ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

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it is therefore expedient that they should have Power to raise an additional Sum for that Purpose: And whereas it is also expedient that some of the Provisions of the said recited Acts should be amended and enlarged; but the said Objects cannot be attained 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, That all the Powers, Provisions, Matters, and Things contained in the said recited Acts or either of them (except so far as the same have already been, or shall by this Act be repealed, altered, or otherwise provided for,) shall extend to this Act, and shall operate and be in force with respect to the several Purposes and Things hereby authorized to be done, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes and Things.

Extending Provisions of former Acts.

Power to raise an additional Sum by Subscription.

II. And be it enacted, That it shall be lawful for the said 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 and by virtue of the said first-recited Act, any further Sum of Money not exceeding in the whole the Sum of Three hundred and twelve thousand five hundred Pounds.

New Shares to be considered the same as original Shares.

III. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital of the Company, and be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Amount of such Shares, and the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit, and except also as to any special Advantages in favour of or other Regulations in relation to such Shares, which may be resolved on by any General or Special Meeting of the said Company, according to the Provisions of this Act.

If old Shares at a Premium, new Shares to be offered to existing Shareholders.

IV. And be it enacted, That if at the Time of the Creation of the said new Shares the then existing Shares of the Capital Stock of the Company be at a Premium, or of greater actual Value than the nominal Amount thereof, then the Sum to be so raised shall, unless otherwise determined by the Proprietors present at some General or Special General Meeting of the said Company, be divided into Shares of such Amount as will conveniently allow the said Sum to be apportioned among the then Shareholders, in proportion to the Amount of the Capital Stock of the Company held by them respectively; and such new Shares shall be offered to the then Shareholders in the Proportion of One for every Fifty Pounds of the said Capital Stock held by them respectively, and such Offer shall be made by Letter under the Hand of the Secretary or Clerk of the Company, and be sent by Post to each Shareholder, addressed to his

usual or last known Place of Abode, or to the Address contained in the last Transfer of Shares in his Favour recorded in the Books of the said Company; of which Letter, having been so addressed and sent, the Certificate of the said Secretary or Clerk shall be conclusive Evidence.

As to vesting of Shares.

V. And be it enacted, That such new Shares shall vest in and belong to the Shareholders who shall accept the same, and pay to the Company the Value at which the same were allotted to them at the Times and by the Instalments which shall be fixed by the Directors of the Company; and if any Shareholder fail, for One Month after such Offer of new Shares as aforesaid, to accept the same in Writing, and pay the Instalments called for in respect thereof, or if such Shareholders shall be incapacited or under legal Disability, or if any Shares shall remain over unappropriated among the Shareholders, then and in every such Case it shall be lawful for the Directors of the said Company to dispose of such Shares, for behoof of the Company, to any Persons willing to become the Purchasers thereof, for such Sum as they can obtain for the same.

If Shares not at a Premium to be issued as Company think fit.

VI. And be it enacted, That if at the Time of the Creation of such new Shares the existing Shares of the Capital Stock of the Company be not at a Premium, then such new Shares may be of such Amount, and may be issued at such Price, and with such Preference or Priority in respect of Dividends over the other Shares in the Company, and with such other Advantages and in such Manner as the Company may think fit.

For consolidating the old with the new Shares of the Company.

VII. And be it enacted, That in the Event of such new Shares being respectively of a less nominal Amount than the Sum of Fifty Pounds Sterling, it shall be lawful for the Directors from Time to Time, with the Consent of the respective Proprietors of such Shares, to convert or amalgamate such Number thereof, belonging to the said Proprietors respectively, as shall together be of the nominal Amount or Value of Fifty Pounds or upwards, into One or more Shares of the Amount or Value of Fifty Pounds each, and to give to such Proprietors respectively Certificates for such Fifty Pound Shares in lieu of the Certificates of the new Shares which may have been so converted or amalgamated as aforesaid; and after Two Thirds in Number of the said new Shares shall have been so converted into Fifty Pound Shares it shall be lawful for the said Directors to refuse to issue any separate Certificates in respect of new Shares belonging to any One Proprietor which shall together be of the nominal Amount or Value of Fifty Pounds, but in lieu thereof, and on any Deed or Conveyance transferring the same being presented for Entry or Registration, to convert the said new Shares, or so many of them as they shall think proper, into a corresponding Amount in Stock of Fifty Pounds Shares, and to enter a Memorial thereof in a Book kept for that Purpose; and the Directors may endorse the Entry of such Memorial on the said Transfer, and grant a Certificate thereof, in place of the Endorsement, Memorial, and Certificate directed to be made and given by the said first-recited Act.

