CHAPTER cciv.

An Act for conferring further powers on the Glasgow and South-western Railway Company for the construction of Works, the acquisition of Lands, and the raising of Money, and for making further provision for the construction of Works at the Harbour of Ayr; and for other purposes. A.D. 1878.

[22d July 1878.]

WHEREAS it is expedient that the Glasgow and South-western Railway Company (herein-after called "the Company") should be empowered to construct two railways and acquire certain lands in the city of Glasgow, adjoining the Saint Enoch Station, and a railway in the parish of Newton-upon-Ayr to connect their railway from Falkland Junction to their Ayr goods station with their railway from Newton Junctions to Ayr Harbour, and also to make a new road at Maybole, and to acquire, for the purpose of extending their station, siding, and other accommodation, and for other purposes of their undertaking, the additional lands herein-after described or referred to:

And whereas by the Ayr Harbour Amendment Act, 1866, (herein-after called the Harbour Act of 1866,) the Ayr Harbour Trustees (herein-after called the Harbour Trustees) were empowered to construct a wet dock and breakwater at the Harbour of Ayr, and by the same Act the Company were empowered to contribute on loan the sum of ten thousand pounds towards the cost of constructing the said works, and also to make certain railways to connect the said wet dock and breakwater with their railway from Newton Junctions to Ayr Harbour: 29 & 30 Vict. c. ccviii.

And whereas by the Harbour Act of 1866 it was provided that the railways thereby authorised should be completed and opened for public traffic at or previous to the opening of the said wet dock, and the Company were made liable to a penalty of fifty pounds for every day after the expiration of the said period until the railways should be completed and opened for public traffic:

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36 & 37 Vict. c. li.

And whereas by the Ayr Harbour Amendment Act, 1873, (hereinafter called the Harbour Act of 1873,) the Company were empowered to contribute as an absolute donation the sum of ten thousand pounds, in lieu of the contribution in loan provided for by the Harbour Act of 1866:

And whereas the Harbour Trustees commenced the construction of the wet dock and breakwater authorised by the Harbour Act of 1866, and the Company contributed and paid to the Harbour Trustees the said sum of ten thousand pounds towards the cost of the works, but in consequence of the works having been constructed in a course or position different from that originally intended, the railways or some of them which the Company were thereby authorised to construct have not been and cannot be constructed so as to form the connexions between the wet dock and the Company's railways as contemplated by the said Act:

And whereas it is expedient that, for the purpose of enabling the Company to connect their railways with the wet dock as constructed, the Company should be empowered to construct the railways herein-after described in lieu of the railways authorised by the said Act, and that the construction of the last-mentioned railways should be abandoned:

And whereas plans and sections showing the lines and levels of the railways and other works, including the Ayr Dock lines as originally proposed to be authorised by this Act, and amended plans and sections of the Ayr Dock lines as authorised by this Act, such last-mentioned lines being within the limits of deviation shown on the first-mentioned deposited plans or upon the property of the Company, and plans showing the lands required or which may be taken for the purposes or under the powers of this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the said lands, have been deposited with the principal sheriff clerk for the county of Lanark as regards the railways and lands in the county of Lanark, with the principal sheriff clerk of the county of Ayr as regards the railways, works, and lands in the county of Ayr, with the principal sheriff clerk of the county of Renfrew as regards the lands in the county of Renfrew, and with the principal sheriff clerk of the county of Dumfries as regards the lands in the county of Dumfries, which plans, sections, and books of reference other than the amended plans and sections are herein-after respectively referred to as the deposited plans, sections, and books of reference, and which amended plans and sections are herein-after respectively referred to as the amended plans and sections:

And whereas it is expedient that the Company should be empowered to raise a further sum of money for the purposes of this Act, and also for the general purposes of their undertaking:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Glasgow and South-western Railway Act, 1878.

Incorporation of general Acts. 8 & 9 Vict. c. 19. 23 & 24 Vict. c. 106. 8 & 9 Vict. c. 33. 26 & 27 Vict. c. 92. 8 & 9 Vict. c. 17.

2. The Lands Clauses Consolidation (Scotland) Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways Clauses Consolidation (Scotland) Act, 1845, and Part I. (relating to the construction of a railway) of the Railways Clauses Act, 1863, the clauses and provisions of the Companies Clauses Consolidation (Scotland) Act, 1845, with respect to the following matters; (that is to say,)

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested;

Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, are, except where expressly varied by this Act, incorporated with and form part of this Act. 26 & 27 Vict. c. 118.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated

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herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction, and the expression "the railways" shall mean the railways by this Act authorised, or any part thereof.

Power to make railways, &c. according to deposited plans.

4. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways and road herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may exercise the other powers herein-after mentioned, and may, subject to the provisions of this Act, enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference relating thereto as may be required for that purpose. The railways and road herein-before referred to and authorised by this Act are:

(1.) The Saint Enoch Station Line No. 1, one furlong and six chains in length, to be wholly situate in the City parish of Glasgow, in the burgh of Glasgow, in the county of Lanark, commencing by a junction with the northernmost lines of Railway No. 6 authorised by the City of Glasgow Union Railway Act, 1864, at or near the bridge carrying those lines over Stockwell Street, and terminating by a junction with Railway No. 1 authorised by the said Act, at or near the bridge carrying that railway over Saltmarket Street:

27 & 28 Vict. c. cclxxxvi.

