ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. clxxxii.

An Act to amend the Act relating to the *Glasgow, Dumfries, and Carlisle* Railway Company, and to authorize the Company to make a Branch Railway to *Kirkcudbright,* with diverging Lines therefrom; and for other Purposes. [9th *July* 1847.]

WHEREAS an Act was passed in the last Session of Parliament, intituled " The *Glasgow, Dumfries, and Carlisle* Railway Act, 1846:" And whereas an Act was passed in (9 & 10 Vict. c. 372.) the First Year of the Reign of Her present Majesty Queen *Victoria,* intituled *An Act for making a Railway from* Glasgow *to* Paisley *and* Ayr, *and from a Point on the said Railway near* Blairland *to* Kilmarnock, *to be called " The* Glasgow, Paisley, Kilmarnock, and Ayr *Railway," with Branches:* (7 W. 4. & 1 Vict. c.117.) And whereas the Powers and Provisions of the said last-mentioned Act were enlarged and amended by other Acts relating to the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway, passed respectively in the Third, the Fifth, the Eighth and Ninth, and the Ninth Years of the Reign of Her said Majesty: And whereas in the last Session of Parliament Acts were passed, intituled respectively " The *Glasgow and Belfast Union* Railway Act, 1846," and " The *Kilmarnock and Troon* Railway Act, 1846," by which Acts certain Powers were conferred on, and Provisions enacted relating to, the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway: And whereas

the Construction of the following Branch Railways in connexion with the *Glasgow, Dumfries, and Carlisle* Railway would be of public and local Advantage; that is to say, a Branch Railway from the *Glasgow, Dumfries, and Carlisle* Railway at or near *Saughtree House* near *Dumfries* to the Town of *Kirkcudbright*, a Branch Railway from the intended Railway above mentioned at or near *Layfield Cottage* in the Town of *Dumfries* to the Line of the *Glasgow, Dumfries, and Carlisle* Railway at or near *Clayhouse*, and a Branch Railway from the Railway to *Kirkcudbright* above mentioned at or near to *Upper Porterbelly* to the Shore of the Water of *Urr* at *Gibbshole*: And whereas it is expedient that some of the Powers and Provisions of the *Glasgow, Dumfries, and Carlisle* Railway Act, 1846, and of the other Acts herein-before referred to, should be amended and enlarged: 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, That all the Powers and Provisions of the *Glasgow, Dumfries, and Carlisle* Railway Act, 1846, shall, where applicable and in force at the Time of the passing of this Act, operate and be in force with respect to the Objects and Purposes of this Act, as fully and effectually as if the said Powers and Provisions were repeated and re-enacted in this Act, and made specifically applicable to such Objects and Purposes.

Powers of 9 & 10 Vict. c. 372. extended to this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Pleadings, it shall be sufficient to use the Expression "The *Glasgow, Dumfries, and Carlisle* Railway Amendment and Branches Act, No. 2, 1847."

Power to raise additional Capital by Creation of new Shares.

III. And be it enacted, That for the Purposes of this Act, it shall be lawful for the said *Glasgow, Dumfries, and Carlisle* Railway Company, from Time to Time to raise, by creating new Shares in addition to the Sums of Money which they are authorized to raise under or by virtue of the said *Glasgow, Dumfries, and Carlisle* Railway Act, 1846, or which they may be authorized to raise under or by virtue of any other Act to be passed in the present Session of Parliament, any Sum of Money not exceeding in the whole the Sum of Seven hundred thousand Pounds.

New Shares to form Part of general Capital.

IV. And be it enacted, That the new Shares to be created by virtue of this Act shall be subject to the same Provisions in all respects as are contained in the Companies Clauses Consolidation (*Scotland*) Act, 1845, with regard to the new Shares thereby authorized to be created, whether with reference to the making and Enforcement of Calls in respect of such new Shares, or the Forfeiture of such Shares in default of Payment of such Calls, or with reference to the Rights and Privileges to be conferred by such Shares, or otherwise howsoever.

Power to borrow Money on Mortgage.