VIII. And

Power to borrow on Mortgage.

VIII. And be it enacted, That after One Half of the Sum by this and the said first-recited Act authorized to be raised by Shares shall have been paid up, it shall be lawful for the said Company to borrow on Mortgage 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 One hundred and four thousand one hundred Pounds, in addition to the Sum which they are by the said first-recited Act authorized to borrow, and, for securing the Repayment of the Sums so respectively from Time to Time borrowed, with Interest, to mortgage the said Undertaking as by the said first-recited Act authorized, and also, if they think fit, the whole or any of the future Calls on the Shareholders of the Company.

Re-borrowing.

IX. And be it enacted, That if, after having borrowed any Part of the Money so authorized to be borrowed on Mortgage, the Company pay off the same, it shall be lawful for the Directors again to borrow the Sum so paid off, and so from Time to Time.

Rights of Mortgagees.

X. And be it enacted, That the respective Mortgagees shall be entitled one with another to their respective Proportions of the Tolls, Sums, Premises, and future Calls (if any) comprised in such Mortgage, according to the Sums advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, without any Preference one above another by reason of the Priority in the Date of such Mortgage, or of the Meeting at which the same was authorized, or on any other Account whatsoever.

Application of Call, notwithstanding Mortgage.

XI. And be it enacted, That no Mortgage comprising future Calls on the Shareholders shall preclude the Company from making, receiving, and applying to the Purposes of the Undertaking any Calls on the Shareholders so long as the Principal Money borrowed on the Security of such Calls does not exceed the Amount of all the Calls still remaining to be made.

Priority of Mortgages under former Act.

XII. Provided always, and be it enacted, That all Mortgages already entered into under the Powers of the said first-recited Act shall, during the Continuance thereof, have Priority over the Security by this Act authorized to be given.

Transfers of Interest to be stamped.

XIII. And be it enacted, That the Interest on any Mortgage shall not be transferrable, except by an Instrument duly stamped.

Mortgages to be deemed Personal Estate.

XIV. And be it enacted, That all Mortgages heretofore granted by the said Company, and all Mortgages hereafter to be granted by them, and the Sums thereby secured, shall be considered as Personal Estate.

Power to convert Loan into Capital.

XV. And be it enacted, That it shall be lawful for the Company, if they think fit, to raise the Sums authorized to be borrowed on Mortgage by the said first-recited Act and by this Act, or any Part thereof, by creating new Shares of the Company, instead of borrowing the same; or having borrowed the same, it shall be lawful for

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 the Provisions herein-before contained 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 created in lieu of or to pay off any Money which the Company are authorized to borrow, or may have borrowed under the Provisions of this or the said first-recited Act; but no such Augmentation of Capital as last herein-before authorized shall take place without the Authority of an Order of a General Meeting of the Company, called for the Purpose, previously obtained.

Application of Monies.

XVI. And be it enacted, That the Money which shall be raised under the Provisions of this Act shall be applied preferably in Payment of all Liabilities which may have been incurred or Advances which may have been made by or on the Credit of the Directors of the said Company, on account of the said Railway, and of all the Costs, Charges, and Expences of and incidental to the obtaining and passing of this Act, and thereafter for carrying the same and the said recited Acts into effect.

Amending Provisions as to voting.