(2.) The Saint Enoch Station Line No. 2, nine chains and two yards in length, to be wholly situate in the said City parish of Glasgow, in the burgh of Glasgow, in the county of Lanark, commencing by a junction with the said Railway No. 6 authorised by the City of Glasgow Union Railway Act, 1864, and passing thence in a northerly direction across Bridgegate Street, and terminating at a point two hundred yards or thereabouts from its commencement as herein-before described:

27 & 28 Vict. c. cclxxxvi.

And the Company may, subject to the provisions of this Act, purchase by compulsion or agreement and hold the lands, houses, and buildings (herein-after called "the station lands") delineated on the deposited plans and described in the deposited books of reference; (that is to say,) certain lands, houses, and buildings in the said parish, burgh, and county, herein-after referred to as the station lands, lying between and adjoining the said Railways No. 1 and No. 6 authorised by the City of Glasgow Union

27 & 28 Vict. c. cclxxxvi.

Railway Act, 1864, at and near the junction of those railways, and south of the new street between Stockwell Street and King Street authorised by the same Act, and the Saint Enoch Station Line No. 1, and also lying between and adjoining the said Railway No. 1, King Street, and the Saint Enoch Station Line No. 1, and may stop up and discontinue as public thoroughfares, without substituting other streets therefor, and appropriate to the purposes of their undertaking, so much of Old Wynd as is situate between the said authorised new street and the said Railway No. 6, and so much of New Wynd and Back Wynd as is situate to the southward of the said authorised new street, and also so much of the several other streets within the limits of the said lands as are shown on the deposited plans as intended to be stopped up, and thereupon all rights of way over the said portions of streets shall be and the same are hereby extinguished:

(3.) "The Newton Lodge Junction Line," nine chains and seven yards in length, to be wholly situate in the parish of Newton-upon-Ayr, in the county of Ayr, being a junction line to connect the Company's railway from Falkland Junction to their Ayr goods station with their railway from Newton Junctions to Ayr Harbour, near the present level crossing of those railways:

(4.) A new road at Maybole, in the parish of Maybole, in the county of Ayr, commencing by a junction with the turnpike road which crosses the Company's railway at Gardenrose, near the Maybole passenger station, at a point thereon twenty-five yards or thereabouts in a westerly direction from the bridge carrying that road over the Company's railway, and terminating by a junction with the public road which crosses the Company's railway at Maybole passenger station, at or near the north end of the bridge which carries the said public road over the same railway; and the Company may stop up in the same parish and county, and discontinue as a public thoroughfare, and appropriate to the purposes of their undertaking, so much of the said public road as is situate between the termination of the said new road and the junction of the public road with the turnpike road last aforesaid, and as is bounded on both sides by lands of the Company, and thereupon all rights of way over the portion of road so stopped up and appropriated shall be and the same are hereby extinguished.

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Repeal of certain provisions of 27 & 28 Vict. c. cclxxxvi. and 28 & 29 Vict. c. ccxlvii.

5. Whereas by section 35 of the City of Glasgow Union Railway Act, 1864, and section 24 of the City of Glasgow Union Railway Act, 1865, the City of Glasgow Union Railway Company (hereinafter called the Union Company) undertook to purchase and acquire the whole properties, sites, and buildings specified and enumerated in the said sections, and to reconstitute and arrange the same as in the said sections provided: And whereas by the sixth article of an agreement dated the 6th, 22nd, and 24th March 1876, between the Lord Provost, magistrates, and town council of the city of Glasgow as such, and also as trustees under the Glasgow Improvement Act, 1866, and the Union Company, further arrangements were made and other obligations entered into by the Union Company with respect to the matters provided for in the said sections before enumerated: And whereas the Company have agreed to purchase the various properties to which the said article in the agreement referred, with the exception of the steadings marked 1 and 2 referred to in sub-section 1 of the sixth article thereof, and to enter into the arrangements with the Lord Provost, magistrates, and town council of the city of Glasgow as by this Act provided: Therefore, the said section 35 of the City of Glasgow Union Railway Act, 1864, and section 24 of the City of Glasgow Union Railway Act, 1865, and the provisions and obligations specified and contained in the sixth article of the said agreement, with the exception of that specified in sub-section 1 thereof with respect to the said steadings marked 1 and 2, are hereby repealed, cancelled, and annulled.

29 & 30 Vict. c. lxxxv.

27 & 28 Vict. c. cclxxxvi. 28 & 29 Vict. c. ccxlvii.

Company to purchase certain lands of the City of Glasgow Union Railway Company.

6. Immediately on the passing of this Act, the Company shall and they are hereby required to purchase and take from the City of Glasgow Union Railway Company all the lands, houses, and buildings necessary for or affected by the construction of the Saint Enoch Station Lines Nos. 1 and 2 by this Act authorised, and the station lands in so far as those lands belong respectively to the City of Glasgow Union Railway Company, and they shall pay to that company such compensation therefor as may be agreed upon, or, failing agreement, as shall be determined by arbitration in accordance with the provisions of the Lands Clauses Consolidation (Scotland) Act, 1845, with respect to the purchase and taking of lands otherwise than by agreement, and the City of Glasgow Union Railway Company, on payment to them by the Company of the compensation so agreed upon or determined, shall execute and deliver to the Company dispositions and conveyances of the lands, houses, and buildings so taken and purchased.

8 & 9 Vict. c. 19.