V. And be it enacted, That after the whole of the Sums by this and the said *Glasgow, Dumfries, and Carlisle* Railway Act, 1846, authorized to be raised by Shares shall have been subscribed for or taken up, and One Half thereof shall have been paid up, it shall be lawful

lawful for the Directors of the said Company to borrow on Mortgage, and if subsequently paid off again to reborrow, such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any General or Special General Meeting of the said Company, not exceeding in the whole the Sum of Two hundred and thirty-three thousand and three hundred Pounds, in addition to the Sums which they are authorized to borrow by the said *Glasgow, Dumfries, and Carlisle* Railway Act, 1846, or which they may be authorized to borrow by any other Act or Acts to be passed in the present Session of Parliament, and for securing the Repayment of the Sums so to be borrowed, with Interest, to mortgage the Undertaking by this and the said *Glasgow, Dumfries, and Carlisle* Railway Act, 1846, authorized, and also, if they think fit, the whole or any of the future Calls on the Shareholders of the Company.

Former Mortgages to have Priority.

VI. And be it enacted, That all Mortgages of the said Undertaking heretofore granted under the Powers of the said *Glasgow, Dumfries, and Carlisle* Railway Act, 1846, shall, during the Continuance thereof, have Priority over any Mortgage thereof to be granted under the Powers of this Act.

Power to convert Loan into Capital.

VII. And be it enacted, That it shall be lawful for the said *Glasgow, Dumfries, and Carlisle* Railway Company, if they think fit, to raise the Sums authorized to be borrowed on Mortgage by this Act, or any Part thereof, by creating new Shares of the said Company instead of borrowing the same; or, having borrowed the same, it shall be lawful for them to continue at Interest only a Part of the said Sums, if they so think fit, and to raise the Remainder thereof, or any Part of the Remainder thereof, by creating new Shares of the Company; and all Provisions with regard to the additional Capital by this Act authorized to be raised shall apply in like Manner to the new Shares which may be so created as aforesaid, but no such Augmentation of Capital as last herein-before authorized shall take place without the previous Authority of a General Meeting of the Company called for the Purpose.

Railways to be made according to deposited Plans.

VIII. And whereas Plans and Sections of the said proposed new Branch Railways showing the Lines and Levels thereof, and also Books of Reference containing the Names of the reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to pass, have been deposited with the Sheriff Clerk of the County of *Dumfries* and with the Clerk to the Stewartry of *Kirkcudbright;* be it enacted, That, subject to the Provisions in this and the said *Glasgow, Dumfries, and Carlisle* Railway Act, 1846, as extended to this Act, contained, and to the Powers of Deviation contained in the Railway Clauses Consolidation (*Scotland*) Act, 1845, it shall be lawful for the said *Glasgow, Dumfries, and Carlisle* Railway Company to make and maintain the said proposed new Branch Railways, with all Works and Conveniences connected therewith, in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and for that Purpose to enter upon, take, and use such of the said Lands as they shall consider necessary.

IX. And

Lines of Railway.

IX. And be it enacted, That the intended Branch Railway first herein-before mentioned shall diverge from and out of the Main Line of the *Glasgow, Dumfries, and Carlisle* Railway at or near to *Saughtree House* in the Town and Parish of *Dumfries* in the County of *Dumfries*, and shall terminate at or near to the West End of *Saint Cuthbert Street* in the Town and Parish of *Kirkcudbright* in the Stewartry of *Kirkcudbright*, and shall pass from, in, through, or into the Parishes, Townships, Burghs, or Places of *Dumfries* and *Saint Michael's* of *Dumfries* in the County of *Dumfries*, *Troqueer*, *Lochrutton*, *New Abbey*, *Kirkgunzeon*, *Urr Buittle*, *Crossmichael*, *Castle Douglas*, *Kelton*, *Balmaghie*, *Tongueland*, and *Kirkcudbright*, in the Stewartry of *Kirkcudbright*, or some of them; and the intended Branch Railway secondly herein-before mentioned shall diverge from and out of the intended Railway above described at or near to *Layfield Cottage* in the Town and Parish of *Dumfries* in the County of *Dumfries*, and shall pass through and terminate in the said Town, Parish, and County, by a Junction with the Line of the *Glasgow, Dumfries, and Carlisle* Railway at or near to *Clayhouse;* and the intended Branch Railway thirdly herein-before mentioned shall diverge from and out of the Line of the Railway to *Kirkcudbright* first above described at or near to *Upper Porterbelly* in the Parish of *Kirkgunzeon* in the Stewartry of *Kirkcudbright*, and shall terminate at the Shore of the Water of *Urr* at *Gibbshole* in the Parish of *Buittle* in the Stewartry of *Kirkcudbright*, and shall pass from, in, through, or into the Parishes, Townships, Burghs, or Places of *Kirkgunzeon*, *Urr*, and *Buittle*, in the Stewartry of *Kirkcudbright*, or some of them.

