



ANNO VICESIMO & VICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. cxlix.

An Act to authorize the Construction of a Railway from *Castle Douglas* in the Stewartry of *Kirkcudbright* to *Portpatrick* in the County of *Wigtown*.
[10th August 1857.]

WHEREAS the Construction of a Railway from the authorized Line of the *Castle Douglas and Dumfries* Railway at *Castle Douglas* in the Stewartry of *Kirkcudbright* to the Town and Harbour of *Stranraer*, and thence to the Town and Harbour of *Portpatrick* in *Wigtownshire*, will not only be beneficial to the District which the Railway will traverse, but will facilitate Intercourse between *Great Britain* and *Ireland*: And whereas Plans and Sections of the proposed Railway showing the Lines and Levels thereof, and also of Two Branches therefrom (the one to the Quay at *Stranraer*, the other to the Pier at *Portpatrick*), together with a Book of Reference to the Plan containing the Names of the Owners, Lessees, and Occupiers of the Lands through which the said Works will pass, have been deposited with the Principal Sheriff Clerks of the County or Stewartry of *Kirkcudbright* and of the County of *Wigtown* respectively: And whereas the Persons herein-after mentioned, with others, are willing at their own Expense to construct the said Railways: And whereas the said Undertaking will complete the

[*Local.*]

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Communication

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Communication by Railway between the Metropolis and that Part of the West Coast of *Scotland* which lies nearest to the Port of *Donaghadee* in the County of *Down* in *Ireland*; and it is expedient that the Railway Companies herein-after mentioned, whose Undertakings form Part of such Means of Communication, should, together with the *Belfast and County Down* Railway Company, be authorized to contribute Funds towards the proposed Undertaking, and to enter into such Arrangements with the Company hereby incorporated as are herein-after authorized: And whereas 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, as follows:

8 & 9 Vict.
cc. 17., 19.,
and 33. in-
corporated.

I. "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act.

"The Com-
pany."

II. In this Act the Words "the Company" shall mean the Company incorporated by this Act.

Subscribers
incorporated.

III. The Honourable *John Dalrymple*, commonly called Viscount *Dalrymple*, Sir *William Dunbar* Baronet, *Stair Hawthorn Stewart* Esquire, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway and Works hereby authorized, and such Company shall be incorporated by the Name of "The *Portpatrick* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the said Acts contained.

Capital and
Shares.

IV. And whereas the estimated Cost of the Railway is Four hundred and sixty thousand Pounds: The Capital of the Company shall be Four hundred and sixty thousand Pounds, and shall be divided into Forty-six thousand Shares of Ten Pounds each.

Calls.

V. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Months at least shall be the Interval between successive Calls, and One Half Part of the Amount of a Share shall be the utmost aggregate

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aggregate Amount of Calls to be made in any One Year upon any Share.

VI. The Company may borrow on Mortgage any Sums not exceeding in the whole the Sum of One hundred and fifty thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital of Four hundred and sixty thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Power to -
borrow on
Mortgage.

VII. It shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any Mortgages by the Appointment of a Judicial Factor; and in order to authorize the Appointment of such Judicial Factor, in the event of the Principal Moneys due on such Mortgages not being duly paid, the Amount owing to the Mortgagees, by whom Application for such Judicial Factor shall be made, shall not be less than Ten thousand Pounds in the whole.

Arrears may
be enforced
by Appoint-
ment of a
Judicial
Factor.

VIII. The Moneys by this Act authorized to be raised, whether by Shares or Mortgage, shall be applied only in carrying into execution the Objects and Purposes of this Act.

Application
of Capital.

IX. It shall be lawful for the *Lancaster and Carlisle* Railway Company, the *Glasgow and South-western* Railway Company, and the *Belfast and County Down* Railway Company, and they are hereby severally required to subscribe towards and become Shareholders in the Undertaking to the following Extent; namely, the *Lancaster and Carlisle* Railway Company Forty thousand Pounds, the *Glasgow and South-western* Railway Company Sixty thousand Pounds, and the *Belfast and County Down* Railway Company Fifteen thousand Pounds; and the *Lancaster and Carlisle* Railway Company shall contribute and apply in Payment of their said Subscription of Forty thousand Pounds any Funds or Moneys (other than Revenue) belonging to or authorized to be raised by them, and the *Glasgow and South-western* Railway Company and the *Belfast and County Down* Railway Company shall respectively contribute and apply in Payment of their said respective Subscriptions of Sixty thousand Pounds and Fifteen thousand Pounds any Funds or Moneys, other than Revenue, belonging to or authorized to be raised by, or which are by this Act authorized to be raised by them respectively, and the said several Companies shall, in respect of the said Sums to be subscribed and the corresponding Shares in the Company to be held by them respectively, have all the Powers, Rights, and Privileges (except in regard to voting at General Meetings, which shall be regulated by the special Provisions herein-after contained), and be

Power to
certain Rail-
way Com-
panies to
subscribe;

and to apply
their Funds
for that
Purpose.

