Stock or Share or Shares in the Stock of the said Company, any Law, Custom, or Usage to the contrary notwithstanding.

Authenticated Bye Laws to be Evidence.

XXI. And be it enacted, That in all Cases of Prosecution for or relating to Offences against the Bye Laws, Rules, or Orders of the said Company the Production of a written or printed Paper purporting to be the Bye Laws, Rules, or Orders of the said Company, and authenticated by having the Common Seal of the Company affixed thereto, shall be Evidence of the Existence or of the making of such Bye Laws, Rules, or Orders; and it shall be sufficient to prove that a Board, painted according to the Directions of this Act, purporting to be a Copy of such Bye Laws, Rules, or Orders, hath been affixed and published in manner by this Act directed, and, in case of its being afterwards displaced or damaged, hath been replaced by another such Board as soon as conveniently might be, unless and until Proof shall be adduced by the Defendant that such Board is not a Copy of such Bye Laws, Rules, or Orders, or hath not been duly affixed and continued in manner by this Act directed.

Special Meetings.

XXII. And be it enacted, That it shall be lawful for any Ten or more of the said Proprietors who shall together hold at least Forty Shares in the said Company to cause a Special General Meeting of the said Company to be called, after giving written Notice to the Clerk of the Company of their Intention so to do; and every such Meeting shall be called by Notice inserted in some One Newspaper published in *Dundee* Fourteen Days at least before the Time appointed for holding such Meeting, such Notices being signed by the Proprietors calling the same or by the said Clerk, or such Meeting may be called in such other Manner as any Meeting of the Company shall direct or appoint; and all Notices of such Special General Meetings shall specify therein the Reason and Intention of requesting such Meetings, and the Time when and the Place where the same shall be held; and the said Proprietors are hereby authorized to meet pursuant to such Notices, and such of them as shall be present shall proceed

proceed to the Execution of the Powers by this Act given to the said Company, but only with respect to the Matters so specified as aforesaid in the Notices calling such Meeting; and all such Acts of the Proprietors or the major Part of them met together at every such Special General Meetings shall be as valid with respect to the Matters specified in such Notice as if the same had been done at a General Meeting.

XXIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others. Public Act.

SCHEDULE (A.) referred to in the foregoing Act.

SCHEDULE of Rates, Tolls, and Duties which may be demanded and recovered for all Goods, Wares, and Merchandizes and other Things which shall be carried or conveyed upon the Railway or any Part thereof.

For all Stones, Coal, Lime, Slates, Bricks, Tiles, Bones, Bone Manure or other Manure, and for all Grain, Malt, Flour, Meal, Potatoes, Grass, Hay, and other Agricultural Produce, and for all Timber, Iron, Lead, Copper, and other Metals, and for all other heavy Commodities not especially mentioned in this Schedule, at the Rate of Sixpence for each Ton for each Mile, and so proportionally for a Distance greater or less than a Mile; but if any Parcel of such Stones or other Things before enumerated shall be of less Weight than Half a Ton, the Charge may either be according to the Rates before specified, or at a Rate of Three-pence for each Barrel Bulk of Five Cubic Feet for each Mile, each Fraction of Five Cubic Feet being reckoned as Five Cubic Feet complete:

For all Flax, Hemp, Tow, Yarn, and Wool, and for all Linen, Cotton and Woollen Cloth, and for all Ale, Porter, Spirits, Wines, Oil, Butter, Cheese, Paper in Packages, Sugar, Soap, Tea, and other Grocery Goods, and for all Barrels or Crates of Glass or China or Earthenware, and for all other such Articles of Merchandize not specially mentioned in this Schedule, and for all Household Furniture, for all Musical Instruments, and for all other light and bulky Commodities not specially mentioned in this Schedule, at the Rate of One Shilling for each Ton for each Mile, and so proportionally for a Distance greater or less than a Mile; but if any Parcel of such Flax or other Things before enumerated shall be of less Weight than Half a Ton; the Charge may either be according to the Rates before specified, or at a Rate of Sixpence for each Barrel Bulk of Five Cubic Feet for each Mile, each Fraction of Five Cubic Feet being reckoned as Five Cubic Feet complete:

For each Head of Oxen, Cows, or other Neat Cattle, Sixpence for each Mile, and so proportionally for a Distance greater or less than a Mile:

For each Sheep, Lamb, Calf, or Pig, Three-pence for each Mile, and so proportionally for a Distance greater or less than a Mile:

For

For all Silks, Muslins, Gold and Silver Plate, Glass, China, Earthenware, Jewellery, Watches, Pictures, Musical Instruments, and other Articles requiring from their Value or their Quality special Attention and Care, Ten *per Centum* on the Value thereof, over and above the Rates already specified:

For all Goods loaded by the Company's Servants, or unloaded by them, from or into the Waggons, Carts, or other Carriages, Sixpence *per* Ton for the Labourage, over and above the Rates before specified; or if the Quantity loaded or unloaded be less than Half a Ton in Weight, then Two-pence for each Barrel Bulk of Five Cubic Feet.

SCHEDULE (B.) referred to in the foregoing Act.

SCHEDULE of Rates and Duties which may be demanded and recovered for all Goods, Wares, and Merchandize and other Things which shall be deposited or laid upon or within any of the Wharfs, Depôts, Storing Places, or Warehouses of the said Company.

For all Stones, Coal, Lime, Slates, Bricks, Tiles, Bones, Bone Manure or other Manure, and for all Potatoes, Grass, Hay, and other Agricultural Produce not specially mentioned in this Schedule, and for all Timber, Iron, Lead, Copper, and other Metals, and for all other heavy Commodities not liable to much Injury from Exposure to Rain, and not specially mentioned in this Schedule, Sixpence for each Ton for each Week or Portion of a Week during which they shall be deposited or laid upon or within any of the Company's Wharfs, Depôts, Storing Places, or Warehouses; or if any Parcel of such Stones or other Things shall be of less Weight than Half a Ton, Two-pence for each Barrel Bulk of Five Cubic Feet for each Week or Portion of a Week during which the same shall be so deposited or laid upon or within the said Wharfs, Depôts, Storing Places, or Warehouses:

For all Grain, Malt, Flour, Meal, Flax, Hemp, Tow, Yarn, and Wool, and for all Linen, Cotton and Woollen Cloth, and for all Ale, Porter, Spirits, Wines, Oil, Butter, Cheese, Paper in Packages, Sugar, Soap, Tea, and other Grocery Goods, and for all Barrels or Crates of Glass or China or Earthenware, and for all other such Articles of Merchandize not specially mentioned in this Schedule, and for all Household Furniture, and for all other light and bulky Commodities not specially mentioned in this Schedule, at the Rate of Two Shillings for each Ton for each Week or Portion of a Week during which they shall be deposited or laid upon or within any of the Company's Wharfs, Depôts, Storing Places, or Warehouses; or if any Parcel of such Grain or other Things shall be of less Weight than a Ton, Sixpence for each Barrel Bulk of Five Cubic Feet for each Week or Portion of a Week during which the same shall be so deposited or laid upon or within the said Wharfs, Depôts, Storing Places, or Warehouses.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1836.