XVII. And whereas by the said first-recited Act it is provided, that at all General and Special General Meetings held by virtue of the said Act all Persons and Corporations who should have duly subscribed for or become entitled to Shares in the said Undertaking, and their respective Successors, Executors, Administrators, and Assigns, should be entitled to vote in respect of such Shares, according to the following Scale; (that is to say,) for any Share or Shares not exceeding Three, One Vote; for more than Three and not exceeding Five Shares, Two Votes; for more than Five and not exceeding Ten Shares, Three Votes; for more than Ten and not exceeding Twenty, Four Votes; when more than Twenty Shares, then an additional Vote for every Ten Shares beyond the First Twenty Shares: Provided nevertheless, that no Person or Corporation should have more than Ten Votes in his or their own Right: And whereas it is considered expedient to alter the said Provision; be it therefore enacted, That the said Provision shall be and the same is hereby accordingly repealed; and in lieu thereof, be it enacted, that at all General and Special General Meetings of the Company to be held after the passing of this Act the Shareholders shall be entitled to vote according to the Scale of voting herein-after mentioned; that is to say, every Shareholder possessing Capital Stock of the Company to an Extent not exceeding One thousand Pounds shall have One Vote for every complete Sum of Two hundred Pounds of such Stock; and every Shareholder possessing Capital Stock of the Company to an Extent above One thousand Pounds and not exceeding Five thousand Pounds shall have One Vote for every complete Sum of Two hundred Pounds of the first One thousand Pounds thereof, and One Vote for every complete Sum of Five hundred Pounds of the Remainder thereof; and every Shareholder possessing Capital Stock of the Company to an Extent above Five thousand and not exceeding Ten thousand Pounds shall have One Vote

Vote for every complete Sum of Two hundred Pounds of the first One thousand Pounds thereof, One Vote in respect of every complete Sum of Five hundred Pounds of the next Four thousand Pounds thereof, and One Vote in respect of every complete Sum of One thousand Pounds of the Remainder thereof; and in respect of any Capital Stock of the Company held by any Shareholder above the said Sum of Ten thousand Pounds, he shall, in addition to the Votes to which he would have been entitled if the Amount held by him had been Ten thousand Pounds, have One Vote for every complete Sum of Two thousand Pounds thereof.

Reserving Rights of existing Proprietors.

XVIII. Provided always, and be it enacted, That all Persons and Corporations who shall be at the Date of the passing of this Act possessed of Shares representing a less Amount of Stock in the Company than Two hundred Pounds shall, so long as they shall continue Proprietors of such Shares and of no greater Number, be entitled to vote in respect thereof, agreeably to the Provisions with regard to voting contained in the said first-recited Act, as though the said Provisions had not been repealed: Provided also, that no Shareholder shall be entitled to vote in respect of any Share held by him unless the whole Amount of Money called for in respect thereof shall at the Time have been paid, and that in estimating the Amount of Stock held by any Shareholder for the Purpose of determining his Rights of voting under the Provision herein-before contained the Amount of Money actually paid upon such Stock shall alone be taken into account.

Altering Number and Qualification of Directors.

XIX. And whereas it is by the said first-recited Act provided that there should be Twenty Directors of the said Company, Ten of whom should be resident within Ten Miles of *Glasgow*, and it is expedient to reduce the said Number of Directors, and to alter the Qualification for such Office, and the Order and Manner of their going out by Rotation, as by the said Act provided; be it therefore enacted, That the Provisions in the said Act contained with regard to the Number of the Directors of the said Company, and the Amount of their Qualification, and the Proportion of them who shall reside within Ten Miles of *Glasgow*, and the Order of their going out of Office by Rotation, shall be and the same are accordingly hereby repealed; and in lieu thereof, be it enacted, that no Person shall be qualified to be elected or to hold Office as a Director of the said Company who shall not be Proprietor and possessed in his own Right of at least One thousand Pounds of the Capital Stock of the said Company paid up.

Reducing Number of Directors.

XX. And be it further enacted, That at the First Half-yearly General Meeting of the said Company which shall be held after the passing of this Act the Number of Directors of the said Company shall be reduced to and shall thereafter, unless altered in virtue of the Provisions herein-after contained, continue to be Twelve in place and stead of the present Number of Twenty.

Mode of Reduction.