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be subject to all the Obligations and Liabilities of Proprietors of Shares in the Company: Provided always, that until the Railways by this Act authorized shall have been completed and opened for the public Conveyance of Passengers, it shall not be lawful for any of the said several Companies to transfer any of the Shares in the Company held by them respectively of which the full nominal Amount shall not have been paid up.

As to Lancaster and Preston Junction Railway Company.

X. And whereas by "The *Lancaster and Preston Junction Railway Amendment Act, 1849*," the Railway and Undertaking of the *Lancaster and Preston Junction Railway Company* were transferred to and are now vested in the *Lancaster and Carlisle Railway Company*, and all the Powers of the first-mentioned Company in relation to the Management of their Railway and the Traffic thereupon were conferred upon and are now vested in the secondly-mentioned Company; and it was enacted, that the first-mentioned Company should be entitled to participate in the Profits and Revenue to arise upon or in respect of the Use or Working of the *Lancaster and Preston Junction Railway*, and of the *Lancaster and Carlisle Railway*, and of all Branches and Works connected therewith, and of the Proceeds of all the Property of the *Lancaster and Carlisle Railway Company* (except as therein excepted), to the Extent therein provided: Therefore all Sums raised, paid, or subscribed, or to be raised, paid, or subscribed, by the *Lancaster and Carlisle Railway Company* under the Provisions of this Act, shall as between them and the *Lancaster and Preston Junction Railway Company*, and for all the Purposes of "The *Lancaster and Preston Junction Railway Amendment Act, 1849*," be and be deemed to be a Charge on the whole of the Railways and Undertakings of the *Lancaster and Carlisle Railway Company*, including the *Lancaster and Preston Junction Railway*, and as if such Sums were Part of the Money raised and expended under Section Thirty-five of that Act, and to such Sums all the Provisions of that Section shall apply.

Power to Companies to appoint Directors;

XI. The *Glasgow and South-western Railway Company*, so long as they shall hold not less than Forty thousand Pounds of the Capital of the Company, may from Time to Time appoint Two Directors of the Company, and so long as they shall hold less than Forty thousand Pounds but not less than Twenty thousand Pounds of the said Capital may from Time to Time appoint One Director of the Company; and the *Lancaster and Carlisle Railway Company*, so long as they shall hold not less than Forty thousand Pounds of the said Capital, may from Time to Time appoint Two Directors of the Company, and so long as they shall hold less than Forty thousand Pounds but not less than Twenty thousand Pounds of the said Capital may from Time to Time appoint One Director of the Company; and the *Belfast and County Down Railway Company*, so long

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long as they shall hold not less than Fifteen thousand Pounds of the said Capital, may appoint One Director of the Company; and every such Appointment shall be made in Writing under the Seal of the said Companies respectively, and shall be deposited with the Secretary of the Company, and may in like Manner be revoked and renewed, and every Director so appointed shall enter upon Office immediately on his Appointment, and shall remain in Office until his Appointment be revoked as aforesaid, or until he die or resign: Provided always, that if and whenever the *Glasgow and South-western* Railway Company or the *Lancaster and Carlisle* Railway Company shall cease to hold the Amount of Capital of the Company entitling them respectively as aforesaid to appoint Two Directors of the Company, the Directors appointed by the said Company ceasing to hold such Amount of Capital shall cease to hold that Office; and such Company, if still holding not less than Twenty thousand Pounds of the Capital of the Company, may thereupon make a new Appointment of One Director of the Company, either of the Persons previously appointed being always capable of Reappointment: Provided also, that if and whenever the *Glasgow and South-western* Railway Company, the *Lancaster and Carlisle* Railway Company, or the *Belfast and County Down* Railway Company shall cease to hold the Amount of Capital of the Company entitling them respectively as aforesaid to appoint One Director of the Company, the Director of the Company then holding Office in virtue of the Appointment of such Company shall cease to hold that Office, and the Power of such Company to appoint One or more Directors of the Company shall finally determine.

XII. The *Lancaster and Carlisle* Railway Company whilst they continue Shareholders of the Company to the Extent of not less than Forty thousand Pounds may by Writing under their Common Seal from Time to Time appoint any Persons, not exceeding Two in Number, to attend any Meeting of the Company; and the *Glasgow and South-western* Railway Company whilst they continue Shareholders of the Company to the Extent of not less than Forty thousand Pounds may in like Manner from Time to Time appoint any Persons, not exceeding Two in Number, to attend any Meeting of the Company; and the *Belfast and County Down* Railway Company whilst they continue to hold the said Sum of Fifteen thousand Pounds of such Capital may in like Manner from Time to Time appoint any One Person to attend any Meeting of the Company; and every such Person shall have all the Privileges and Powers attaching to other Shareholders at such Meetings, and may vote thereat in respect of the Capital held by the Company which they severally represent upon all Questions excepting the Election of Directors of the Company; Provided always, that the Directors or

and to vote
at General
Meetings.