Saving rights of City of Glas

7. The construction by the Company of the Saint Enoch Station Line No. 1 by this Act authorised shall not in any way prejudice,

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Glasgow Union and North British Railway Companies.

affect, or diminish the rights of the City of Glasgow Union Railway Company in the Saint Enoch Station, nor the obligations undertaken by the Company in connexion therewith, nor shall such construction in any way interfere with any rights which the North British Railway Company may have to use the said station: Provided that in the event of the North British Railway Company having and exercising any such right, the said Saint Enoch Station Line No. 1 shall, with reference thereto, be deemed to be part of the said station, and to be situate on the City of Glasgow Union Railway, and the cost thereof (but exclusive of the cost of the Saint Enoch Station Line No. 2 and of the station lands) shall be added to the cost of the said station as defined in the several Acts of the City of Glasgow Union Railway Company relating thereto, and in the agreements made under or in pursuance of those Acts, and the total cost, as so ascertained, shall be the sum upon which shall be calculated the rent for the use of the said station, which rent shall be paid by the Company and the North British Railway Company to the City of Glasgow Union Railway Company and the Company in proportion to the cost incurred by them respectively.

For protection of the Lord Provost, magistrates, and council of Glasgow.

8. The following provisions for the protection of the Lord Provost, magistrates, and council of the city and royal burgh of Glasgow, herein-after called the Corporation, shall have full and complete effect, and be binding on the Company:

1. The Company shall, within one year after the passing of this Act, acquire and convey to the Corporation, free of all costs, charges, and expenses to the Corporation, so much land as may be required to enable the Corporation to widen and improve King Street and Bridgegate Street, in the city and royal burgh of Glasgow, from the southern side of the new street between Stockwell Street and the Saltmarket, now in course of formation, to the bridge in Bridgegate Street, carrying the Railway No. 6 authorised by the City of Glasgow Union Railway Act, 1864, over Bridgegate Street, so that King Street and Bridgegate Street may be widened to the width of 60 feet, and so that the building line of the west side of King Street and the north side of Bridgegate Street shall, at the junction of those streets, be rounded off and made conform to a curve described by a radius of 120 feet:

27 & 28 Vict. c. cclxxxvi.

2. The Company shall, within the like period, acquire and convey to or procure the City of Glasgow Union Railway Company to convey to the Corporation, free of all costs, charges, and

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expenses, so much of the land belonging to the City of Glasgow Union Railway Company as may be required to enable the Corporation to widen and improve Bridgegate Street on the north side thereof, from the eastern side of the bridge carrying the Railway No. 1 authorised by the City of Glasgow Union Railway Act, 1864, over Bridgegate Street for a distance in an easterly direction so far as the property of the said City of Glasgow Union Railway Company extends, which last-mentioned lands, and the portion thereof to be conveyed to the Corporation for such widening, are shown on a plan signed in duplicate by the architect for the time being of the Corporation (herein-after called the city architect) and the engineer for the time being of the Company (herein-after called the Company's engineer), one of which plans shall be deposited at the office of the town clerk of the city and royal burgh of Glasgow, and the other of such plans shall be deposited at the office of the secretary of the Company :

27 & 28 Vict. c. cclxxxvi.

3. The solum of the said lands respectively shall vest in the Corporation, and shall form part of the said streets respectively :

4. The elevation, character, and architectural style of all buildings and works to be erected by the Company on the station lands, so far as the same shall front or be visible from the level of King Street, Bridgegate Street, and the said new street between Stockwell Street and the Saltmarket, and of the bridges by which the Saint Enoch Station lines are respectively carried over King Street and Bridgegate Street, shall be at the sight and to the satisfaction of the city architect and the Company's engineer :

5. The bridge by which the Saint Enoch Station Line No. 1 will be carried over King Street shall not exceed the width sufficient for the laying of seven lines of rails across that bridge, and the bridge by which the Saint Enoch Station Line No. 2 will be carried over Bridgegate Street shall not exceed the width sufficient for the laying of six lines of rails across that bridge :

6. Subject to the efficient occupation of the station lands for railway purposes, each of the said bridges shall be constructed so as to make due provision for admitting light to the streets underneath the bridges, in such manner as may be agreed upon between the city architect and the Company's engineer :

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7. The Corporation may, at the expense of the Company, well and sufficiently light the streets under the said bridges respectively:

8. The Company shall not, without the consent of the Corporation, enclose, build on, or otherwise appropriate or interfere with any portion of King Street or Bridgegate Street as now existing, or as the same may be respectively widened under the provision herein-before contained, nor any portion of the said new street between Stockwell Street and the Saltmarket:

9. If any difference touching any of the matters aforesaid arise between the city architect and the Company's engineer, the same shall be determined by an umpire to be appointed by them, or, failing agreement between them in respect of such appointment, by the sheriff of Lanarkshire, on the application of either of them:

10. Section 36 of the City of Glasgow Union Railway Act, 1864, shall be read and have effect as if in lieu of the words "the Corporation," wherever those words occur in that section, the words "the Lord Provost, magistrates, and council "of the city and royal burgh of Glasgow, acting in execution "of the Glasgow Police Acts, 1866, 1872, 1873, 1875, and "1877, and the General Police and Improvement (Scotland) "Act, 1862, Order Confirmation (Glasgow) Act, 1877," had been inserted in the said section.

27 & 28 Vict. c. cclxxxvi.
29 & 30 Vict. c. 93.
36 & 37 Vict. c. xxxviii.
38 & 39 Vict. c. liii.
40 & 41 Vict. c. clxvii.
40 & 41 Vict. c. cxxviii.

Provisions as to crossings of road and railway near Newton-upon-Ayr.

