ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. lxxxiii.

An Act to enable the *Caledonian and Dumbartonshire Junction* Railway Company to make certain Deviations and Branches. [2d *July* 1847.]

WHEREAS an Act was passed in the Tenth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for making a Railway from* Glasgow *to* Dumbarton *and* Lochlomond, *and with Branches to* Helensburgh *and other Places, to be called* "*The* Caledonian and Dumbartonshire Junction *Railway*:" 9 & 10 Vict. c. 81. And whereas it would be attended with Advantage and Convenience to the Public and to the *Caledonian and Dumbartonshire Junction* Railway Company, if the said Company were authorized to make a Deviation of the Main Line of the Railway authorized by the said recited Act from a Point near *Duntocher* Limeworks to a Point near *Bowling Bay*, and to make Branch Railways to the *Glasgow and Port Dundas* Road, and to the Lands of *Pinkston*; but these Purposes 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,

Recited Act incorporated with this Act.

ment assembled, and by the Authority of the same, That the said recited Act, and the several Acts thereby incorporated therewith, shall, so far as not varied or otherwise provided for by this Act, be incorporated with and form Part of this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Proceedings, it shall be sufficient to use the Expression "The *Caledonian and Dumbartonshire Junction* Railway (Deviation and Branches) Act, 1847."

Power to raise Money by Creation of new Shares.

III. And whereas the estimated Expence of the Works hereby authorized is Fifty thousand Pounds; be it enacted, That it shall be lawful for the Company from Time to Time to raise, in addition to the Sums which they are authorized to raise by the said recited Act, any further Sums of Money, not exceeding in the whole the Sum of Fifty thousand Pounds, by the Creation of new Shares or Stock, upon such Terms and in such Manner as may be or may have been agreed upon at any Extraordinary Meeting or Meetings of the Company, and the new Shares or Stock created by virtue of this Act shall become Part of the general Capital of the Company.

Power to borrow Money on Mortgage.

IV. And be it enacted, That after the whole of the said Sum of Fifty thousand Pounds shall have been subscribed, and One Half thereof shall have been paid up, it shall be lawful for the Company from Time to Time to borrow on Mortgage or Bond, and if paid up again to borrow, any Sum or Sums of Money not exceeding in all Sixteen thousand six hundred Pounds, in addition to the Amount which they are authorized to borrow by the said recited Act.

Interest not to be paid on Calls paid up

V. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company 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 Company 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.

VI. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company 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 in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

VII. And

Lines of Railway.

VII. And be it enacted, That the Lines of Railway to be made and maintained under the Authority of this Act shall be the following; (that is to say,)

A Deviation of the Main Line of the *Caledonian and Dumbartonshire Junction* Railway from a Point on the said Main Line near to the *Duntocher* Limeworks to a Point at or near to *Bowling Bay* or *Bowling Village*, all in the Parish of *Wester* or *Old Kilpatrick*;

A Branch Railway from a Point on the Main Line of the said Railway on or near the Lands of *Hamilton Hill* at or near the Boundary of the ancient Royalty of *Glasgow* to the Road leading from *Glasgow* to *Port Dundas* at a Point near to the Junction of the said Road with the Road leading from *Glasgow* to *Garscube*; and

A Branch Railway from the Main Line of the said Railway at a Point on the Lands of *Craighall* near the House of *Craighall* in the Burgh of *Glasgow* to a Point on the Lands of *Pinkston* near the *Inchbelly* Road in the said Burgh, and there to form a Junction with a proposed Branch Railway from the *Glasgow, Garnkirk, and Coatbridge* Railway to the Road leading from *Glasgow* to *Port Dundas*.

Power to make new Works.