XXI. And in order to effect the said Reduction in the present Number of Directors, be it enacted, That on the Day of the said

First Half-yearly General Meeting to be held after the passing of this Act, and One Hour before the Hour appointed for such Meeting, the Directors of the said Company shall meet at their Office in *Glasgow*, and by Ballot among themselves determine which Twelve of their Number shall remain in Office, and the remaining Eight of the said Directors in whose Favour the least Number of Votes for remaining in Office shall appear on such Ballot to have been given shall thereupon go out of Office and cease to be Directors of the said Company.

Rotation of Directors going out of Office.

XXII. And be it enacted, That the Twelve Directors who shall be continued in Office under the Provisions herein-before contained, or those who may be elected to supply their Places, shall retire therefrom at the Times and in the Proportions following; (that is to say,)

At the General Meeting to be held in the Months of *February* or *March* One thousand eight hundred and forty-three, One Fourth of the said Directors shall go out of Office:

At the General Meeting to be held in the Months of *February* or *March* One thousand eight hundred and forty-four, One Third of the Remainder of the said Directors shall go out of Office:

At the General Meeting to be held in the Months of *February* or *March* One thousand eight hundred and forty-five, One Half of the Remainder of the said Directors shall go out of Office:

At the General Meeting to be held in the Months of *February* or *March* One thousand eight hundred and forty-six, the Remainder of the said Directors shall go out of Office:

And at the General Meeting to be held in the Months of *February* or *March* in every subsequent Year, One Fourth of the Directors who shall for the Time being be the existing Directors of the Company shall go out of Office:

And in each Instance the Places of the retiring Directors shall be supplied by the Election of an equal Number of duly qualified Shareholders.

Power to alter Number of Directors.

XXIII. And be it enacted, That it shall be lawful for the said Company, after the Number of Directors shall have been reduced to Twelve as aforesaid, by a Resolution of any General or Special General Meeting to be made pursuant to such Notice as is hereinafter mentioned, from Time to Time, either to increase or still further to reduce the said Number of Directors, so that the Number shall never be greater than Fifteen nor less than Nine: Provided always, that the Resolution of any such General or Special General Meeting determining the Number of the said Directors shall take effect from and after the Half-yearly General Meeting of the said Company to be held in the Months of *February* or *March* next after the Meeting at which the Number shall so have been determined, and the Number so determined shall thenceforth be and continue to be the Number of Directors for the Time being of the said Company, unless and until the same be varied by a Resolution of some future General or Special General Meeting, which shall in like Manner take effect from and after the Half-yearly General Meeting of the said Company to be held in the Months of *February* or *March* next after the Meeting at which such Resolution shall be passed.

XXIV. Pro-

Notice of such Alteration.

XXIV. Provided always, and be it enacted, That no Change shall at any Time be made in the Number of Directors for the Time being of the said Company unless Notice of the Intention to propose such Change be inserted by Order of the Directors in the Advertisement calling the Meeting at which such Change shall be resolved on, or unless a Notice thereof, signed by Ten or more Shareholders holding together Fifty thousand Pounds of the Capital Stock of the Company fully paid up, be inserted once weekly, for at least Three successive Weeks preceding the said Meeting, in Two or more of the *Glasgow* Newspapers; which Notices shall specify the Nature and Extent of the Change intended to be proposed by the Parties giving the same.

Such a Number of Directors to be elected in lieu of those going out of Office as will make up the Number determined on.

XXV. And be it enacted, That at the Half-yearly General Meeting of the said Company to be held in the Months of *February* or *March* next after the Meeting at which the Number of Directors of the said Company shall have been determined by any such Resolution as aforesaid, the Number of Persons to be elected as Directors of the said Company in place of the Directors going out by Rotation, pursuant to the Provisions herein-before contained, shall be such as, with the Directors continuing in Office, shall make up the Number which shall have been determined to be the Number for the Time being of Directors of the said Company: Provided always, that in case the Number of Directors going out by Rotation shall not be more than sufficient to reduce the existing Number of Directors to the Number which shall so have been determined to be the Number for the Time being of Directors of the said Company, then and in every such Case there shall be no new Election of Directors in place of the Directors so going out by Rotation; and in case it shall happen that the Number of Directors going out by Rotation shall not be sufficient to reduce the existing Number of Directors to the Number which shall so have been determined to be the Number for the Time being of Directors of the said Company, then and in every such Case so many of the remaining Directors who shall have been longest in Office (to be determined by Ballot among the general Body of Directors) shall go out of Office as will reduce the Number of Directors to the Number which shall so have been determined on.