9. In lieu of carrying the public road numbered on the deposited plans 2, in the parish of Newton-upon-Ayr, as proposed to be diverted for the purposes of the Newton Lodge Junction Line, across and on the level of the said line and of the Railway No. 3 authorised by the Glasgow and South-western Railway (Ayrshire Lines) Act, 1865, as shown upon the deposited sections, the Company shall carry the same by means of a bridge over the said Railway No. 3 at or near the point where the Newton Lodge Junction Line joins the said railway, and the said bridge shall be not less than twenty feet in width between the parapets, and the inclination of the said road as diverted for the purpose of being carried over the same shall not be steeper than one in sixteen on the north side and one in twenty on the south side of the said bridge.

The bridge and the approaches thereto, and the fences of the approaches (except the stone, iron, or other structure, including parapets, carrying the road over the railways of the Company, which structure shall be repaired and maintained in all time by and at the expense of the Company), shall when made and completed be upheld

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and maintained for one year thereafter by the Company, and shall afterwards be repaired and maintained by and at the expense of the same parties, in the same manner, and to the same extent as the existing road would but for the passing of this Act be liable to be repaired or maintained.

If any question shall arise between the Company and such parties as to the due completion of the works mentioned in this section, such question shall from time to time be determined by the sheriff of the county of Ayr on the application of either of the parties in difference, and after not less than seven days notice to both parties of the sitting of such sheriff for the purpose, and the certificate of such sheriff of the due completion of such works shall be conclusive evidence of the fact so certified.

The Company shall also erect and maintain an iron footbridge over their line of railway leading from Falkland Junction to their goods station at Ayr, near the west end of Tam's Brigg Avenue.

Power to deviate in construction of new road.

10. The Company may, in constructing the new road by this Act authorised, deviate laterally to any extent not exceeding the limits of deviation marked on the deposited plans, and vertically to any extent not exceeding five feet, but not so as to increase the inclinations of the road as shown upon the deposited sections.

Provision as to repair of new road.

11. The new road to be made by the Company under the authority of this Act shall, when made and completed, from time to time be repaired and maintained by and at the expense of the same parties, in the same manner, and to the same extent as other roads within the parish of Maybole are from time to time liable to be repaired or maintained.

If any question shall arise between the Company and such parties as to the due completion of the new road, such question shall from time to time be determined by the sheriff of the county of Ayr on the application of either of the parties in difference, and after not less than seven days notice to both parties of the sitting of such sheriff for the purpose, and the certificate of such sheriff of the due completion of such new road shall be conclusive evidence of the fact so certified.

Company liable to penalty unless railways opened within time limited.

12. If the Company fail within the period limited by this Act to complete the Saint Enoch Station Lines No. 1 and No. 2, or the Newton Lodge Junction Line, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways or railway in respect of which the penalty has been incurred are or is completed and opened for public traffic, or until the sum received in respect of such penalty shall

amount to five per centum on the estimated cost of the railways or railway in respect of which the penalty has been incurred, and the said penalty may be applied for by any landowner or other person claiming to be compensated in respect of the railways or railway in respect of which the penalty has been incurred in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act, 1854; and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in that section, to an account opened or to be opened in the name and with the privity of the Queen's Remembrancer of the Court of Exchequer in Scotland, in the bank named in such order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear, by a certificate to be obtained from the Board of Trade, that the Company was prevented from completing or opening the railway by unforeseen accident or circumstances beyond their control; provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

17 & 18 Vict. c. 31.

Application of penalty towards compensation of parties injured.

13. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the Edinburgh Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railways or railway in respect of which the penalty has been incurred, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company by this Act of taking property for the purposes of such railways or railway, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid to or for the account of Her Majesty's Exchequer in such manner as the Court of Exchequer in Scotland thinks fit to order on the

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application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Period for completion of works.

14. If the Saint Enoch Station Lines No. 1 and No. 2 and the Newton Lodge Junction Line respectively are not completed within the period of five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Company may acquire additional lands.

15. Subject to the provisions of this Act, and in addition to the other lands which they are by this Act authorised to acquire, the Company may from time to time enter upon, take, use, and appropriate to purposes connected with their undertaking all or any of the lands, houses, and buildings following delineated on the deposited plans and described in the deposited books of reference relating thereto respectively; (that is to say,)

Certain lands, houses, and buildings in the parish of Lochwinnoch, in the county of Renfrew, lying on both sides of and adjoining the Company's railway, near to and south-westward of their Lochwinnoch Station;

Certain lands, houses, and buildings in the parish of Monkton and parish of Monkton and Prestwick United, or one of them, in the county of Ayr, lying in part on the north-east side and in part on the south-west side of and adjoining the Company's railway near to and northward of their Monkton Station;

Certain lands, houses, and buildings in the parish of Prestwick and parish of Monkton and Prestwick United, or one of them, in the county of Ayr, lying in part on the east side and in part on the west side of and adjoining the Company's railway, near to and northward of their Prestwick Station;

Certain lands, houses, and buildings in the parish of Girvan, in the county of Ayr, lying on both sides of and adjoining the Company's railway, near the junction with that railway of the Girvan and Portpatrick Junction Railway near Girvan;

Certain lands in the parish of Kilmarnock, in the county of Ayr, now belonging to the Company and the Caledonian Railway

Company jointly, and partly occupied by sidings of the Company, leading to their engine or carriage shed at Kilmarnock Station, and extending in a westerly direction for a distance of seventy yards or thereabouts from the chimney stalk of the Elmslie Mills adjoining that station;

Certain lands, houses, and buildings in the parish of New Cumnock, in the county of Ayr, lying on the north side of and adjoining the Company's railway, near New Cumnock Station, and lying partly to the west and partly to the east of the turnpike road which passes over the railway at that station, and the Company may make and maintain an additional arch or opening under the said turnpike road immediately north of the present archway carrying that road over the railway;