VIII. And whereas Plans and Sections of the foresaid Railways by this Act authorized to be made, showing the Lines and Levels thereof, and a Book of Reference containing the Names of the Owners and Lessees or reputed Owners and Lessees and Occupiers of the Lands through or upon which the said Railways and the Works to be connected therewith will pass or be situate, have been deposited in the Offices of the Principal Sheriff Clerks of the Counties of *Dumbarton* and *Lanark*; be it enacted, That with the Powers and subject to the Provisions contained in the said recited Act, and the Acts thereby incorporated therewith, it shall be lawful for the Company to make and maintain the said Railways, and all necessary Works and Conveniences connected therewith, in the Lines and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Lands for extraordinary Purposes.

IX. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes in connexion with the Railways hereby authorized to be made shall not exceed Ten Acres.

Compulsory Purchase of Lands limited.

X. And be it enacted, That the Powers for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years after the passing of this Act.

Period for the Completion of Railways.

XI. And be it enacted, That the Railways by this Act authorized to be made shall be completed within Seven Years after the passing of this Act, and on the Expiration of the said Period the Powers by this Act granted to the Company for executing the said Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Railways as shall then be completed.

XII. And

A certain Road may be crossed on the Surface.

XII. And be it enacted, That it shall be lawful to the Company to carry the Deviation Line of Railway by this Act authorized across the Surface of the Road numbered 20 in the Parish of *Old* or *Wester Kilpatrick* on the Plans deposited as aforesaid.

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

XIII. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Point where the said Railway crosses the before-mentioned Road on the Level, and the said Company shall be subject to and abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, 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 such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at 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.

Regulating the Inclination of a certain Road.

XIV. And be it enacted, That it shall be lawful to the Company to construct the Approaches to the Bridge or Arch for carrying the Road numbered 45 in the *Barony* Parish of *Glasgow* on the Plans deposited as aforesaid, over the Branch Railway to the *Glasgow and Port Dundas* Road hereby authorized, with such Inclinations as they think fit, not steeper than One in Twenty-four.

Part of Works formerly authorized may be abandoned.

XV. And be it enacted, That it shall be lawful to the Company and they are hereby required to relinquish that Portion of the Works on the Main Line of Railway authorized by the said recited Act which lies between the Points above specified as the Points of Commencement and Termination of the Deviation first above described, and that Portion of the Works on the Main Line of Railway authorized by the said recited Act which lies between the Point on the Lands of *Craighall* above specified as the Point of Commencement of the Branch Railway last above described and the Terminus at the *Glasgow, Garnkirk, and Coatbridge* Railway of the Main Line as authorized by the said recited Act.

Certain Parts of the Works not to be proceeded with until the Railway with which the same are intended to communicate is authorized by Parliament.

XVI. And whereas the Two Branch Railways last above described are laid out for the Purpose of effecting a Communication between the Main Line of the said *Caledonian and Dumbartonshire Junction* Railway and a proposed Branch Railway from the *Glasgow, Garnkirk, and Coatbridge* Railway to the Road leading from *Glasgow* to *Port Dundas*, for which a Bill promoted by the *Caledonian* Railway Company is at present depending before Parliament; be it enacted, That in the event of the said Bill not being passed into a Law the Powers hereby granted for the Construction of the said Two Branch Railways intended to communicate with the said Branch Railway proposed to be authorized by the said Bill shall not be carried into effect, and in that Event the Company shall not be obliged to abandon that Portion of the Works on the Main Line of the said *Caledonian and Dumbartonshire Junction* Railway which lies

between

between the Point of Commencement of the Branch Railway last above described and the Terminus at the *Glasgow, Garnkirk, and Coatbridge* Railway of the Main Line authorized by the said recited Act, any thing herein contained to the contrary notwithstanding.

Junction with Glasgow, &c. Railway on Lands of Pinkston to be made to the Satisfaction of the Engineer of Caledonian Railway.

XVII. And be it enacted, That the Junction between the Branch Railway last above described and the said proposed Branch of the *Glasgow, Garnkirk, and Coatbridge* Railway on the Lands of *Pinkston* shall be made and for ever maintained and watched at the Expence of the Company, and at the Sight and to the Satisfaction of the Engineer for the Time being of the *Caledonian* Railway Company, and the Construction thereof shall not prevent at any future Time the widening of the said Branch of the *Glasgow, Garnkirk, and Coatbridge* Railway, if such widening shall be considered desirable by the *Caledonian* Railway Company.