One Fourth of the Directors, or as near thereto as possible, to go out by Rotation.

XXVI. And be it enacted, That in case the Number of Directors for the Time being of the said Company so to be determined as aforesaid shall be some Number not divisible by Four, then the Number of Directors from Time to Time to go out by Rotation shall be One Fourth of the nearest Number above the Number so to be determined on which shall be divisible by Four.

Directors longest in Office to retire preferably.

XXVII. And be it enacted, That at the said General Meeting to be held in the Month of *February* or *March* One thousand eight hundred and forty-three, and in every subsequent Year, those Directors shall preferably go out of Office and cease to be Directors of the said Company who have been longest in Office; and in case any Difficulty shall at any Time arise as to which of the Directors ought to go out of Office, by reason of there being a greater Number of Directors of equal standing, and who by reason of the Duration of their Office should go out by Rotation, than the Number required so to

to go out, then and in every such Case those of the Directors of equal Standing who shall go out of Office shall be determined by Ballot among the general Body of Directors.

Modifying Provision in former Act as to Charges of Conveyance.

XXVIII. And whereas by the said second-recited Act it is provided that, save as thereby or by the said first-recited Act excepted, the Charges authorized to be made for the Carriage of any Passengers, Goods, Animals, or other Matters or Things to be conveyed by the said Company, or for the Use of any Steam Power or Carriage to be supplied by the said Company, should be at all Times charged equally to all Persons, and after the same Rate *per* Mile, or *per* Ton *per* Mile, in respect of all Passengers, and of all Goods, Animals, or Carriages of the like Description, and conveyed or propelled by a like Carriage or Engine passing on the same Portion of the Line only, and under the same Circumstances, and that no Reduction or Advance in any Charge for Conveyance by the said Company, or for the Use of any locomotive Power to be supplied by them, should be made, either directly or indirectly, in favour of or against any particular Company or Person travelling upon or using the same Portion of the said Railway as aforesaid: And whereas it is expedient that the said Provision should be modified in manner herein-after mentioned; be it therefore enacted, That the said Provision hereinbefore recited shall be and the same is hereby repealed; and in lieu thereof be it enacted, that it shall be lawful for the said Company, wherever they shall provide locomotive or Steam Power or Carriages for the Conveyance of Passengers, Animals, Goods, Wares, Merchandize, Articles, Matters, or Things, or shall act as Carriers under the Powers conferred on them by the said first-recited Act, to charge for such locomotive or Steam Power and Carriages, and for loading and unloading the said Goods, Wares, Merchandize, Articles, Matters, or Things, and for the Use of the Stations or other Accommodation provided by them, such Sum or Sums, and that either *per* Ton or *per* Mile, or by Bulk Measure, Number, or Admeasurement, or by fixed Charges, as they shall think expedient: Provided always, that in whatever Way the said Charges are made they shall be made equally to all Persons in respect of all Animals, and of all Goods, Wares, Merchandize, Articles, Matters, or Things, of a like Description and Quantity, and conveyed or propelled by a like Carriage or Engine, passing over the same Portion of and over the same Distance along the Railway, and under the like Circumstances, and in respect of all Accommodations of a like Nature afforded in respect thereto, and no Reduction or Advance in any of such Charges shall be made partially, either directly or indirectly, in favour of or against any particular Company or Person.

Lists of Tolls may be printed and affixed on Boards in lieu of being painted.