Certain lands, houses, and buildings in the parish of Kirkconnel, in the county of Dumfries, lying partly on the north and partly on the south side of and adjoining the Company's railway, near to and westward of their Kirkconnel Station;

Certain lands, houses, and buildings in the parish of Sanquhar, in the burgh of Sanquhar, in the county of Dumfries, lying on both sides of and adjoining the Company's railway near to and north-westward of their Sanquhar Station;

Certain lands, houses, and buildings in the parish of Closeburn, in the county of Dumfries, lying partly on the east and partly on the west side of and adjoining the Company's railway, near to and northward of their Closeburn Station;

Certain lands, houses, and buildings in the parishes of Closeburn and Kirkmahoe, in the county of Dumfries, lying on the west side of and adjoining the Company's railway, near to and southward of their Auldgirth Station;

Certain lands, houses, and buildings in the parish of Torthorwald, in the county of Dumfries, lying on both sides of and adjoining the Company's railway, at and near and south-eastward of their Racks Station;

Certain lands, houses, and buildings in the parish of Ruthwell, in the county of Dumfries, lying on both sides of and adjoining the Company's railway, at and near and south-eastward of their Ruthwell Station.

Power to Company to make Ayr Dock lines.

16. Subject to the provisions of this Act, the Company shall, in lieu of the railways authorised by the Harbour Act of 1866, make and maintain in perpetuity, in the lines and according to the levels shown on the amended plans and sections, the railways herein-after described, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited

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books of reference as may be required for that purpose: Provided always, that the Company shall not purchase or take any lands belonging to the Harbour Trustees or reclaimed by them, and that the solum of the land on which the railways are laid, so far as acquired or reclaimed by the Harbour Trustees, shall remain the property of the Harbour Trustees; provided further, that the Harbour Trustees shall, within two years after the passing of this Act, make up and thereafter maintain the embankment necessary for the construction of the said railways, and sections 13, 18, and 19 of the Railways Clauses Act, 1863, shall extend and apply to such embankment. The railways above referred to and hereby authorised are the following:

26 & 27 Vict. c. 92.

(1.) The Ayr Dock Line No. 1, one furlong eight chains and twenty-one yards in length, commencing by a junction with the Company's railway, and terminating at or near the north wall of the Harbour of Ayr:

(2.) The Ayr Dock Line No. 2, two furlongs eight chains and twelve yards in length, commencing by a junction with the Company's railway, and terminating on the east side of the said dock:

(3.) The Ayr Dock Line No. 3, one furlong six chains and fifteen yards in length, commencing by a junction with the Ayr Dock Line No. 2, and terminating at or near the north end of the said dock:

(4.) The Ayr Dock Line No. 4, one furlong eight chains and four yards in length, commencing by a junction with the Ayr Dock Line No. 2, and terminating at or near the north end of the said dock:

Provided always, that, notwithstanding anything contained in this Act, or shown on the deposited plans and sections, it shall not be lawful for the Company, unless with the consent of the Harbour Trustees, to construct the Ayr Dock lines otherwise than in the lines and according to the levels shown on the amended plans and sections in reference thereto respectively, and each of the said lines shall, unless with the consent of the Harbour Trustees, consist of a double line of rails only.

As to custody of amended plans and sections.

17. The amended plans and sections deposited with the principal sheriff clerk of the county of Ayr shall be kept by him subject and according to the provisions of the Public General Act passed in the session of Parliament of the seventh year of the reign of King William the Fourth and the first year of the reign of Her present Majesty, chapter eighty-three.

As to temporary lines.

18. The Company may, until the Ayr Dock lines have been completed, lay down temporary lines of rails in such situations as may be agreed upon between the Company and the Harbour Trustees, but the Company shall be bound to remove such temporary lines or such parts thereof as shall not form part of the Ayr Dock lines immediately after the completion of the Ayr Dock lines, or so soon thereafter as they shall be required by the Harbour Trustees so to do.

As to private railway of Richard Alexander Oswald, Esquire.

19. Whereas by the Harbour Act of 1866 (section 34), after reciting that Alexander Haldane Oswald, Esquire, of Auchincruive, as then heir of entail in possession of the estate of Auchincruive, had right to a certain property situate on the north side of the Harbour of Ayr, and to a waggon road or private railway to connect his estate with the said property, and that it was intended that two of the railways proposed to be authorised by that Act as originally introduced into Parliament should cross the said waggon road or private railway on the level, and after further reciting as in the said section recited, certain provisions are therein enacted for the protection of the said Alexander Haldane Oswald, and his said property: And whereas by this Act the railways authorised by the Harbour Act of 1866 are authorised to be abandoned, and the Ayr Dock lines by this Act authorised are substituted therefor: And whereas the Newton Lodge Junction Line and the Ayr Dock Line No. 2 by this Act authorised are intended to be carried across the said waggon road or private railway on the level thereof, which waggon road or private railway has not yet been constructed: And whereas Richard Alexander Oswald, now the heir of entail in possession of the said estate of Auchincruive, has the right to the said waggon road or private railway, and it is expedient that provisions should be enacted in this Act for the protection of the said Richard Alexander Oswald and his successors in the said estate: Therefore the following provisions for that purpose shall be enforced and have effect:

(1.) Nothing in this Act contained shall authorise the Company to enter upon, take, or use, except so far as necessary for the said crossings, any of the lands in, upon, or through which the said waggon road or private railway may be constructed in conformity with the existing rights and titles of the said Richard Alexander Oswald, all which rights and titles are hereby reserved entire to him and his successors in the said estate:

(2.) The Company shall, if called upon by the said Richard Alexander Oswald or his successors in the said estate, and

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so soon as the said waggon road or private railway is commenced to be laid with a railway of the usual gauge of public railways, at their own expense, proceed to form a junction line from Railway No. 3 authorised by the Glasgow and South-western Railway (Ayrshire Lines) Act, 1865, to the said waggon road at or near the crossing of the said waggon road by the said Railway No. 3, and to have the same completed and ready for traffic simultaneously with the railway on the said waggon road or private railway, and that in such convenient way as to allow of the mineral and pig iron traffic coming along the said Railway No. 3 being brought by rails laid along the said waggon road or private railway to the property of the said Richard Alexander Oswald, situated on the north of the Harbour of Ayr, and to maintain such junction line in all time thereafter:

28 & 29 Vict. c. ccxlvi.

(3.) The Company shall, if called upon by the said Richard Alexander Oswald or his successors in the said estate, and so soon as the said waggon road or private railway is commenced to be laid with a railway of the usual gauge of public railways, and at the joint expense of the said Richard Alexander Oswald or his successors in the said estate and the Company, form a junction line from the said waggon road or private railway in a southerly direction to the Ayr Dock Line No. 2, at a point near the point where the said waggon road or private railway crosses that line, and also a junction line from the said waggon road or private railway in a southerly direction to the said Railway No. 3, immediately north of the junction of the Ayr Dock Line No. 1 with that railway, and shall have the said junction lines completed and ready for traffic simultaneously with the railway on the said waggon road or private railway, and that in such convenient way as to allow of the minerals and pig iron traffic passing along the said waggon road or private railway being carried to or from the harbour and docks at Ayr: Provided that if at any time the junction lines stipulated by this sub-section to be made shall cease to be used by the said Richard Alexander Oswald, then he shall be bound to pay half the expenses of maintaining and renewing the crossing points and switches which form the junction with the said waggon road or private railway and the Ayr Dock Line No. 2 and the said Railway No. 3, or to allow the Company to take out such points and switches so long as the

said Richard Alexander Oswald does not require to use such junction lines:

(4.) The Company shall be bound to haul any waggons carrying minerals or pig iron coming from the said waggon road or private railway to the said Railway No. 3, or the Ayr Dock lines (upon the said junction lines being formed), from the points respectively at which such junction lines are formed to the Harbour of Ayr, or to the said dock, as the case may be, and to haul the empty waggons back from the said harbour or dock to the said junction lines, at a rate which (including tolls and haulage both ways, as well as all charges, if any, that may be exigible by the Company for the use of wharves, basins, loading-places, or stations) shall not exceed fivepence per ton on the traffic so carried, and to afford to the working of such traffic the same facilities in all respects as may be afforded to any other traffic on the said Railway No. 3, or on the Ayr Dock lines:

(5.) The said Richard Alexander Oswald and his successors in the said estate shall be entitled (upon the said junction line being formed between his said waggon road or private railway and the said Railway No. 3) to use with their engines, trucks, and carriages the portion of the said Railway No. 3 between the said junction line and the commencement of the Ayr Dock Line No. 1, and the Ayr Dock Line No. 1 to and from and along the south-east side of the said dock, so far as necessary for their traffic on the said waggon road or private railway, without payment of any rate, and shall be entitled, so far as necessary for such traffic, to the like facilities in passing over the Ayr Dock Line No. 1, and for loading and unloading ships lying in the said dock, as may be granted to any other traffic of the same description, or to any other person or persons, the said Richard Alexander Oswald and his successors in the said estate being bound, in lieu of any rate exigible by the Company, to pay a proportional part of the cost of maintaining that portion of the Ayr Dock Line No. 1 which shall be used by them, and all turntables and works connected therewith, corresponding to the proportion which the tonnage of the traffic coming from or going to the said waggon road or private railway, and using the said Ayr Dock Line No. 1 and works connected therewith, shall bear to the tonnage of the other traffic using the same respectively:

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(6.) Provided always, that, subject to the approval of the Harbour Trustees, the Company shall, if called upon by the said Richard Alexander Oswald or his successors in the said estate, and so soon as the said waggon road or private railway is commenced to be laid with a railway of the usual gauge of public railways, and at the joint expense of the Company and the said Richard Alexander Oswald or his successors in the said estate, in lieu of forming the said junction line from the said waggon road or private railway to the said Railway No. 3 described in sub-section 3 of this section, form a junction line between the said waggon road or private railway north of the commencement of the Ayr Dock Line No. 1 and the Ayr Dock Line No. 2, and shall have the same completed and ready for traffic simultaneously with the railway on the said waggon road or private railway, and in the event of the said last-mentioned junction line being formed the said Richard Alexander Oswald and his successors in the said estate shall, in substitution for the exemptions, rights, and facilities conferred upon him and them by sub-section 5 of this section, be entitled to the like exemptions, rights, and facilities over and in respect of the last-mentioned junction line and the Ayr Dock Line No. 2, between such last-mentioned junction line and the termination of the Ayr Dock Line No. 2:

(7.) Section 34 of the Harbour Act of 1866 is hereby repealed:

28 & 29 Vict. c. ccxlvi.