Works between Canal Street and Port Dundas Road to be executed by Caledonian Railway Company.

XVIII. And whereas that Portion of the Branch Railway hereby authorized from the said Main Line to the Road leading from *Glasgow* to *Port Dundas* which lies between *Canal Street* and the said Road will pass through the Property of the *Caledonian* Railway Company and the Ground laid out by them for Station Ground in connexion with the said *Glasgow, Garnkirk, and Coatbridge* Railway, and it is expedient that the last-mentioned Railway, and the Station Ground connected therewith, should remain under the exclusive Management and Control of the *Caledonian* Railway Company; be it enacted, That the Company shall not, except in the Event herein-after mentioned, have Power to execute any Works between *Canal Street* and the Road leading from *Glasgow* to *Port Dundas*, and that such Works, so far as necessary for effecting a Junction with the Line of the *Glasgow, Garnkirk, and Coatbridge* Railway, shall be made and maintained by and remain the Property and under the exclusive Management and Control of the *Caledonian* Railway Company: Provided always, that in the Event of the *Caledonian* Railway Company failing to complete such a Junction within Two Years from the Date of the passing of this Act, the Company shall be entitled to execute such Works as may be necessary for that Purpose, at the Sight and to the Satisfaction of the Engineer for the Time being of the *Caledonian* Railway Company, in which Event the said Works shall be executed in the Manner and under the Restrictions contained in a Bill now pending, intituled *A Bill to enable the* Caledonian *Railway Company to make a Branch Railway from the* Glasgow, Garnkirk, and Coatbridge *Railway to* Glasgow, *and to enlarge the Station in that City.*

Lands and Works of Caledonian Railway Company not to be interfered with without Consent.

XIX. And be it enacted, That, excepting in so far as hereby expressly authorized, nothing herein contained shall authorize the Company to enter upon or acquire any Lands belonging to the *Caledonian* Railway Company, without their previous Consent in Writing, nor to alter the Line or Levels or Width of the said *Glasgow, Garnkirk, and Coatbridge* Railway, or of the said proposed Branch or Alteration thereof, nor in any Manner to interrupt the Traffic thereon.

Saving Rights of Caledonian Company.

XX. And be it enacted, That nothing herein contained shall alter, prejudice, or diminish any of the Rights, Powers, Privileges, or Authorities vested in the *Caledonian* Railway Company, except in so far as herein-before expressly provided.

Company to construct Bridges across Railway, if required by Messrs. C. Tennant and Co.

XXI. And whereas the Branch Railway lastly before described is intended to be constructed and will pass through that Portion of the Lands of *Pinkston* which have been acquired by Messieurs *Charles Tennant* and Company for the Purpose of Depôt Ground for the Refuse from their Chemical Works at *Saint Rollox*; be it enacted, That in forming the said Railway, the Company shall be bound to construct across the said Railway Two good and sufficient Accommodation Bridges of proper Dimensions for connecting the said Lands of *Pinkston*, and for other Purposes connected with the beneficial Occupation thereof, in such Places as the said Messieurs *Charles Tennant* and Company, or their Successors, may think necessary and proper, and also, on being required by the said Messieurs *Charles Tennant* and Company, or their Successors, to construct another good and sufficient Accommodation Bridge over the said Railway, for the Purposes aforesaid, of such Dimension and at such Place as they shall point out.

For Protection of the Edinburgh and Glasgow Railway.

