





ANNO VICESIMO NONO & TRICESIMO

VICTORIÆ REGINÆ.

Cap. ccviii.

An Act for the Construction of a Wet Dock and Railways at the Harbour of *Ayr*; and for other Purposes. [16th *July* 1866.]

WHEREAS an Act was passed in the Eighteenth and Nineteenth Year of the Reign of Her present Majesty, intituled *An Act for maintaining and improving the Harbour of Ayr, and for the better Regulation and Management thereof*, which Act is herein-after termed the recited Act: And whereas the Trade of the said Harbour has greatly increased, and additional Accommodation for Shipping is required, and it is expedient and would be for the public Advantage if a Wet Dock and Breakwater were constructed at the said Harbour, and if Railways were made to connect the said Dock with the Railways belonging to the *Glasgow and South-western Railway Company*: And whereas it is expedient that the said Trustees and the said Company respectively should be authorized to raise Money for the Purposes of the said Undertaking; but these Objects 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 assembled, and by the Authority of the same, as follows:

18 & 19 Vict.
c. cxix.

1. This Act may be cited for all Purposes as "The *Ayr Harbour* Short Title. Amendment Act, 1866."

[*Local.*]

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2. "The

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8 & 9 Vict.
cc. 19. & 33.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
c. 92. incor-
porated.

2. "The Lands Clauses Consolidation (Scotland) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation (Scotland) Act, 1845," and Part I. of "The Railways Clauses Act, 1863," relating to Construction of a Railway, are (except where expressly varied by this Act) incorporated with and form Part of this Act; and in construing Sections Thirteen to Nineteen, both inclusive, of the last-mentioned Act the Word "Work" shall mean the Wet Dock and Works by this Act authorized.

10 & 11 Vict.
c. 27. incor-
porated.

3. "The Harbours, Docks, and Piers Clauses Act, 1847," with the Exception of Sections Twenty-five and Twenty-six, and except where expressly varied by this Act, is incorporated with and forms Part of this Act: Provided that the Trustees shall not be bound to provide a Lifeboat, Mortar, and Rockets, or a Tide or Weather Gauge and Barometer, until required by Writing under the Hand of the Secretary of the Board of Trade.

Interpreta-
tion of
Terms.

4. The following Words and Expressions in this Act shall have the several Meanings hereby assigned to them:

"The Trustees" shall mean the *Ayr Harbour Trustees* incorporated by this Act:

"The Company" shall mean the *Glasgow and South-western Railway Company*:

"The Harbour" shall mean the Harbour of *Ayr*, and shall include the Bed or Channel of the River of *Ayr* in, through, and from the said Harbour to the Bay of *Ayr*, and the Wet Dock, Breakwater, and other Works constructed or to be constructed in the said Harbour:

"The Railways" shall mean and include the Railways by this Act authorized, and the Works and Conveniences connected therewith.

Power to
Harbour
Trustees to
borrow
Money.

5. In addition to the Sum of Twenty-five thousand Pounds by the recited Act authorized to be borrowed, and to the Sum of Ten thousand Pounds to be contributed by the Company as herein-after provided, the Trustees may from Time to Time borrow any Sums not exceeding One hundred thousand Pounds in the Manner provided by "The Commissioners Clauses Act, 1847," and for the Sums so borrowed and the Interest thereon the Trustees may grant Mortgages or Assignations in Security of the Rates leviable under the Authority of the recited Act and this Act; and the Clauses and Provisions of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, are (with the Exception of Section Eighty-four) incorporated with and form Part of this Act.

Trustees
may borrow
on Cash
Account.

6. The Trustees may accept and take from any Bank or Banking Company in *Scotland* Credit on a Cash Account to be opened and kept with such Bank or Banking Company in the Name of the
Trustees,

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Trustees, according to the Usage of Bankers in *Scotland*, to the Extent of the Sums which the Trustees are by the recited Act and this Act authorized to borrow, or any Part thereof, and may mortgage and assign the several Rates leviabie under the Authority of the recited Act and this Act in Security of the Payment of the Amount of such Credit, or of the Sums advanced from Time to Time on such Cash Account, with Interest thereon, in the Manner provided by "The Commissioners Clauses Act, 1847:" Provided that the whole Principal Sums due and owing by the Trustees at any one Time under the Powers by the recited Act and this Act granted shall never, when taken together, exceed the Sum of One hundred and thirty-five thousand Pounds.

7. All Mortgages or Assignations in Security and all Cash Credits or Cash Accounts to be granted under the Authority of this Act, and all Drafts or Orders on such Cash Credits or Cash Accounts, shall be signed by any Two or more of the Trustees, who shall be authorized so to do at any Meeting of the Trustees, and shall be countersigned by the Clerk of the Trustees as Evidence that such Authority has been given.