(8.) And whereas by section 38 of the Glasgow and South-western Railway (Ayrshire Lines) Act, 1865, the said Richard Alexander Oswald and his successors in the said estate are entitled to require the Company to carry the traffic therein specified on and over their several railways made or to be made to the Harbour of Ayr at certain rates therein mentioned: It is hereby declared that, so far as regards the provisions of that section, the Ayr Dock lines by this Act authorised shall be held to be railways of the Company to the Harbour of Ayr, and the said provisions shall apply to traffic thereon of the description specified in that section; provided that the rates therein mentioned shall not be held to include but shall be payable over and above any rate which the Harbour Trustees are authorised to levy.

Company liable to penalty

20. The Ayr Dock lines shall be completed and opened for public traffic within one year after the completion by the Harbour

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Trustees of the embankment aforesaid, and if the Company fail within the period so limited to complete the said railways, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the said railways, and the said penalty may be applied for by any landowner or other person claiming to be compensated in respect of the said railways in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act, 1854, and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in that section, to an account opened or to be opened in the name and with the privity of the Queen's Remembrancer of the Court of Exchequer in Scotland, in the bank named in such order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the said railways by unforeseen accident or circumstances beyond their control; provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

unless Ayr Dock lines opened within period limited.

17 & 18 Vict. c. 31.

Application of penalty towards compensation of parties injured.

21. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the Edinburgh Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railways, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers conferred upon the Company by this Act of taking property for the said railways, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such

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manner as the Court of Exchequer in Scotland thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

As to working of Ayr Dock lines.

22. The Ayr Dock lines, so far as laid on land acquired or reclaimed by the Harbour Trustees, shall be under the control of the said trustees, and the said trustees may from time to time make rules and regulations for the working and management of the traffic thereon, and the Company in the working and management of such traffic shall be subject to the said rules and regulations.

As to use by Company of rails laid by Harbour Trustees.

23. In the event of the Harbour Trustees laying down any additional lines or sidings in connexion with the dock, the Company shall be entitled to facilities over such lines or sidings equal to those which may be granted to any others who may be permitted by the trustees to use the same, upon payment of the like tolls, rates, and charges: Provided always, that such facilities to the Company shall not extend to lines or sidings laid by the Harbour Trustees for purposes other than public traffic.

As to access to dock at Taylor Street.

24. The Harbour Trustees may make and maintain, at the sight and to the reasonable satisfaction of the engineer of the Company, a road across the several lines belonging to the Company, including the Ayr Dock lines, on the level of such lines, as an access for the purposes of dock or harbour traffic of every description, from the western end of the road or street called Taylor Street to the western side of the said lines respectively, and the expense of constructing the said road shall be borne by the Company: Provided always, that the use of the said road shall be subject to the efficient working of the Company's traffic, and that the Harbour Trustees shall erect at the expense aforesaid and shall maintain a good and sufficient gate across the said road at the western end of Taylor Street, and shall employ proper persons to open and shut such gate, and the said gate shall be kept constantly closed, except when required to be opened for the purposes of the traffic using the said road in accordance with the provisions of this section.

As to tolls on railways.

25. Subject to the provisions of this Act, the railways by this Act authorised shall, for the purpose of tolls, rates, and charges, and for all other purposes whatsoever, form part of the undertaking of the Company.

Power to take easements, &c. by agreement. 8 & 9 Vict. c. 19. 23 & 24 Vict. c. 106.

26. Persons empowered by the Lands Clauses Consolidation (Scotland) Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act; grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting lands; and the provisions of the said Acts with respect to lands and feu duties or ground annuals, as far as the same are applicable in this behalf, shall extend and apply to such grants, easements, rights, and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

27. Subject to the provisions of this Act, the powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Owners may be required to sell parts only of certain lands and buildings. 8 & 9 Vict. c. 19.

28. And whereas it may happen that portions only of the properties distinguished on the deposited plans by the numbers hereinafter set forth will be sufficient for the purposes of this Act, and that such portions may be severed from the remainder of such properties without material detriment thereto: Therefore, notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act, 1845, the owners of and persons interested in the said properties may, if such portions can, in the judgment of the sheriff, or the jury, or the arbiters, as the case may be, assessing or determining the compensation under that Act, be severed from the remainder of the said properties without material detriment thereto, be required to sell and convey to the Company the portions only of the same required as aforesaid, without the Company being obliged or compellable to purchase the whole or any greater portion of the said properties, the Company paying for the portions required by them, and making compensation for any damage sustained by the owners thereof and other persons interested therein by the taking of such portions. The numbers by which the said properties are distinguished are as follows, viz.:—

Parish.	Nos. on deposited Plans.
THE NEWTON LODGE JUNCTION LINE.	
Newton-upon-Ayr - - -	2, 4, 5, 6, and 7.
LAND AT SANQUHAR STATION.	
Sanquhar - - - -	5, 6, and 7.
LAND AT AULDGIRTH STATION.	
Closeburn - - - -	6 and 7.

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Notice to be given of taking houses of labouring classes.

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

Company to abandon authorised dock lines.

30. The Company shall abandon the construction of the railways authorised by the Harbour Act of 1866.

Compensation for damage to land by entry, &c. for purposes of railways abandoned. 8 & 9 Vict. c. 19. 8 & 9 Vict. c. 33.

31. The abandonment by the Company under the authority of this Act of the said railways shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of the Lands Clauses Consolidation (Scotland) Act, 1845, for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation in accordance with the provisions in that behalf of the Railways Clauses Consolidation (Scotland) Act, 1845, for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the last-mentioned Act, or in the Harbour Act of 1866.

Compensation to be made in respect of portion of railways abandoned. 8 & 9 Vict. c. 19.

32. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the railways by this Act authorised to be abandoned, and which shall not be required for the purposes of any of the works by this Act authorised, full compensation shall be made by the Company to the owners and occupiers, or other persons interested in such lands, for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation (Scotland) Act, 1845, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Extending to Ayr Dock lines certain powers of Caledonian Railway Company. 28 & 29 Vict. c. ccxlvi.

33. The facilities and running powers conferred upon the Caledonian Railway Company by sections 25 to 36, both inclusive, of the Glasgow and South-western Railway (Ayrshire Lines) Act, 1865, shall, for the purposes of the traffic therein referred to as Caledonian Railway traffic, extend to the Ayr Dock lines by this Act authorised.

Power to Company to raise additional capital.

34. The Company from time to time may raise for the purposes of this Act, and for the general purposes of their undertaking, by the creation and issue of new shares or stock, such additional capital as they think fit, not exceeding in the whole the sum of seven hundred and fifty thousand pounds, and they may create and issue such new shares or stock either wholly or partially as ordinary, or wholly or partially as preferential shares or stock, as they may think fit.

Shares not to issue until one-fifth part paid up.

35. The Company shall not issue any share under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one-fifth part of the amount of such share shall have been paid in respect thereof.

Scale of voting in respect of new shares or stock.

36. At all general meetings of the Company every holder of shares or stock of the Company created under this Act shall have the right of voting in respect thereof on the principle of having one vote for every sum of one hundred pounds actually paid up in respect of the whole of such shares or stock for the time being held by him up to one thousand pounds, and he shall have an additional vote for every sum of five hundred pounds actually paid up on such shares or stock beyond the first one thousand pounds up to ten thousand pounds, and an additional vote for every sum of one thousand pounds actually paid up on such shares or stock beyond the first ten thousand pounds: Provided that no person shall be entitled to vote in respect of any less amount than one hundred pounds paid up; provided also, that (unless otherwise specified in any resolution of the Company, and subject to the provisions herein-after contained with respect to the conversion and consolidation of capital) no person shall be entitled to vote in respect of any share created or issued under this Act to which a preferential dividend shall be assigned.

Power to Company to borrow on mortgage.

37. The Company may, in respect of the additional capital of seven hundred and fifty thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage such sums as they think fit, not exceeding in the whole two hundred and fifty thousand pounds, but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be

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raised by means of shares are issued and accepted, and one half of such capital is paid up, and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act, 1845, before he so certifies, that shares for the whole of such capital have been issued and accepted, and that one half of such capital has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up, and the Company have proved to such sheriff as aforesaid that such shares or stock, as the case may be, were issued and accepted bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, so far as the said capital is raised by shares, that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such sheriff of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

8 & 9 Vict. c. 17.

Repeal of former provisions with respect to appointment of a judicial factor.

38. Every provision in any Act passed before the present session of Parliament, whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking, with respect to the appointment of a judicial factor for enforcing payment by the Company of arrears of principal money, or principal money and interest, shall be and the same is hereby repealed, but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision.

As to appointment of a judicial factor.

39. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than ten thousand pounds in the whole.

Existing mortgages to have priority.

40. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the time of the passing thereof, shall during the continuance of such mortgages and bonds, as regards the undertaking comprised in and assigned by such

mortgages and bonds respectively, and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted, have priority over any mortgages to be granted by virtue of this Act, but nothing in this section contained shall affect any priority of the interest of any funded debt or debenture stock at any time created by the Company.

Power to create debenture stock. 26 & 27 Vict. c. 118.

41. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys raised by the Company.

42. All moneys raised by the Company under the provisions of this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act and to the general purposes of the Company as authorised by any Act of Parliament, and to no other purpose.

Company may apply authorised capital to purposes of this Act.

43. The Company may apply to or towards all or any of the purposes of this Act any sums of money which they have already raised or are authorised to raise by any of their Acts, and which are not required for the purposes to which they are by those Acts made specially applicable.

Saving rights of magistrates, &c. of Newton-upon-Ayr.

44. Nothing in this Act contained shall prejudice or affect the rights and interests of the magistrates and councillors of the burgh of Newton-upon-Ayr or the Community of Freemen thereof, under a feu right and disposition granted by the said magistrates and councillors in favour of the Harbour Trustees, dated the fourteenth day of December one thousand eight hundred and seventy-seven, and recorded in the division of the General Register of Sasines applicable to the county of Ayr the eleventh day of March one thousand eight hundred and seventy-eight, or be held or construed to relieve the Harbour Trustees from any obligations imposed upon them by the said feu right and disposition.

Saving rights of Crown under 29 & 30 Vict. c. 62.

45. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights, powers, or authorities mentioned in or reserved by sections twenty, twenty-one, and twenty-two of the Crown Lands Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, her heirs or successors.

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Saving rights of the Crown in the foreshore.

46. Nothing contained in this Act shall authorise the Company or the Harbour Trustees to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Interest not to be paid on calls paid up.

47. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him, but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation (Scotland) Act, 1845.

8 & 9 Vict. c. 17.

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

48. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway, or to execute any other work or undertaking.

Railway not exempt from provisions of present and future general Railway Acts.

49. Nothing herein contained shall exempt the Company or the railway from the provisions 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 or alteration, under the authority of Parliament, of the maximum rates of fares and charges, and of the rates for small parcels, authorised to be taken by the Company.

Expenses of Act.

50. All the costs, charges, and expenses of and incident to the obtaining of this Act, and preparatory thereto, shall be paid by the Company.

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