XXII. And whereas it is intended that the said Branch Railway from the Main Line of the said *Caledonian and Dumbartonshire Junction* Railway near the House of *Craighall* in the Burgh of *Glasgow* to a Point on the Lands of *Pinkston* aforesaid, to join the proposed Branch Railway from the *Glasgow, Garnkirk, and Coatbridge* Railway, shall be carried over the Line of the *Edinburgh and Glasgow* Railway, and it is expedient that the Works should be executed so as not to interfere with the Rails or Traffic upon that Railway; be it enacted, That the *Caledonian and Dumbartonshire Junction* Railway Company shall, previous to commencing any of the Works upon the said Branch affecting the *Edinburgh and Glasgow* Railway, give Notice of their Intention to the *Edinburgh and Glasgow* Railway Company, who shall within One Month after such Notice be entitled to call upon the said *Caledonian and Dumbartonshire Junction* Railway Company to carry such Branch over their Railway either by One Beam Bridge, which shall be of the Width of Thirty Feet on the Square, and shall at no Place have a less Height than Fifteen Feet of clear Space above the Rails, or by a Bridge of Three Arches, the centre Arch of which shall be of the clear Width of Twenty-five Feet on the Square, and each of the Side Arches of which shall be of the clear Width of Fifteen Feet on the Square, and the Abutment Supports of which Arches, where situated between the Rails of the *Edinburgh and Glasgow* Railway, shall consist of Cast Iron Pillars, and which Arches shall at no Place have a less Height than Fifteen Feet of clear Space above the Rails: Provided always, that in the Event of an Arch of Thirty Feet in Breadth being constructed, in pursuance of the Provisions herein-before contained, it shall be in the Power of the *Edinburgh and Glasgow* Railway Company, at any Time, and without the Consent of the *Caledonian and Dumbartonshire Junction* Railway Company, but so as not to interfere with the Stability of the Works belonging to such last-mentioned Company,

Company, or to interfere with their Rails or Traffic thereon, at their own Expence to widen their Railway, and with that view to construct any additional Bridge or Bridges, or Arch or Arches, which they shall consider expedient for such Purpose, and to carry the *Caledonian and Dumbartonshire Junction* Railway across their Railway by means of such additional Bridge or Bridges and Arch or Arches.

Works over Edinburgh and Glasgow Railway to be executed to the Satisfaction of an Engineer, to be named by Sheriff of Lanarkshire.

XXIII. And be it enacted, That the Works required for carrying the said Branch Railway over the said *Edinburgh and Glasgow* Railway shall be executed and maintained, at the Sight and to the Satisfaction of an Engineer to be named by the Sheriff of *Lanarkshire*, at any Time when required by either Party, and whose Charge shall be paid by the *Caledonian and Dumbartonshire Junction* Railway Company, and such Works shall be executed so as not to interrupt or interfere with the Rails or Traffic upon or to endanger the Works of the said *Edinburgh and Glasgow* Railway Company.

Damages to be made good.

XXIV. And be it enacted, That in case, during the Construction of the Works for carrying the said Branch Railway by this Act authorized over the said *Edinburgh and Glasgow* Railway, or at any Time after such Works shall have been completed, any Damage or Injury shall be thereby occasioned to the said *Edinburgh and Glasgow* Railway, or the Traffic thereupon be in any way interrupted, then and in either of such Cases, and so often as the same shall happen, the said *Caledonian and Dumbartonshire Junction* Railway Company shall and they are hereby required to make good all such Damages or Injury, and to reimburse the said *Edinburgh and Glasgow* Railway Company all Loss, Damages, Costs, and Expences which they shall have incurred in consequence thereof.

Lands of the Edinburgh, &c. Railway Company not to be taken without Consent.

XXV. And be it enacted, That nothing herein contained shall extend or be deemed or construed to extend to authorize or enable the *Caledonian and Dumbartonshire Junction* Railway Company to take or enter upon any of the Lands or Grounds belonging to the said *Edinburgh and Glasgow* Railway Company, or to alter, vary, or interfere with the said *Edinburgh and Glasgow* Railway, or any of the Works thereof, without the Consent in Writing of the said *Edinburgh and Glasgow* Railway Company in every Instance for that Purpose first had and obtained, excepting always in so far as may be necessary for enabling the Company to carry the Branch Railway last before described over the said *Edinburgh and Glasgow* Railway in manner herein provided.