How Mortgages, &c. to be subscribed.

8. The Provisions of the recited Act with respect to the Enforcement of the Payment of the Arrears of Principal and Interest due on Mortgages or Assignations in Security by the Appointment of a Judicial Factor shall be and are hereby made applicable to the Monies to be borrowed under the Authority of this Act, in the same Manner and to the same Effect as the said Provisions are applicable to Money borrowed under the Authority of the recited Act.

Provisions of recited Act as to Judicial Factor to be applicable to Money borrowed under this Act.

9. The Company shall contribute in Loan and pay to the Trustees the Sum of Ten thousand Pounds by Instalments of One thousand Pounds each as follows; *viz.*, the Sum of One thousand Pounds shall be paid when the Wet Dock and Breakwater by this Act authorized are let to a Contractor and the Works are commenced, and the Remainder shall be paid by Instalments of One thousand Pounds *per Month* during the Progress of the said Works until the whole of the said Sum of Ten thousand Pounds is paid, with Interest at the Rate of Five Pounds *per Centum per Annum* on each Instalment from the Date at which the same becomes payable until paid; and the said Sum shall be wholly applied by the Trustees in and towards defraying the Cost of constructing the said Wet Dock and Breakwater and Works connected therewith.

Contribution by the Glasgow and South-western Railway Company.

10. The Trustees shall grant to the Company a Mortgage or Assignation in Security as herein-before provided for the said Sum of Ten thousand Pounds when fully paid up, and the said Sum, with Interest thereon at the Rate of Five Pounds *per Centum per Annum* from the respective Dates of Advance, shall be a Debt on the Harbour and the Rates leviabie under the Authority of the recited Act and this

Security to be granted to the Company.

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this Act, but shall be postponed to all existing and future Debts incurred by the Trustees for or in connexion with the Harbour and the said Wet Dock and Breakwater or other Works already made or that may be made, and no Part of the Principal or Interest shall be payable till all existing and future Debts incurred by the Trustees are fully liquidated and discharged.

Sinking
Fund to be
formed.

11. From and after the passing of this Act Section forty-nine of the recited Act shall be and is hereby repealed, and the Trustees shall, from and out of the Rates and Revenues levied and received by them under the Authority of the recited Act and this Act, set apart yearly, until the Expiration of Five Years after the Wet Dock by this Act authorized is opened, such Sums as they think fit, not being less than Two Pounds Ten Shillings *per Centum per Annum* on the Sum of Sixteen thousand Pounds, being the Amount of the existing Debt on the Harbour; and from and after the Expiration of Five Years after the opening of the Wet Dock by this Act authorized the Trustees shall, from and out of the said Rates and Revenues, set apart such Sum as they think fit, not being less than Two thousand Pounds *per Annum* for Ten Years, and thereafter not being less than Two thousand five hundred Pounds *per Annum*; and the several Sums so to be set apart shall be applied as a Sinking Fund in paying off the Principal of the Debt on the Harbour, and shall be deposited in any Bank incorporated by Act of Parliament or Royal Charter, and shall be increased by Accumulation in the way of Compound Interest or otherwise until the same shall be of sufficient Amount to pay off the Principal Debt to which such Sinking Fund shall be applicable, or some Part thereof which the Trustees think ought then to be paid off, at which Time the said Sums shall be applied in paying off the Principal of the said Debt or Part thereof.

Power to
the Company
to raise
Money.

12. For the Purposes of paying the said Contribution, and of defraying the Expense of constructing the Railways by this Act authorized, the Company may from Time to Time raise any Sums of Money not exceeding Seventeen thousand Pounds by the Creation and Issue of new Ordinary Shares or Stock, and new Preference Shares or Stock in their Capital, or, at the Option of the said Company, by any of those Modes, and of such Amounts respectively as the Company may think fit; and the Clauses and Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the following Matters, that is to say, the Distribution of the Capital of the Company into Shares, the Transfer or Transmission of Shares, the Payment of Subscriptions and the Means of enforcing Payment of Calls, the Forfeiture of Shares for Nonpayment of Calls, the Remedies of Creditors of the Company against the Shareholders, the Consolidation of the Shares into Stock, the General Meetings of the Company and the Exercise of the Right of voting by the Shareholders, the making of Dividends, and the giving of Notices, and Part II. of

"The

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“The Companies Clauses Act, 1863,” relating to additional Capital, are incorporated with and form Part of this Act, and shall extend and apply to the Company and to the additional Capital which they are by this Act authorized to raise.

13. The Company shall not issue any Share under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth of the Amount of such Share shall have been paid in respect thereof.