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Director of the Company appointed by any of the said other Companies entitled to appoint such Directors or Director shall be capable of being appointed by such Company to attend any Meeting of the Company as aforesaid, and in the event of no special Appointment by such Company being produced at any such Meeting, the Directors or Director present at such Meeting shall be deemed to hold such Appointment: Provided also, that in the event of more than One Person entitled to represent any of the said Companies being present at any Meeting of the Company, the Capital of the Company held at the Time by such Company so represented shall for the Purpose of voting at such Meeting be held to be equally divided between such Persons, and in the event of there not being any Director or other Representative of the said respective Companies present at such Meeting the said Companies may respectively exercise all the Rights, Powers, and Privileges of Shareholders at such Meeting in the Mode prescribed by "The Companies Clauses Consolidation, *Scotland*, Act, 1845:" Provided nevertheless, that so long as any of the said Companies shall retain the Right of directly appointing a Director or Directors of the Company under the Provisions herein-before contained, the Company retaining such Right shall not be entitled in respect of the Portion of the Capital of the Company held by them to vote at any Meeting of the Company in regard to the Election of Directors, but when any such Company shall cease to hold such direct Right of Appointment they shall be entitled to vote in the Election of Directors of the Company in the same Manner as other Shareholders.

Power to Glasgow and South-western Railway Company to raise Money for that Purpose by the Creation of Shares.

XIII. It shall be lawful for the *Glasgow and South-western Railway* Company from Time to Time, with the Consent of Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at any General Meeting of that Company called for the Purpose, to raise for the Purpose of the Contribution herein-before mentioned any Sums of Money not exceeding in the whole the Sum of Sixty thousand Pounds; and it shall be lawful for the *Belfast and County Down Railway* Company from Time to Time, with the like Consent, to raise for the Purpose of their Contribution herein-before mentioned any Sums of Money not exceeding in the whole the Sum of Fifteen thousand Pounds; which several Sums of Sixty thousand Pounds and Fifteen thousand Pounds shall be raised by the Creation and Issue of new Shares in the Capital of the said Companies respectively, of such nominal Amount, to such Persons, on such Terms, and bearing (if the said Companies respectively shall think fit) a guaranteed or preferential Dividend at such Rate not exceeding Five Pounds *per Centum per Annum*, as the said Companies respectively may appoint; and such new Shares shall in other respects be subject to the same Provisions as and become Part of the general Capital of

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of the said Companies respectively: Provided always, that any Guarantee or Priority of Dividend which may be granted in respect of such new Shares shall not prejudice or affect any Guarantee, Preference, or Priority in the Payment of Interest or Dividend on any other Shares or Stock which may have been granted by the said Companies respectively in pursuance of or which may have been granted or confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting.

XIV. The First Ordinary Meeting of the Company shall be held within Three Months after the passing of this Act, and all Meetings, whether ordinary or extraordinary, shall be held in *Stranraer* or *Carlisle*, or in such other Place as the Directors shall appoint.

First and other Meetings.

XV. The Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspapers published in *Stranraer* or *Dumfries* and in *Lancaster* or *Carlisle*.

Newspapers for Advertisements.

XVI. In addition to the Directors of the Company to be appointed by the *Lancaster and Carlisle*, the *Glasgow and South-western*, and the *Belfast and County Down* Railway Companies respectively as aforesaid, there shall be Ten Directors of the Company who shall be elected by the Shareholders of the Company, exclusively of such of the other Companies before named as shall at the Time retain the Right of directly appointing a Director or Directors of the Company as aforesaid, and the Qualification of each of the Directors appointed by the Shareholders as aforesaid shall be the Possession in his own Right of Fifty Shares in the Undertaking; and it shall not be necessary for any Director appointed by any of the said contributing Companies to be a Shareholder of the Company.

As to the Directors.

XVII. The said Viscount *Dalrymple*, Sir *William Dunbar* Baronet, *Stair Hawthorn Stewart* Esquire, Sir *James Dalrymple Hay*, Sir *Andrew Agnew* Baronet, Sir *John M'Taggart* Baronet, *George McHaffie* Esquire, Colonel *James McDouall*, and *Patrick Maitland*, *James Newall*, *George Guthrie*, and *James McLean*, Esquires, shall, together with the Directors to be appointed as aforesaid by the *Lancaster and Carlisle*, the *Glasgow and South-western*, and the *Belfast and County Down* Railway Companies respectively, be the First Directors of the Company, and the Directors above named shall continue in Office, but shall not contract any Liabilities or enter into any Contract or Engagement on behalf of the Company until the First Ordinary Meeting to be held after the passing of this Act; and at such Meeting the Shareholders present, personally or by Proxy (exclusively of the contributing Companies before named), shall appoint Ten Directors, any of the Directors before named being eligible for such new Appointment.

First Directors.

XVIII. The

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Quorum of
Directors.

XVIII. The Quorum of a Meeting of Directors shall be Four.

Meetings
of Directors.