As to Construction of Bridge over the River Nith.

X. And be it enacted, That the Bridge for carrying the Railway across the River *Nith* shall be made square to the River, or as nearly square as the Points of Deviation will admit, with a single Pier in the Bed of the River, and with Two Arches of not less than Ninety Feet Span each, with a Headway under the Arches as high as the vertical Line of Deviation will admit; and the Foundations of the Abutments and of the Pier shall be placed so deep as to permit the Bed of the River to be safely deepened to the Line of Low Water of ordinary Spring Tides off *Glenhaven* Point; and previously to the Construction of the said Bridge or any Works connected therewith the Company shall refer detailed Plans thereof to the Harbour Commissioners for their Opinion, and such Plans shall afterwards be deposited at the Admiralty Office, *Whitehall*, for the Sanction of the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral.

Company not to deviate in constructing Line near the River Urr without Consent of the Admiralty.

XI. And be it enacted, That such Portion of the said Railway to be constructed in or near to the River *Urr* shall not deviate from the continuous black Centre Line shown on the Plans deposited at the Admiralty Office, without the previous Consent of the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty.

Regulating Construction of a certain

XII. And be it enacted, That the Bridge for carrying the Railway across the River *Dee* shall consist of not more than Three Arches, of

at

at least Seventy Feet Span each, with a Headway of not less than Thirty Feet above the High-water Level of ordinary Spring Tides. Bridge across the River Dee.

XIII. And be it enacted, That in the Construction of the Railway at or near *Kirkcudbright* Harbour no Deviation shall be made from the continuous black Centre Line shown on the Plans deposited at the Admiralty Office, without the previous Consent of the Lords Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty; and the crossing of the Rivulet there shall be by an Arch of at least Twenty Feet Span and Eight Feet Headway above the High-water Mark of ordinary Spring Tides. Regulating Construction of Railway at or near Kirkcudbright Harbour.

XIV. And be it enacted, That during the Construction of the said Bridge and Works connected therewith over the River *Nith*, and also, if required by the Lords Commissioners for executing the Office of Lord High Admiral during the Construction of the Bridges over the Rivers *Dee* and *Urr*, and over the Rivulet at *Kirkcudbright*, the said Company shall cause to be hung out or exhibited every Night from Sunset to Sunrise a Light, to be kept burning by and at the Expence of the Company, for the Navigation and safe Guidance of Vessels, and for ever after the Completion of the said Bridge over the River *Nith*, and if required by the said Commissioners as aforesaid, then, after the Completion of the said Bridges over the Rivers *Dee* and *Urr* and the said Rivulet at *Kirkcudbright*, the said Company shall cause to be hung out or exhibited upon or near to the Centre of each of the said Bridges every Night from Sunset to Sunrise a good and sufficient Light, to be kept burning by and at the Expence of the Company, for the Navigation and safe Guidance of Vessels, and which Light shall be from Time to Time altered by the said Company in such Manner, and be of such Description and be so used, as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall, by Writing under the Hand of the Secretary of the Admiralty, approve of; and in case the said Company shall neglect to exhibit and keep either of such Lights burning as aforesaid, they shall forfeit and pay for every such Neglect the Sum of Ten Pounds. During Construction of Bridges Lights shall be exhibited at Night for Navigation and safe Guidance of Vessels.

XV. And be it enacted, That if any Bridge to be constructed by the Company across any tidal Water or navigable River, or if any Portion of the Railway which affects any such Water or River, or Access thereto, shall be abandoned by the Company, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly. If any Bridge constructed across any tidal Water or navigable River, &c. is abandoned, the Admiralty may remove the same, &c.

XVI. And be it enacted, That it shall not be lawful for the Company to construct below High-water Mark at ordinary Spring Tides any Bridge or Work hereby authorized to be made without the previous Consent of the Lord High Admiral of the United Kingdom Works below High-water Mark not to be executed without Con-

sent of the Admiralty.

of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, may approve of, such Approval being signified as last aforesaid, and where any such Bridge or Work shall have been constructed it shall not be lawful for the Company at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Bridge or Work shall be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly.