Saving the Rights of the Edinburgh and Glasgow Railway Company.

XXVI. And be it enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, Franchises, or Authorities of or vested in or belonging to the said *Edinburgh and Glasgow* Railway Company, but all their Rights, Privileges, Powers, Franchises, and Authorities under their several Acts of Parliament or otherwise, excepting in so far as specially herein enacted, are hereby expressly reserved.

XXVII. And

Company to carry Branch Road from Troughstone to Port Dundas over Railway.

XXVII. And be it enacted, That in the Event of the Trustees appointed by an Act passed in the Seventh Year of the Reign of Her present Majesty, intituled *An Act to improve, repair, and maintain the Road from* Inchbelly Bridge *to* Glasgow, *and to make and maintain certain Branch Roads therefrom*, carrying into effect the Powers of the said recited Act in respect of the Branch Road therein described from *Troughstone* to the *Port Dundas* Road, the Company shall be bound and they are hereby required, at their own Cost and Expence, to carry the said Branch Road over the Railway, and to make the Bridge or Arch, and the Inclinations of the Approaches thereto, not steeper than One Foot in Forty Feet, the said Approaches being of the same Width as the rest of the Road on either Side of the said Bridge.

Provision as to passing under Forth and Clyde Canal.

XXVIII. And whereas the Branch Railway to the *Glasgow and Port Dundas* Road hereby authorized is intended to be carried by a Tunnel under the Canal belonging to the Company of Proprietors of the *Forth and Clyde* Navigation, commonly called the *Forth and Clyde* Canal Company; be it enacted, That the Operations necessary for that Purpose shall be commenced on the North Side of the said Canal, and when finished under the same, and Sixty Feet to the South thereof, the Remainder of the Tunnel on the South of the Canal shall not be proceeded with for Five Months; and the whole of the said Operations shall be executed by the Railway Company at their own Expence, at the Sight and to the Satisfaction of *James Walker* of *London*, Civil Engineer, whom failing, *James Leslie* of *Edinburgh*, Civil Engineer, whom failing, some other neutral Engineer to be appointed by the Commissioners of Railways, and according to a Plan to be previously approved of by such Engineer, and the Expence incurred to the said Engineer in relation to the said Works shall be paid by the Railway Company; provided that the Remainder of the Tunnel to the South of the Canal shall only be proceeded with after the Expiration of the said Five Months upon the said Engineer being satisfied with the permanent Security of the Works.

Company to be liable for all Damage to the Canal.

XXIX. And be it enacted, That, notwithstanding the said Operations are to be executed in the Manner before mentioned, and at the Sight and to the Satisfaction of the said Engineer, yet nevertheless the same shall be carried on and completed at the sole Risk of the Railway Company, who shall be liable for all Damages occasioned to the said Canal, or to the adjoining Country, or to the Traders on the Canal, by or in consequence of such Operations, whensoever such Damages may occur; and the Works by which the Railway shall be carried under the said Canal, and the Canal itself, so far as affected by such Works, shall be maintained by the Railway Company in all Time coming in a State of perfect Repair, free from all Leakage.

Penalties for impeding the Canal.

XXX. And be it enacted, That if the said Works shall be so constructed and maintained by the Company as to impede Boats, Barges, or other Vessels from navigating or using the said Canal at all Times as freely and uninterruptedly as at present, then the Company shall pay to the said Canal Company the actual Damage thereby occasioned, or, in lieu thereof, and in the Option of the said Canal Company,

Company, as and by way of liquidated and ascertained Damages, the Sum of Ten Pounds for every Hour during which such Impediment shall be allowed to continue, not exceeding Forty-eight Hours, but if beyond Forty-eight consecutive Hours, then the Sum of Twenty Pounds for every Hour during which such Impediment shall continue after such first Forty-eight Hours as aforesaid; and in default of Payment of any such actual or ascertained Damages, on Demand being made on the Treasurer or any Officer of the Company, the said Canal Company may sue for and recover the same, together with full Expences, against the Company, by Action in the Court of Session in *Scotland*, or before the Sheriff of the County of *Lanark*, or the same may be recovered in like Manner as any other Penalties under this Act.