XIX. Notice of every Meeting of the Directors shall be given to each Director by Circular posted at least Four Days before the Time of holding such Meeting, and in such Circular shall be stated the Business proposed to be done at the Meeting, and no Business shall be concluded at any Meeting other than that specified in such Circular.

Power to
make Rail-
ways accord-
ing to de-
posited
Plans.

XX. It shall be lawful for the Company, subject to the Provisions in this and the incorporated Acts contained, to make and maintain the Railways herein-after described, with all proper Works, Approaches, and Stations, in the Line and upon the Lands delineated on the Plans and described in the Book of Reference so deposited as aforesaid, and according to the Levels described on the said deposited Sections, and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Description
of Railway.

Main Line.

XXI. The Main Line of Railway shall commence by a Junction with the Railway authorized to be constructed by "The *Castle Douglas and Dumfries* Railway Act, 1856," near the Commencement of the same Railway at *Castle Douglas* in the Parish of *Kelton* and Stewartry of *Kirkcudbright*, and after passing through the Town of *Castle Douglas* and the Parishes of *Kelton*, *Crossmichael*, *Parton*, *Balmaghie*, *Kells*, *Girthon*, *Kirkmabreck*, *Anwoth*, and *Minnigaff*, in the same Stewartry, and the Parishes of *Penninghame*, *Kirkcowan*, *Old Luce*, *Inch*, and *Portpatrick*, in the County of *Wigtown*, shall terminate near *Dinvin Mill*, near the Town and in the said Parish of *Portpatrick*.

Stranraer
Branch.

XXII. There shall be Two Branch Railways, with all necessary Lifts, Cranes, Approaches, and Works, the One thereof diverging from the said Main Line of Railway in the said Parish of *Inch*, and terminating at the West Side of the Quay of *Stranraer* Harbour in the Parish and Royal Burgh of *Stranraer* in the County of *Wigtown*, the said Branch Railway being constructed wholly in the said Two Parishes and Royal Burgh; and the other Branch Railway shall diverge from the said Main Line of Railway near *Dinvin Mill* in the said Parish of *Portpatrick*, and being constructed wholly in the said Parish shall terminate at or near the North Pier of *Portpatrick* Harbour.

Portpatrick
Harbour
Branch.

Level
Crossings.

XXIII. Subject to the Provisions in this Act and in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," contained, it shall be lawful for the Company in the Construction of the Railways to carry the same across and upon the Level of the several Turnpike
and

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and public Roads numbered upon the Plans deposited as aforesaid as follows; (that is to say,)

Number on Plan.	Parish.
167	Crossmichael.
31	Kells.
355	Old Luce.
30	Inch.
86	Inch.

And no more than Two Lines of Railway shall be laid down at any such level Crossing.

XXIV. For the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the before-mentioned Roads shall be crossed on a Level, and the 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 Board of Trade; and if the Company shall fail to erect and at all Times maintain any such Station or Lodge, or appoint a proper Person to 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 any 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.

Company to erect Station or Lodge where Roads crossed on the Level.

XXV. The Board of Trade (if it shall appear to them necessary for the public Safety or Convenience at any Time either before or after the Railway hereby authorized to be made shall have been completed and opened for public Traffic) may require the Company, within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry any or either of the herein-before mentioned Roads either under or over the Railway by means of a Bridge or Arch, instead of crossing the same on a Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade the best adapted for removing or diminishing the Danger arising from any such level Crossing.

Board of Trade may require Bridges instead of level Crossings.

XXVI. It shall be lawful for the Company to construct the Approaches to the Bridges, Arches, or level Crossings for carrying the Roads numbered as after mentioned on the said deposited Plan

As to Inclinations of certain Roads;

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over,

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over, under, or across the Railways, as also to make and construct the proposed Diversions of the Roads numbered as after mentioned on the said Plan, with such Inclinations as they think fit, not steeper than the following; (that is to say,)

Number on Plan.	Parish.	Rate of Inclination.
123	Crossmichael - - -	1 in 20
72	Parton - - -	1 in 14
6	Kells - - -	1 in 11
129	Penninghame - - -	1 in 18
261	Old Luce - - -	1 in 8
301	Old Luce - - -	1 in 15
110	Portpatrick - - -	1 in 20
225	Portpatrick - - -	1 in 6½
On Branch to <i>Portpatrick</i> Harbour.		
277	Portpatrick - - -	1 in 6

and Width
of Bridges.

XXVII. It shall be lawful for the Company to construct the Bridges or Arches for carrying the Railways over the Roads numbered as after mentioned on the said deposited Plans of such Dimensions as they may think fit, not being less than the following; (that is to say,)

Number on Plan.	Parish.	Span of Arch.	Height of Arch.
72	Parton - - -	15 Feet	10 Feet.
6	Kells - - -	15 Feet	10 Feet.
261	Old Luce - - -	20 Feet	12 Feet.
301	Old Luce - - -	20 Feet	

Land for ex-
traordinary
Purposes.

XXVIII. The Quantity of Land to be taken by the Company for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation (*Scotland*) Act" shall not exceed Twenty Acres.

