



ANNO UNDECIMO

GEORGII IV. REGIS.

Cap. ix.

An Act to amend an Act for making a Railway
from *Dundee* to *Newtyle*. [29th May 1830.]

WHEREAS an Act was passed in the Seventh Year of the
Reign of His present Majesty, intituled *An Act for making* 7G.4. c.101.
a Railway from the Royal Burgh and Port of Dundee in
the County of Forfar to Newtyle in the said County, whereby certain
Persons were incorporated by the Name and Style of the *Dundee and*
Newtyle Railway Company, with Powers to make the said Railway
and other Works in manner therein set forth, and to raise and borrow
certain Sums of Money for that Purpose: And whereas the said Com-
pany have raised nearly the whole Amount authorized to be raised
by the said recited Act, and have applied the same in the making of
the said Railway and other Works, and have made great Progress in
the same: And whereas the unexpected Increase of the Expence of the
Works beyond the original Estimate for the same, and the extra Work
deemed necessary in the Progress of the Undertaking, and other un-
foreseen Circumstances, have raised the Expences of completing the
said Railway and other Works beyond the Amount originally con-
templated, and the said Company will be unable to continue their
Operations, or to complete the said Railway, unless they shall be
empowered to raise a further Sum of Money for that Purpose; and it
is expedient that the Provisions of the said recited Act be in other
respects enlarged and amended: May it therefore please Your Majesty
that it may be enacted; and be it enacted by the King's most Excel-
lent

[Local.]

21 B

Provisions of former Act extended to this Act.

lent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Authorities, Provisions, Regulations, Directions, Privileges, Forfeitures, Penalties, Clauses, Restrictions, Matters, and Things whatsoever, contained in the said recited Act, except in so far as the same are hereby altered, varied, or repealed, shall extend and be construed to extend to, and operate and be in force for, the Purposes of this Act, as fully and effectually to all Intents and Purposes as if the same and every Part thereof were repeated and re-enacted in this Act, and were made Part thereof; and the said recited Act and this Act shall, as to all Matters and Things whatsoever, except as aforesaid, be construed as one Act.

Further Sum of Money may be raised by Subscriptions of Fifty Pounds each.

How to be applied.

Terms of the new Subscriptions.

II. And be it further enacted, That it shall and may be lawful for the said *Dundee and Newtyle Railway Company*, for the Purpose of paying the Debts already due and owing by them, and for completing the said Railway and other Works, to raise and contribute among themselves, or by the Admission of new Subscribers, in addition to the Sum which they were authorized and empowered to raise by and under the said recited Act, any Sum or Sums of Money not exceeding in the whole the further Sum of Ten thousand Pounds, in such Portions as they shall think fit; which said further Sum or Sums, and every or any Part thereof, when raised, shall be laid out, in the first place in paying the Expences of obtaining this Act, and then in paying the Sums borrowed or otherwise owing under the said recited Act; and then in completing and executing the Works authorized by the said recited Act and this Act, and otherwise for carrying into effect the Purposes of the said recited Act and of this Act; and such further Sum or Sums shall be divided into Shares of Fifty Pounds each; and such new or additional Shares so to be created by virtue of this Act, and the several Shares made or created by virtue of the said recited Act, shall to all Intents and Purposes be and they are hereby declared to be consolidated, and to be one and the same joint Stock and Property, and the Subscription under this Act shall be held to be the same to all Effects and Purposes as a Subscription under the said recited Act; and all Persons, Bodies Politic, Corporate, and Collegiate, and Parties whatsoever, and their several and respective Successors, Executors, Administrators, and Assigns, who shall have severally subscribed for one or more Share or Shares, and have paid such Sum or Sums of Money as have been called for or demanded under and by virtue of the said recited Act, or who shall severally subscribe for one or more additional Share or Shares, and pay such Sum or Sums of Money as shall be called for or demanded under and by virtue of this Act, shall respectively be entitled to and receive the entire and net Distribution of a proportional Part of the Profits or Advantages that shall or may arise or accrue by virtue of the said recited Act and of this Act or either of them, from the said Undertaking, corresponding to such Share or Shares of Fifty Pounds each; and all Persons, and Bodies Politic, Corporate, and Collegiate, and Parties whatsoever, who shall subscribe for, hold, or be entitled to any such new or additional Share or Shares, shall be subject to the Provisions and Regulations of the said recited Act respecting

respecting the Payment of Subscriptions, in such and the same Manner in all respects, and shall in all respects have the same Rights and Privileges, as if they were or had been respectively Subscribers or Holders of original Shares under the said recited Act, and shall bear and pay a proportional Sum towards carrying on the said Works respectively, in manner directed by the said recited Act and this Act.