XXIX. And whereas by the said first-recited Act it was enacted, that the said Company should cause to be painted on Boards, and affixed as therein mentioned, an Account or List of the several Rates and Tolls payable by virtue of the said Act, and that certain Bye Laws, Orders, Rules, and Regulations therein referred to should be also painted on Boards, and hung up and affixed as therein mentioned: And whereas it is expedient that the said recited Enactments should be modified as hereafter mentioned; be it therefore enacted, That a List of all the Rates and Tolls authorized by the said

said first-recited Act to be taken by the said Company, and which shall from Time to Time be demanded by them, and also in the Event of their providing locomotive or Steam Power or Carriages, or acting as Carriers, a List of the Sums which shall from Time to Time be charged by them therefor under the Authority of this Act, and also all Bye Laws, Rules, Orders, or Regulations directed by the said first-recited Act to be painted on Boards and affixed as therein mentioned, shall hereafter be published, either by the same being painted upon One Board or more in distinct Black Letters on a White Ground, or White Letters on a Black Ground, or, in the Option of the said Company, by being printed in legible Characters on Paper affixed to such Board or Boards, and by such Board or Boards being exhibited in some conspicuous Place on the Toll Gates or Toll Houses, or Places where such Tolls and Charges shall be payable, and such Tolls and Charges, as well as such Bye Laws, Rules, and Regulations as aforesaid, shall be repainted or reprinted, and such Boards whereon the same are affixed shall be renewed, as the Case may require, so often as the same shall be obliterated or rendered illegible, or defaced or destroyed; and no Tolls or Charges shall be demanded or taken by the Company for the Use of the Railway during any Time at which the Boards on which such Tolls and Charges are directed to be printed or painted and affixed as aforesaid shall not be exhibited in manner before directed; and if any Person wilfully pull down, deface, or destroy any such Board, or any Matter painted or printed and affixed thereon, he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Limiting Charge for Conveyance of Passengers.

XXX. Provided always, and be it enacted, That nothing herein contained shall authorize the said Company to charge, for the Conveyance of Passengers on the said Railway, any greater Sum than the maximum Rate fixed by the said first-recited Act.

Application of Money payable to Heirs of Entail.

XXXI. And be it enacted, That where any Purchase or Compensation Money payable by the said Company to any Heir of Entail, for or on account of any Lands belonging to or possessed by such Heir of Entail, taken or injured by them, shall have been consigned in any of any chartered Banks of *Scotland*, it shall be lawful for the Court of Session, on a summary Application by or on behalf of the Party who would have been entitled to the Rents and Profits of the said Lands, with Consent of the said Company, to authorize and direct the same to be paid and applied in Extinction *pro tanto* of any Sums of Money which shall at the Date of the Order or Decree of such Court form a Charge on the said Lands, or on the Rents thereof, under and in pursuance of the Provisions contained in an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditaments in that Part of* Great Britain *called* Scotland, *held under Settlements of strict Entail.*

10 G. 3. c. 51.

When Books of the Company may be balanced.

XXXII. And be it enacted, That it shall be lawful for the Directors to balance the Books of the said Company either upon the Thirty-first Day of *December* and Thirtieth Day of *June* in each Year, if lawful Days, or, if a *Sunday*, upon the Day preceding, as provided for in the said first-recited Act, or, at their Option, and in lieu

lieu thereof, upon any Day in the Months of *January* and *July* respectively following the said first-mentioned Months which shall be from Time to Time fixed and determined by them.

Regulating Crossing at Peebles Street and the private Railway.

XXXIII. And whereas the Main Line of the said Railway crosses on its Surface a private Railway or Tramroad leading from *Ayr* Collieries to the Harbour of *Ayr*, in the present Occupation of *John Taylor Gordon*, and also crosses at the same Point on the Surface of a Street called *Peebles Street*, and it is expedient to regulate the said Crossings so far as necessary to provide for the Safety of the Public; be it therefore enacted, That the Company shall, on their own Expences, make and maintain along the Sides of the Main Line of Railway good and sufficient Gates, Thirty Feet in Width, across the said private Railway or Tramroad and Street, and shall employ proper Persons to open and shut such Gates, which shall not be more than Thirty-two Feet apart, and shall be erected and constructed so as that when opened across the said private Railway and Street they shall be shut across the said Main Line of Railway, and the Company shall, if necessary, provide at their own Expence a Residence for such Persons at or near the said Crossings: Provided that the said Gates shall be kept shut across the said private Railway and Street, except at the Time of the passing of any Waggon or other Carriage or Horse or other Beast of Draught on the said private Railway; and provided also, that the Erection and Maintenance and the opening and shutting of such Gates shall be conducted and managed by the said Company with as little Interruption to the Traffic on the said private Railway as may be consistent with public Safety; and every Complaint for any wilful or culpable Neglect on the Part of the Company with respect to the Erection and Maintenance of the said Gates, or the opening or shutting of the same, shall be made within One Month after such Neglect shall occur to the Sheriff of the County of *Ayr*, who shall summon the Company to appear before him, and shall hear and decide upon such Complaint; and the Company shall for each such Offence, and for every Day of the Continuance of such Neglect, forfeit any Sum not exceeding Five Pounds, together with such Costs as the Sheriff shall deem fit; and such Penalty and Costs may be recovered by any Person suing for the same by any of the Ways and Means provided for the Recovery of Penalties by the said recited Acts.