Period for
Completion
of Works.

XXIX. The Railways shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said recited Acts granted to the Company for making the Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

To ensure
Completion
of Railway

XXX. If the Railway and Branch Railway to the North Pier of the Harbour of *Portpatrick* by this Act authorized shall not be completed

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pleted and opened to the Public within the Period of Five Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company or the Directors thereof to pay any Dividend to the Shareholders until such Railway and Branch Railway to the North Pier of *Portpatrick* Harbour shall have been completed and opened for public Traffic.

to Portpatrick Harbour.

XXXI. Previously to commencing the Crossings of the Rivers *Cree* and *Luce*, or either of them, or the Works respectively connected therewith, or any Work on the Lands of *Portpatrick* Harbour, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Crossings and Works for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Crossings and Works shall be constructed only in accordance with such Approval.

Plans of River Crossings to be submitted to Admiralty.

XXXII. Where the Limits of Deviation extend below High-water Mark for a Distance of about Half a Mile at *Stranrear*, the Railway and other Works shall not deviate Seaward of the dark continuous Centre Line of Way marked on the Plan deposited at the Admiralty without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only in such Manner as may be mentioned in any such Consent.

As to Works below High-water Mark at Stranraer.

XXXIII. Where the Railway cuts off or will cut off Access between the Land and Water, the Company shall make and for ever maintain, and allow to be used by all Persons and at all Times free of Toll or other Charge, all such Footways and Carriageways over, under, or across the Railway, or on a Level therewith, as the said Lord High Admiral or the said Commissioners shall at any Time or from Time to Time require, such Requirement to be signified in Writing under the Hand of the Secretary of the Admiralty: Provided always, that the Expense of making and maintaining such Footways or Carriageways shall be defrayed by the Body or Persons interested in the Sea Shore for whose Benefit or Convenience such Crossing shall be required, and if any such Carriageway be made across the Railway on the Level, then the Manner of making and watching such level Crossing shall be subject to the Approval of the Board of Trade, and all Expenses attending the watching of such level Crossing shall in like Manner be paid by the Body or Persons interested in the Sea Shore

As to Access between Land and Water.

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Shore for whose Benefit or Convenience such level Crossing shall have been made.

Power to Admiralty to order a local Survey at Expense of Company.

XXXIV. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal Water or tidal Part of a River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

Works affecting tidal Waters abandoned may be removed by Admiralty at Expense of Company.

XXXV. If any Works to be constructed by the Company in, under, over, through, or across any tidal Water or tidal Part of a River, or if any Portion of any Work which affects or may affect any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, 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 with Costs of Suit.

Money deposited in Bank to be forfeited to the Crown in a certain Event.

XXXVI. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, the Sum of Twenty-seven thousand five hundred Pounds, being more than Ten *per Centum* upon Three Fourths of Three hundred and sixty thousand Pounds, the estimated Cost of the Railway, not provided for as aforesaid out of the Contributions of other Companies from their existing Funds, has been deposited in the *British Linen Company Bank* in the Name and with the Privity of the Queen's Remembrancer of the Court of Exchequer in *Scotland* in respect of the Application to Parliament for this Act: Be it enacted, That notwithstanding anything contained in the said recited Act, the said Sum of Twenty-seven thousand five hundred Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named
in

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in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if the said Period shall expire before the Company shall either have opened the Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided, that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Twenty-seven thousand five hundred Pounds shall have been executed by the Company, with One or more Sureties (such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved by the Solicitors to the Lords Commissioners of Her Majesty's Treasury) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Twenty-seven thousand five hundred Pounds if the Company shall not, within the Time limited for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding, and the Moneys to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money and the Interest or Dividends thereof would have been dealt with under this

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Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Power to Parties having limited Interests to convey Lands by Feu Right.

XXXVII. It shall be lawful for all Parties having a limited Right or Interest in any Lands required to be taken for the Purposes of this Act, or being under any Disability or Incapacity to sell or convey within the Meaning of Section 7 of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and being only entitled to sell or convey such Lands under the Powers by this Act and the said Consolidation Act granted, to sell and convey to the Company such Lands or any Part thereof in consideration of an annual Feu Duty or Ground Annual payable by the Company to such Parties and their Successors in the Lands so conveyed, and that in the Form prescribed by the said Consolidation Act with respect to Conveyances in Feu by Parties entitled absolutely to dispose of Lands.

Grassums not to be taken by such Parties.

XXXVIII. Provided always, That it shall not be lawful for the Company to pay, nor for any Party having a limited Interest in or being under Disability or Incapacity to sell or convey any Lands as aforesaid to receive or take, any Grassum, Fine, or Premium, or any Consideration in the Nature thereof, for the Lands to be so conveyed, other than the annual Feu Duties or Ground Annuals made payable by such Conveyance; and the Amount of such Feu Duties or Ground Annuals shall, in case of Difference, be ascertained and settled by Valuers in the Manner prescribed by the said Consolidation Act with respect to the Valuation of Lands sold by Agreement by Parties under legal Disability or Incapacity to convey as aforesaid.