III. And be it further enacted and declared, That the Holders of Shares in the said Undertaking created by the said recited Act shall be entitled, in the first place, to subscribe for the new Shares to be created in virtue of this Act, in so far as the same have not been subscribed for before the passing thereof, in manner hereinbefore mentioned, in preference to all others, according to the Number of the Shares which they shall respectively hold in the said Undertaking at the Time of the passing of this Act, no Subscription being for less than One Share, and in case of Difficulty those who first apply to the Company, by Letters to the Clerk of the said Company, for Permission to subscribe, being entitled to be preferred, in their Order, to the Extent of One Share in the new Subscription for every Share held by them in the Undertaking at the Time of the passing of this Act; but if such new Shares shall not be taken and subscribed for by such Holders of Shares as before mentioned within the Space of Two Calendar Months after the passing of this Act, the said Company shall be at liberty to receive Subscriptions for the same from any Person or Persons, Bodies Politic, Corporate, or Collegiate, or Parties whatsoever.

Preference to the present Shareholders to subscribe for the new Shares.

IV. And be it further enacted, That when any Distribution is to take place of the Profits and Advantages that shall or may arise or accrue from the said Undertaking, every such Distribution shall be made according to such one of the Modes after mentioned as may correspond to the Amount of Profits or Advantages so at the Time to be distributed, the Sums necessary for maintaining and upholding the Railway and other Works in good and sufficient Repair being in all Cases set apart out of the first of the gross Profits, before any Distribution; that is to say, if such net Profits and Advantages shall be sufficient to pay only a Dividend after the Rate of Five *per Centum*, or after a lower or less Rate, on the Shares of Stock to be created under the Authority of this Act, the Holders of such Shares of Stock shall be entitled to and shall receive the whole of the Profits and Advantages so at the Time to be distributed; if such Profits and Advantages shall be sufficient to pay a Dividend after the Rate of Five *per Centum* on the Shares of Stock to be created under the Authority of this Act, and also a Dividend after a lower or less Rate on the Shares or Stock created under the Authority of the said recited Act, the Holders of Shares created under the Authority of this Act shall be entitled to and shall receive a Dividend at the Rate of Five *per Centum*, and the Holders of Shares created under the Authority of the said recited Act shall be entitled to and shall receive such Dividend at a lower or less Rate, as the Surplus of Profits and Advantages at the Time under Distribution shall afford; and if the Profits and Advantages at the Time to be distributed shall be sufficient to pay a Dividend at the

Distribution of Profits, how to be made.

Rate

Rate of Five *per Centum* both on the Shares of Stock to be created under the Authority of this Act and on the Shares of Stock created under the Authority of the said recited Act, or a Dividend at a higher or greater Rate, the said Profits and Advantages shall be divided among all the Holders of Shares in the said Undertaking rateably according to the Amount of Stock held by each, without either Class having a Right to Preference or Priority of Payment over the other.

Power to raise an additional Sum of 20,000*l.* on Security of the Railway and other Works.

V. And be it further enacted, That it shall and may be lawful for the said Company and they are hereby authorized to borrow and take up at Interest, for the Completion of the Purposes of the said recited Act or of this Act, a further Sum of Twenty thousand Pounds, or such Part thereof as to them shall seem meet and convenient, over and above the Sum of Ten thousand Pounds which by the said recited Act they are empowered to borrow, and on Repayment of the said Sums of Twenty thousand Pounds and Ten thousand Pounds, or any Part thereof, again to borrow and take up at Interest from Time to Time the Sums so repaid, or such Part thereof as to them shall seem meet and convenient; but so that the total Sum borrowed and due and owing under the said recited Act and this Act shall not at any Time exceed the Sum of Thirty thousand Pounds, and to assign and convey the said Railway and other Works and Property of the said Company, and the Rates arising or to arise thereon by virtue of the said recited Act or this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rates,) as a Security for any such Sum or Sums of Money to be borrowed as aforesaid to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance the same; and any Assignments to be granted in Security of such Sums, and the Transferences to be made of such Assignments, shall and may be made in pursuance and in Terms of the Powers and Directions to that effect contained in the said recited Act; and all Persons to whom any such Assignments shall hereafter be made under this Act shall be equally entitled one with the other to their Proportions of the said Rates and Premises according to their respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority of any such Assignments or on any other Account; but the Assignment which has already been executed for the Sum of Ten thousand Pounds authorized to be borrowed under the said recited Act shall, so long as the said Sum is unpaid, be preferable to all others, but when the same has been paid, then, though the said Sum be of new borrowed, it shall have no such Preference, but be deemed and taken the same and in the same Case as the farther Sums authorized to be borrowed under this Act; and such additional Sum of Money so authorized to be borrowed as aforesaid shall be applied by the said Company towards the Completion of the said Railway and Branches, and Works therewith connected.