Company not to take certain Property of R. Weems, Esq.

XVII. And be it enacted, That nothing in this Act contained shall authorize the said Company to take or use for the Purposes of this Act Two Pieces of Land in the Parish of *Buittle* in the Possession of *Robert Weems* Esquire, adjoining certain other Land of the said *Robert Weems* in the same Parish, numbered 144 and 145, on the Plans deposited as herein-before mentioned.

Power to cross certain Roads on the Level.

XVIII. And be it enacted, That it shall be lawful for the said *Glasgow, Dumfries, and Carlisle* Railway Company, in constructing the said new Branch Railways, to carry the same or either of them on the Level across the Roads numbered as herein-after mentioned respectively on the Plans deposited as herein-before mentioned, as follows; *viz.*,

On the Branch to *Kirkcudbright*:

In the Parish of *Dumfries*, the Road numbered 56:
In the Parish of *Urr*, the Road numbered 30:
In the Parish of *Buittle*, the Road numbered 37:
In the Parish of *Kirkcudbright*, the Road numbered 2.

On the Branch to *Clayhouse*:

In the Parish of *Dumfries*, the Road numbered 56.

On the Branch to *Gibbshole*:

In the Parish of *Buittle*, the Roads numbered 115, twice, and $\frac{26}{1}$.

Company to erect a Station or Lodge at the Points of crossing, and to abide by the Regulations of the Commissioners of Railways.

XIX. And be it enacted, That for the greater Convenience and Security to the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railways cross the before-mentioned Roads on the Level, and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch

watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Commissioners acting under 9 & 10 Vict. c. 105. may require a Bridge to be erected in lieu of level Crossing.

XX. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Railways appointed under and by virtue of an Act passed in the last Session of Parliament, intituled *An Act for constituting Commissioners of Railways*, at any Time before the opening of any of the said Lines of Railway, to require and direct the Company, within such Time and in such Manner as the said Commissioners may appoint, to carry any or either of the said Roads either under or over the Part of the Line so opened which shall be crossed thereby by means of a Bridge or Arch, in lieu of crossing the same on a Level.

Locomotive Engines not to be used in crossing a certain Road on the Level.

XXI. Provided always, and be it enacted, That nothing herein contained shall authorize the Company to employ or to permit the Employment of Locomotives upon that Portion of the Branch Railway to *Kirkcudbright* hereby authorized which crosses the Road No. 2, in the Parish of *Kirkcudbright* delineated on the Plans deposited as herein-before mentioned, or to the South of No. 5, in the same Parish, as delineated on the said Plans.

Inclination of certain Roads.

XXII. And be it enacted, That as regards the Roads herein-after mentioned it shall be lawful for the said *Glasgow, Dumfries, and Carlisle* Railway Company to make the Inclinations of such Roads when altered as follows; that is to say,

On the Branch to *Kirkcudbright*:

The Road Number 19 of the Parish of *Kirkgunzeon* may be made of any Inclination not deeper than One Foot in Fifteen Feet:

The Road Number $\frac{46}{1}$ of the Parish of *Kelton* may be made of any Inclination not steeper than One Foot in Twenty-five Feet.

Period for compulsory Purchase of Land.

XXIII. And be it enacted, That the Powers hereby conferred on the said *Glasgow, Dumfries, and Carlisle* Railway Company for the compulsory Purchase and taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

XXIV. And be it enacted, That if the Branch Railways hereby authorized shall not be completed within Five Years from the passing of this Act, then on the Expiration of such Period the Powers by this and the said *Glasgow, Dumfries, and Carlisle* Railway Act, 1846, as extended to this Act, granted for executing the said Branch Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Branch to Gibbshole to be conveyed

XXV. And whereas a Company has been formed, called the "*Ayrshire and Galloway* Railway Company," for the Purpose of constructing

to Ayrshire and Galloway Railway Company in certain Events.