Provision for recovering all Feu Duties.

XXXIX. All Feu Duties or Ground Annuals for any Lands required for the Purposes of the Railway, and made payable by any Conveyance under this Act or the said Consolidation Act, shall be a First Charge on the Tolls and Rates leviable under this Act and other Revenues of the Company, anything in this Act or in any of the Consolidation Acts herewith incorporated to the contrary notwithstanding; and if at any Time any such Feu Duties or Ground Annuals remain unpaid for Thirty Days after they respectively become payable, it shall be lawful for the Person entitled for the Time being to such Feu Duties or Ground Annuals to recover the same from the Company, with Interest and Costs, by Action in the Steward Court of the Stewartry of *Kirkcudbright*, or in the Sheriff Court of the County of *Wigtown*, or summarily by Pounding and Sale

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Sale of the Goods and Effects of the Company, on Application by Petition to the Steward of that Stewartry or the Sheriff of the said County; and it shall not be lawful for any such Person to resume Possession of the Lands so conveyed, or to proceed by any Action of Declarator or Reduction, or by Real Diligence, or any other Process whatever (saving as herein-before mentioned) in respect thereto, or in respect to the said Feu Duties or Ground Annuals.

XL. In the event of the Company agreeing with any Person under the Powers of this Act or of the said Consolidation Act for the Purchase of any Lands in consideration of an annual Feu Duty or Ground Annual payable by the Company, the Powers by this Act granted for borrowing on Mortgage or Bond shall be reduced by an Amount equal to Twenty Years Purchase of the Feu Duty or Ground Annual so payable.

If Lands purchased by way of Feu, borrowing Powers to be reduced proportionally.

XLI. It shall be lawful for the Company to enter into any Contracts with the Town Council of the Royal Burgh of *Wigtown* for the Redemption by the Company (in consideration either of an annual Payment or of a Sum in gross) of the Custom and Toll Dues, if any, lawfully payable to the said Town Council for Cattle, Sheep, Wool, and other Goods conveyed by the Company over the *River Cree* within a certain Distance of the said Burgh, and in like Manner it shall be lawful for the Company to contract with the Town Council of the Royal Burgh of *Stranraer* for the Redemption as aforesaid of all Petty Customs and Harbour Dues, if any lawfully due to the same Council, on account of Goods passing into the said Royal Burgh of *Stranraer*, or imported into the same, or exported therefrom, the same Goods having been conveyed by or being destined for the Railway hereby authorized; and any such Agreement shall be valid and binding on the Company and on the said Town Councils respectively.

Providing for Agreements with Corporations of Wigtown and Stranraer.

XLII. It shall be lawful for the Company to demand and recover any Tolls for the Use of the Railways and of Carriages, not exceeding the following; (that is to say,)

Tolls.

First, in respect of all Passengers conveyed upon the Railways or any Part thereof, as follows:

For Passengers.

For every Person so conveyed, *per* Mile Twopence; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum *per* Mile of One Penny:

Second, in respect of all Articles, Matters, and Things conveyed upon the Railways or any Part thereof, as follows:

For Goods and Minerals.

For all Dung, Compost, and Manure (except Guano and artificial Manures), and all Lime, Limestone, and undressed Materials for

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for the Repair of public Roads or Highways, *per Ton per Mile* One Penny ; and if conveyed in or upon Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* of One Penny :

For all Coal, Coke, Culm, Charcoal, Cinders, Guano, artificial Manures, Stones for building, pitching, and paving, Bricks, Slates, Clay, Sand, Ironstone, Iron Ore, and Pig Iron, *per Ton per Mile* One Penny Halfpenny ; and if conveyed in or upon Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* of One Penny :

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Tiles, Timber, Staves, Deals, and Metals (except Iron), and all Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, Nails, Anvils, Vices, and Chains, *per Ton per Mile* Twopence ; and if conveyed in or upon Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* of One Penny :

For all Cotton and other Wools, Drugs, Fish, Earthenware, manufactured Goods, and all other Wares, Merchandise, Articles, Matters, and Things, *per Ton per Mile* Fourpence ; and if conveyed in or upon Carriages belonging to or provided by the Company, an additional Sum *per Ton per Mile* of One Penny :

For every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per Mile* Sixpence ; and One Penny Halfpenny *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh :

For Animals. Third, in respect of all Animals conveyed upon the Railways or any Part thereof, as follows :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, so conveyed, *per Mile* Fourpence ; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum *per Mile* of One Penny :

For every Calf, Pig, Sheep, Lamb, Hog, or other small Animal so conveyed, *per Mile* One Penny ; and if conveyed in or upon any Carriage belonging to or provided by the Company, an additional Sum *per Mile* of One Halfpenny :

Tolls for
small Parcels
and single
Articles
of great
Weight.