No Preference of Assignments over one another by reason of Priority of Date.

Subscribers required to pay their Subscriptions.

VI. And be it further enacted, That the several Persons who have subscribed or shall hereafter subscribe to advance any Money for or towards completing and maintaining the Works authorized by the said recited Act or this Act, shall and they are hereby required to pay the

the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company under and by virtue of the Powers and Directions of the said recited Act and this Act, at such Times and Places as shall be directed in manner set forth in the said recited Act as applicable to the Money subscribed under the said recited Act; and in case any Person shall refuse or neglect to pay the same at the Time and in the Manner required for that Purpose, it shall and may be lawful for the said Company to sue for and recover the same in manner provided in the said recited Act in reference to the Calls made under the same.

In case of Refusal or Neglect, may be sued.

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

No Shareholder liable beyond his Subscription.

VIII. And whereas Benefit and Advantage may arise to the said Company if a Branch Railway or Branch Railways were formed facilitating the Communication between the said Railway and the Harbour of *Dundee*; be it enacted, That if any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, having the Power, shall make any such Branch Railway or Branch Railways tending to the Benefit and Advantage of the said Company as aforesaid, it shall and may be lawful to the said Company and they are hereby authorized and empowered to treat and agree with and to pay to the Person or Persons or Body or Bodies making such Branch or Branches such Sum or Sums of Money as may be fixed on as a Compensation to such Person or Persons, Body or Bodies, in consideration of the Benefit and Advantage to arise from such Person or Persons, Body or Bodies, granting to the said Company the Right and Privilege of using such Branch Railway or Branch Railways; and the said Company shall thereupon have Power and are hereby authorized and empowered to levy, at and upon such Branch or Branches, such and the like Tolls and Rates for all Goods and Commodities and other Articles conveyed by them thereon as the said Company are by the said recited Act authorized to levy for conveying the like Goods and Commodities and other Articles for the like Distance upon the said principal Railway; and it shall also be lawful to the said Company to contribute towards the Maintenance of such Branch or Branches: Provided always, that nothing in this Act contained shall authorize or empower, or be so construed as to authorize or empower, any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to use any locomotive Engine upon any such Branch Railway in any Street, Square, or public Passage or Thoroughfare within the Burgh of *Dundee*.

Company may treat and agree for a Branch Railway to facilitate the Communication with the Harbour of Dundee.

IX. And be it further enacted, That it shall and may be lawful to the said Company to contract with all and every Body or Bodies Politic,
[Local.]

Feu Duties may be granted in-
Corporate,

stead of
gross Sums
for Lands,
&c.

Corporate, or Collegiate, Trustees or other Person or Persons by the said recited Act or this Act capacitated to sell or convey Lands or other Heritages, and any other Owner or Owners of any Lands or other Heritages through, in, or upon which the said Railway, or the Bridges, Roads of Communication, or other Works by the said recited Act or this Act authorized, shall be made, for the Payment to such Person of a Feu Duty, at such Rate as may be agreed upon, as Satisfaction for the Value of such Lands and Heritages, and for the Damages sustained or to be sustained for the Value of such Land and Heritages, instead of gross Sums, at the Option of such Owner or Owners, but not of the said Company; and all such Contracts, being made, shall be good and sufficient, and binding on all Parties interested.

If Feu Duty
not paid,
Land shall
revert to the
original
Owner.

X. Provided always, and be it enacted, That in case the Feu Duty payable for any Lands or other Heritages shall be at any Time unpaid for the Space of Two Years after written Demand for Payment, then and in any such Case it shall and may be lawful to the Court of Session in *Scotland*, on the Application of any Party having Interest, to give Judgment according to the Forms in use in such Cases in *Scotland*, to the Effect that the Right of the said Company to such Lands or other Heritages has and shall be held to have ceased and determined, and that such Lands or other Heritages shall be held to have reverted to the original Owner or Owners thereof, or his or their Successors having Right for the Time to such Feu Duty, who shall be entitled to enter to and retain Possession of the same as if the said Company had never possessed any Right or Interest therein.

Public Act.

XI. And be it further 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, without being specially pleaded.

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