constructing a Railway from *Smithstone* in the Parish of *Dalrymple* in the County of *Ayr* to a Port on the *Solway*, with Branches, which Railway and Branches will communicate with the Railways by this Act authorized; be it enacted, That if the said Company shall in the present or in the immediate ensuing Session of Parliament be incorporated for the Purposes above mentioned, and be empowered to accept of the Conveyance after mentioned, the said *Glasgow, Dumfries, and Carlisle* Railway Company shall and they are hereby required at any Time within Six Months after the passing of the Act so incorporating such Company and granting to them such enabling Powers, and on Tender of Payment of all Monies expended by them in the Construction of the Branch Railway to *Gibbshole* thirdly herein-before described, and on being relieved of all Contracts and Engagements entered into by them with respect thereto, to transfer and convey such Branch Railway and all Works and Conveniences connected therewith, by a Deed duly stamped, to the said *Ayrshire and Galloway* Railway Company, subject to such Terms and Conditions in regard to the Use of the said Branch Railway and Works by the said *Glasgow, Dumfries, and Carlisle* Railway Company, as shall be contained in any Agreement which may have been entered into between the Directors of the said respective Companies.

Limiting Charges for Conveyance.

XXVI. And be it enacted, That the Provisions contained in the said *Glasgow, Dumfries, and Carlisle* Railway Act, 1846, whereby the Charges for the Conveyance of Passengers and of Goods and Cattle are limited and regulated, shall extend and apply to the Charges to be made in respect of the Use of the Branch Railways by this Act authorized, and of the Engines and Carriages employed by the Company thereon.

In the event of the Amalgamation of the Glasgow, Dumfries, and Carlisle Railway Company with the Glasgow, Paisley, Kilmarnock, and Ayr Railway Company taking effect before Completion of the Branch Railways the latter Company to complete the same.

XXVII. And whereas by the said *Glasgow, Dumfries, and Carlisle* Railway Act, 1846, it was enacted, that it should be lawful for the Company thereby incorporated, with the Concurrence of Three Fifths of the Shareholders present, personally or by Proxy, at any Special General Meeting to be held within Six Months after the passing of the said Act, to resolve and determine that the said Company should, on the Completion and opening of the Main Line of Railway to *Annan* (by the said Act authorized), be united and amalgamated with the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, subject to the Conditions in the said Act contained: And whereas, in pursuance of such Provisions, a Special General Meeting of the *Glasgow, Dumfries, and Carlisle* Railway Company was held, at which it was resolved and determined that the said Company should be amalgamated with the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company: And whereas such Amalgamation may, under the said *Glasgow, Dumfries, and Carlisle* Railway Act, 1846, or some Amendment thereof, take effect before the Branch Railways by this Act authorized to be made are completed; be it therefore enacted, That upon such Amalgamation taking effect all the Powers, Authorities, and Privileges granted by this Act, or by the said *Glasgow, Dumfries, and Carlisle* Railway Act, 1846, as extended to this Act, with respect to the Construction and Completion of the new Branch Railways hereby authorized, shall become vested in and may be exercised

and enjoyed by the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, in the same Manner and to the same Extent as if such last-mentioned Company had been named in this Act, and in the said *Glasgow Dumfries, and Carlisle* Railway Act, 1846, instead of the *Glasgow, Dumfries, and Carlisle* Railway Company.

Conveyances, &c., to Glasgow, Dumfries, and Carlisle Railway Company to remain valid.

XXVIII. And be it enacted, That upon the said Amalgamation taking effect all Conveyances, Contracts, Agreements, Obligations, Bonds, Covenants, Liabilities, and Securities made or entered into before the Date thereof to, with, by, or for the said *Glasgow, Dumfries, and Carlisle* Railway Company, under or by virtue and in pursuance of this Act, shall be and remain as good, valid, and effectual for or against or with reference to the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company to all Intents and Purposes as if the last-mentioned Company had been Party to and had executed the same, or had been named or referred to therein, instead of the *Glasgow, Dumfries, and Carlisle* Railway Company.

Agreements with Glasgow, Dumfries, and Carlisle Railway Company to be valid.

XXIX. And be it enacted, That upon the said Amalgamation taking effect all and every Purchase, Sale, Conveyance, Grant, Lease, Agreement, Security, Right, Liability, Privilege, Omission, Matter, or Thing whatsoever made, done, executed, granted, incurred, obtained, transacted, commenced, or instituted under or by virtue or in pursuance of this Act shall be and the same are hereby declared to be as good, valid, and effectual, and of the same Condition and Quality, to all Intents and Purposes whatever, by, to, for, or on behalf of, against, or in respect of the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, as they respectively were immediately before such Amalgamation took effect, with reference to the *Glasgow, Dumfries, and Carlisle* Railway Company, and shall and may be executed, done, performed, continued, completed, and terminated by, to, for, or on behalf of, against, or with respect to the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, under and subject to the Provisions and Regulations of this Act, as fully and effectually as the same could or might have been by, to, for, or on behalf of, against, or with respect to the *Glasgow, Dumfries, and Carlisle* Railway Company, if such Amalgamation had not taken effect.