No more Lines of Rails to be laid across the private Railway.

XXXIV. And be it enacted, That it shall not be lawful to the Company to lay any Rails across the aforesaid private Railway, in the present Occupation of *John Taylor Gordon*, in addition to the Two Lines of Rails already laid across the same for the Purpose of running Locomotives thereon; but it shall be lawful to the Company to lay down Two additional Lines of Rails across the said private Railway, and on the Portion of *Peebles Street* between the Main Line of the said *Glasgow*, *Paisley*, *Kilmarnock*, and *Ayr* Railway, and the North-western Approach to the adjoining Bridge; provided that the said additional Lines of Rails shall not on any Pretence be used for the Passage thereon of any locomotive or Steam Engine by Steam Power under a Penalty to be paid by the Company to any Person suing for the same not exceeding Ten Pounds; and that in using the said additional Lines they shall not interfere with but give way

way to the Traffic on the said private Railway, under the Penalty herein-before provided: Provided further, that nothing herein contained shall confer any Right on the said Company to the Solum of *Peebles Street* which they do not now possess.

Providing for Appeal to Solicitor General of Scotland, instead of Commissioners of Highland Roads.

XXXV. And whereas by the said recited Act it was provided, that until certain Sums of Money, to be advanced by the said Company to the Trustees upon the *Gorbals* and *Clark's Bridge* Division or District of Turnpike Roads in the County of *Renfrew*, should be repaid, the said Company should be authorized and empowered, by their Chairman or Deputy Chairman, or One of their Directors, to attend the several Meetings of the said Trustees when and so often as the same might be held, and to vote as a Trustee in the Management of the said Roads, and to exercise a Veto on any Resolution occasioning an extraordinary Expenditure or Diminution of the annual Revenue thereof, subject, nevertheless, to appeal by the said Trustees to the Commissioners of Highland Roads, or some other Body or Person, to be mutually agreed on by the said Trustees and the said Company: And whereas the said Commissioners of Highland Roads and Bridges have declined to act under the Powers conferred on them by said Clause, and it is expedient and just that some other Body or Person should be appointed independent of the Election of the Parties; be it therefore enacted, That the Right of Appeal to the said Commissioners of Highland Roads and Bridges shall be and is hereby repealed, and such Appeal shall lie and be competent to the Solicitor General of *Scotland*, whom failing, by Refusal or Delay for Two Weeks, to accept after he is requested so to do, and after Notice has been given to the other Party, to the Dean of the Faculty of Advocates, who shall also be allowed Two other Weeks after he is requested so to do, and after Notice has been given to the other Party to refuse or accept; and in case of the Refusal or Delay within the said respective Periods of both of the said Referees to receive and entertain such Appeal, then to the Lord Ordinary of the Court of Session on the Bills, who is hereby in that Case required to hear and determine the Matters in dispute; and the Decision of any of the said Referees as to the Exercise of the Company's Right of Veto under the said first-recited Act shall be final, and not subject to Review by Suspension, Advocation, or otherwise.

Railway subject to the Provisions of any General Act.

XXXVI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway, Branches, and Works by the said recited Acts authorized to be made from the Provisions of any general Act relating to Railways which may pass during the present or any future Session of Parliament.

Public Act.

XXXVII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.

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