Provision in case Company fail to repair Works.

XXXI. And be it enacted, That if there shall be any Leakage in the said Works, or in the said Canal, so far as affected thereby, or if the same shall not be kept in a State of complete Repair, and if the Company shall not, within Twenty-four Hours after written Notice of Leakage or Disrepair to the Secretary or other Officer of the Company, forthwith execute the Works necessary for the Removal of such Leakage, or for completely repairing the said Canal and Works connected therewith, so far as such Canal and Works are to be maintained by the Company, then the said Canal Company are hereby empowered to perform all such Operations as may be necessary at the Risk of the Company, and that without Prejudice to the Right of the said Canal Company to recover the Amount of all actual Damage which may be done as aforesaid, or, in their Option, the Penalties herein-before provided, both before and after the giving of such Notice as aforesaid, and during the Currency thereof; and the said Canal Company shall be entitled to recover from the Company the Expence of all Operations which may be performed by them in making such Repairs or removing such Leakage; and in default of Payment of such Expences or Penalties the same may be recovered as herein-before provided with reference to Damages and Penalties for impeding the Passage along the said Canal.

Saving Rights of Canal Company, and prohibiting Deviation from Railway at crossing.

XXXII. And be it enacted, That nothing in this Act contained shall alter, prejudice, affect, or take away any of the Rights, Powers, Privileges, or Authorities vested in the said Canal Company, or shall authorize or empower the Company to alter the Line or Level of the said Canal, or to reduce the Breadth or Depth thereof, or in any Manner to obstruct or impede the Use of the same or any Part thereof, or to divert, intercept, cut off, take, use, or diminish any of the Water therein, or of any Stream or other Supply of Water which is now used or which may be taken for the Use thereof, or permanently to stop or impede any Sluice or Off-let from the said Canal or Aqueduct under the same or connected therewith, adequate Provision being always made for the same if interfered with during the Progress of the Works; and that it shall not be lawful for the Company to make a vertical Deviation upwards from the Section of the said Railway deposited as aforesaid in passing under the said Canal; and that it shall not be lawful for the Company, in carrying the said Railway under the said Canal, to leave less than a clear Depth in the said

Canal of Ten Feet below Top-water Level of the same: Provided nevertheless, that nothing herein contained shall prevent the Company from carrying into execution the Powers of this Act for constructing and from Time to Time repairing and maintaining the said Railway where it shall pass under the said Canal.

For Protection of Possil Road.

XXXIII. And be it enacted, That the protective Provisions contained in the said recited Act in relation to the *Possil* Road shall extend and apply to the Works hereby authorized, as well as to those authorized by the said recited Act.

Tolls.

XXXIV. And be it enacted, That it shall be lawful to the Company, subject to the Conditions, Limitations, and Provisions contained in the said recited Act, and the Acts thereby incorporated therewith, to demand and recover, for the Use of the said Railways and Works hereby authorized, the Tolls, Rates, Duties, and Charges which are by the said Act authorized to be demanded and recovered for the Use of the Railways thereby authorized to be made.

Railways to be subject to the 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.

XXXV. 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 Tenth Year of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the Railways by this Act authorized or the Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Company, so far as the same shall be applicable thereto.

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

XXXVI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Act authorized to be made from the Provisions of any general Act relating to this and the said recited Act, or of any general Act relating to Railways, now in force, or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this and the said recited Act.

Expences of Act.

XXXVII. And be it enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and of making the Survey, Plans,

Plans, and Estimates, and all other Costs, Charges, and Expences in any way incident thereto, shall be paid and defrayed by the Company out of the Money already raised and received, or out of the first Money to be raised and received by them, in preference to any other Payment whatsoever.

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

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