Provided always, that with respect to small Parcels (that is to say, Packages not weighing more than Five hundred Pounds each,) and single Articles of great Weight conveyed on the Railways the Company may, notwithstanding the Rates of Tolls prescribed by this Act,

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Act, lawfully demand Tolls not exceeding the following; (that is to say,)

For every Parcel not exceeding Seven Pounds in Weight, Sixpence; exceeding Seven Pounds but not exceeding Fourteen Pounds in Weight, Eightpence; exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, One Shilling; exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, Two Shillings; and exceeding Fifty-six Pounds in Weight, any Sum which the Company may think fit: Provided nevertheless, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Sums following; (that is to say,) if the Weight thereof, including the Carriage, shall be less than Four Tons, Sixpence *per* Ton *per* Mile; if such Weight shall exceed Four Tons, but shall not exceed Eight Tons, One Shilling *per* Ton *per* Mile; and if such Weight shall exceed Eight Tons, such Sum as the Company may think fit.

XLIII. The Toll which the Company may demand for the Use of Engines for drawing or propelling Carriages shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, Matters, or Things, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Tolls for propelling Power.

XLIV. It shall not be lawful for the Company to demand any greater Sum in respect of the Carriage of Passengers conveyed on the Railways than Threepence *per* Passenger *per* Mile in respect of any Passenger travelling in a First-class Carriage, Twopence *per* Passenger *per* Mile in respect of any Passenger travelling in a Second-class Carriage, and One Penny Halfpenny *per* Passenger *per* Mile in respect of any Passenger travelling in a Third-class Carriage, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance.

Limiting Charges for Conveyance of Passengers.

XLV. Every Passenger travelling upon the Railways may take with him his ordinary Luggage, not exceeding One hundred and twelve Pounds in Weight if a First-class Passenger, One hundred Pounds in Weight if a Second-class Passenger, and Sixty Pounds in Weight if a Third-class Passenger, without any Charge being made for the Carriage thereof.

Passengers Luggage.

[*Local.*]

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XLVI. It

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Limiting
Charges for
Conveyance
of Goods,
Minerals,
and Animals.

XLVI. It shall not be lawful for the Company to demand in respect of the Conveyance on the Railways of the several Articles, Matters, and Things, and of the several Descriptions of Animals, herein-after mentioned, any greater Sum than the several Sums herein-after mentioned, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance; (that is to say,)

For Dung and the other Articles, Matters, and Things herein-before classed therewith, *per Ton per Mile* One Penny Halfpenny:

For Coal and the other Articles, Matters, and Things herein-before classed therewith, *per Ton per Mile* Twopence:

For Sugar and the other Articles, Matters, and Things herein-before classed therewith, *per Ton per Mile* Threepence:

For Cotton and the other Articles, Matters, and Things herein-before classed therewith, *per Ton per Mile* Fourpence:

For every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, *per Mile* Sixpence:

For every Horse, Mule, or Ass, *per Mile* Fivepence:

For every Ox, Cow, Bull, or Neat Cattle, *per Mile* Fourpence:

For every Calf or Pig, *per Mile* Twopence:

For every Sheep, Lamb, or other small Animal, *per Mile* One Penny.

Company
may take
increased
Charges by
Agreement.

XLVII. Nothing herein contained shall prevent the Company from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Articles, Matters, or Things of any Description (except small Parcels), or of Animals, by Agreement with the Owners or Persons in charge thereof, either in respect of the Conveyance thereof by Passenger or Express Trains, or by reason of any other special Service performed by the Company in relation thereto.

Regulations
as to Tolls.

XLVIII. The following Provisions and Regulations shall be applicable to the fixing of the several Tolls and maximum Charges herein-before specified; (that is to say,)

For Passengers, Animals, Articles, Matters, and Things conveyed on the Railways for a less Distance than Six Miles the Company may demand Tolls and Charges as for Six entire Miles:

For a fractional Part of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Tolls and Charges in respect of Passengers as for an entire Mile, and in respect of Animals, Articles, Matters, and Things, according to the Number of Quarters of a Mile included in such fractional Part

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Part of a Mile, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile :

For a Fraction of a Ton the Company may demand Tolls and Charges according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton.

XLIX. The Restrictions herein-before contained as to the Tolls and Charges to be demanded in respect of the Conveyance of Passengers shall not extend to any Special Train that may be required to be run on the Railways, but shall apply only to the Ordinary and Express Trains to be appointed from Time to Time by the Company.

Restriction as to Charges not to apply to Special Trains.

L. Whereas the *Glasgow and South-western* Railway Company are authorized by "The *Castle Douglas and Dumfries* Railway Act, 1856," to work the *Castle Douglas and Dumfries* Railway, which connects the Railway hereby authorized with the *Glasgow and South-western* Railway : The Company hereby incorporated and the *Glasgow and South-western* Railway Company may from Time to Time enter into Agreements in relation to the following Purposes, or any of them ; (that is to say,)

As to Agreements with Three contributing Companies.