Power to the Companies to enter into Agreements as to Terms on which the Holders of Stock shall be interested in the amalgamated Company.

XXX. And be it enacted, That it shall be lawful for the Directors of the said *Glasgow, Dumfries, and Carlisle* Railway Company, and for the Directors of the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company respectively, at any Time before the said Amalgamation shall take effect, to enter into such Agreements and Arrangements as they shall mutually deem desirable, with respect to the Number and Amount of Shares, or the Amount of Stock in the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway which the Proprietors of the Shares created by virtue of this Act shall receive in lieu thereof, and with respect to the Amount of Interest or Dividend to be paid upon such Shares or Stock, and to the Terms and Conditions upon which they shall hold such Shares or Stock, and to the Extent to which they shall be interested or entitled to participate in any future Creation of Shares under or by virtue of this Act, and to the Amount of Interest or Dividend to be paid upon such last-mentioned

tioned Shares, and the Terms and Conditions upon which such Shares shall be created and held, and any Agreement which before the passing of this Act shall have been made by or between the said Directors respectively with reference thereto, shall, if the same has been or shall hereafter be confirmed by a General Meeting of the Proprietors of the said Companies respectively, be as valid and binding as if made after the passing and in pursuance of the Provisions hereof.

Glasgow, Paisley, Kilmarnock and Ayr Railway Company may raise the Capital and borrow the Money authorized by this Act.

XXXI. And be it enacted, That all Payments which shall have been made in respect of the Shares created by virtue of this Act before such Amalgamation shall have taken effect, shall be held to have been Payments made to the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, but the said *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company shall have all the same Powers with regard to making Calls for the Balance of the said Shares, and with regard to enforcing such Calls, or the Forfeiture and Disposal of Shares in case of Nonpayment thereof, and otherwise with reference thereto, and also with regard to the raising by Mortgage or Bond on the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway any Sums of Money which the said *Glasgow, Dumfries, and Carlisle* Railway Company are authorized to raise by virtue of this Act, and with regard also to the Conversion of such Monies into Capital of the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, as are contained in the Acts relating to the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company with reference to the Shares thereby authorized to be created, and the Monies thereby authorized to be raised on Mortgage or Bond, and the Conversion of such Monies into Capital.

Interest not to be paid on Calls paid up.

XXXII. And be it enacted, That it shall not be lawful for the said *Glasgow, Dumfries, and Carlisle* Railway Company, or the said *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, out of any Money by this Act or any other Act relating to the said Railway Companies respectively authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Companies respectively from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the Companies Clauses Consolidation (*Scotland*) Act, 1845, in that Behalf contained.

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

XXXIII. And be it enacted, That it shall not be lawful for the said *Glasgow, Dumfries, and Carlisle* Railway Company, or the said *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, out of any Money by this Act or any other Act relating to the said Railway Companies respectively authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited

sited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Companies, or either of them, to construct any other Railway or execute any other Work or Undertaking.

Railway Companies to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XXXIV. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and another Act was passed in the last Session of Parliament, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the said last Session of Parliament, intituled *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the Branch Railways by this Act authorized, or the said *Glasgow, Dumfries, and Carlisle* Railway Company, or the said *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway Companies so far as the same shall be applicable thereto.

Railways to be subject to Provisions of any future general Act.

XXXV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, 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 authorized by this Act.

Expences of Act.

XXXVI. And be it enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and of making the Surveys, Plans, and Estimates, and all other Costs, Charges, and Expences in any way incident thereto, shall be paid and defrayed by the said *Glasgow, Dumfries, and Carlisle* Railway Company, and by the said *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, out of the Money already raised and received, or out of the first Money to be raised or received by them, in preference to any other Payment whatsoever.

Saving the Rights of the Crown.

XXXVII. And be it enacted, That nothing contained in this Act or in the Acts herein recited or referred to shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works

Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners, or any Two of them, are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

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

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