The Use and Working by the last-named Company of all or any Part of the Railways hereby authorized :

The Purchase, Hire, or Use by the Company of any Part of the Rolling or Working Stock belonging to the other contracting Company :

The Maintenance and Repair of the Railways.

LI. No such Agreement shall be for more than Ten Years, or shall have any Operation until the same shall have been approved of by the Board of Trade, or shall (except as herein-after provided) in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the said Companies shall for the Time being be respectively authorized and entitled to demand and receive from any Person or any other Company, but all other Persons and Companies shall, notwithstanding any such Agreement, be entitled to the Use and Benefit of the Railways to which the said Agreement may relate upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges (except as herein-after provided), as they would have been in case no such Agreement had been entered into : Provided always, that the said Board shall not approve any such Agreement without being satisfied that the same has been duly assented to by a Majority of Three Fifths of the Shareholders of the several Companies, Parties thereto, in Special Meeting duly convened with Notice of the Object.

Agreement to be for a Term not exceeding Ten Years, and to be approved by Board of Trade.

LII. The

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Appoint-
ment of joint
Committee
for carrying
the Agree-
ment into
effect.

LII. The contracting Companies may from Time to Time, by Writing under their Common Seal, appoint joint Committees, and from Time to Time may alter, revoke, and renew any such Appointment, and may delegate to such Committees all such Powers touching the Matters aforesaid as might have been lawfully exercised by the Directors of the Companies appointing such Committees.

During Con-
tinuance of
Working Ar-
rangement
Tolls to be
the same as
on Glasgow
and South-
western
Railway.

LIII. If and so long as the Railway hereby authorized shall be worked by the *Glasgow and South-western* Railway Company under any such Agreement as aforesaid the Railway shall, in all Matters relating to Tolls and Charges, be considered as a Part of the *Glasgow and South-western* Railway; and it shall be lawful to demand and recover, for the Use of the Railway and of Carriages and Engines thereon, Tolls and Charges at the same Rates as shall for the Time be leviable for the Use of the *Glasgow and South-western* Railway and of Carriages and Engines on that Railway, in lieu of the Tolls and Charges authorized by this Act; and all the Powers and Provisions with respect to Tolls and Charges contained in "The *Glasgow and South-western* Railway Consolidation Act, 1855," or in any other Act for the Time in force in relation to the *Glasgow and South-western* Railway, shall apply to the Railway and to the Conveyance of Passengers, Animals, Articles, Matters, and Things thereon, in lieu of the Powers and Provisions with respect to Tolls and Charges contained in this Act.

Contribu-
tions by cer-
tain Railway
Companies.

LIV. If at any Time hereafter the *Caledonian* Railway Company, or the *London and North-western* Railway Company, or the *Glasgow and South-western* Railway Company, or the *Lancaster and Carlisle* Railway Company, or the *Belfast and County Down* Railway Company, severally, shall have been thereunto authorized at a Meeting of the respective Company specially convened with Notice of the Object, at which Meeting the Matter shall be approved by Proprietors present, in Person or by Proxy, holding at least Three Fourths of the paid-up Capital of the Company represented thereat, the said Proprietors being qualified to vote at the Meeting in right of such Capital, then it shall be lawful for the said Company or Companies, upon such Conditions as shall be agreed on between such Companies severally and the Company hereby incorporated, to contribute out of their several Corporate Funds Money towards the Undertaking by this Act authorized, and to hold Shares in the Capital of the Company to the Extent of the Money so contributed by them, and to guarantee the Payment of Dividends or Interest on any Shares in the said Capital, and the Payment of Interest on any Money borrowed by the Company hereby incorporated: Provided always, that the additional Money to be contributed by the Companies

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panies after named, under the Provisions of this Section, shall not exceed the Sums following; (that is to say,) the *Glasgow and South-western* Railway Company Forty thousand Pounds, the *Lancaster and Carlisle* Railway Company Sixty thousand Pounds, and the *Belfast and County Down* Railway Company Twenty thousand Pounds; and provided also, that no such Guarantee shall prejudice or affect any Preference or Priority in the Payment of Interest or Dividends on any Shares or Stock which have been granted by the said Companies respectively in pursuance of or which may have been confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting.

LV. The Subscription Contracts which, pursuant to the Standing Orders of Parliament, were entered into with respect to the Undertaking authorized by this Act previously to the Commencement of the last Session of Parliament, shall be as valid and shall be construed as if this Act had been passed in the said last Session.

Subscription
Contracts to
be valid.

LVI. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of 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 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.

Interest not
to be paid on
Calls paid up.

LVII. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised for the Purposes of such Act, 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 Company to construct any other Railway or execute any other Work or Undertaking.

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

LVIII. Nothing herein contained shall be deemed or construed to exempt the Railways from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the

Railways not
exempt from
Provisions of
present and
future Gene-
ral Acts.

[*Local.*]

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maximum

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maximum Rates of Fares and Charges authorized by this Act, or of the Rates for small Parcels.

Expenses of Act.

LIX. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company.

Short Title.

LX. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Portpatrick* Railway Act, 1857."

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