Shares not to issue until One Fifth paid up.

14. All Monies which the Company may raise under the Authority of this Act shall be applied for the Purposes of this Act only.

Application of Monies.

15. The Company may appoint One Person to be a Trustee under the recited Act and this Act, and may from Time to Time remove any such Trustee appointed by them, and appoint another in his Place; and every Trustee so to be appointed shall be entitled to vote and act in the Execution of the recited Act and this Act in the same Manner as if he were appointed by the recited Act, and shall have the same Rights, Powers, and Privileges in all respects as any Trustee appointed or elected under the Provisions of the recited Act.

Appointment of a Trustee by the Company.

16. If and when any Person appointed by the Company to be a Trustee under the recited Act and this Act be removed or die, or by Writing under his Hand resign, the Vacancy in the Number of the Trustees so occasioned may be supplied by the Company.

As to Supply of Vacancy in Office of such Trustee.

17. Every such Appointment, Revocation, and Removal by the Company of a Trustee under the recited Act and this Act shall be in Writing under the Hand of the Chairman or Secretary of the Company, and shall be delivered to the Trustees and kept with their Records; and unless and until the contrary be shown, every Instrument purporting to be the Instrument of any such Appointment, Revocation, or Removal, and under the Hand of the Chairman or Secretary of the Company, shall be Evidence of the Appointment, Revocation, or Removal purporting to be thereby made: Provided that notwithstanding any Failure of the Company to appoint a Trustee under the recited Act and this Act, or any Vacancy in the Number of Trustees in consequence of such Trustee not being appointed, and notwithstanding it be afterwards discovered that there was a Defect in the Appointment of any such Trustee, all the Acts of the Trustees or of any Committee of the Trustees, and all Proceedings consequent thereon or relating thereto, shall be as valid as if such Trustee were duly appointed by the Company.

Form of Appointment of Trustee by the Company.

18. The Trustees appointed or elected, or to be appointed or elected, under the Provisions of the recited Act and this Act, shall be and are hereby incorporated by the Name of “the *Ayr* Harbour Trustees,” and by that Name shall be a Body Corporate and Politic,

Trustees in incorporated.

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with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes of their Undertaking, and to carry into effect the Provisions and Purposes of the recited Act and this Act.

Power to
take Lands.

19. And whereas a Plan and Sections describing the Lines, Situation, and Levels of the Wet Dock, Breakwater, and Railways to be constructed under the Authority of this Act, and the Lands to be taken for the Purposes thereof, with a Book of Reference to the said Plan containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands, have been deposited with the Principal Sheriff Clerk of the County of *Ayr*: The Trustees may, subject to the Provisions of this Act, enter upon, take, and use such of the Lands delineated on the said Plans and described in the said Book of Reference as may be required for the Purposes of the said Wet Dock, Breakwater, and Railways.

Power to
construct
Wet Dock
and Break-
water.

20. Subject to the Provisions of this Act, the Trustees may make and maintain the Wet Dock and Breakwater described on the said deposited Plans and Sections in the Lines and Situation and according to the Levels shown thereon, with an Entrance to the said Wet Dock from the River or Harbour of *Ayr*, and all necessary Embankments, Quays, Jetties, Wharfs, Rails, Tramways, Landing Places, Roads, Approaches, and other Works and Conveniences at and in connexion with the said Wet Dock and Breakwater, which Dock and Breakwater and other Works will be situate in the Parish of *Newton-upon-Ayr* and County of *Ayr*.

Power to
Glasgow and
South-
western
Railway
Company
to make
Railways.

21. Subject to the Provisions of this Act, the Company shall make and maintain in perpetuity the Railways herein-after described in the Lines and according to the Levels shown on the said deposited Plan and Sections, and may enter upon and use such of the Lands to be acquired by the Trustees under the Authority of this Act as may be required for the Purpose of constructing the Railways: Provided that the Solum on which the Railways are laid shall remain the Property of the Trustees.

Description
of Railways.

22. The Railways herein-before referred to and authorized by this Act are,—

1. A Railway, Two Furlongs Seven Chains and Fourteen Yards in Length, commencing by a Junction with the Line of Railway No. 3. authorized to be constructed by "The *Glasgow and South-western* Railway (*Ayrshire* Lines) Act, 1865," at a Point near *York Street, Newton-upon-Ayr*, and terminating at or near the North Wall or Pier of the Harbour of *Ayr*:
2. A Railway, Two Furlongs One Chain and Six Yards in Length, commencing by a Junction with the said authorized Line of Railway No. 3, Forty Yards or thereby to the Southward of the Point of Junction therewith of the Railway first above described, and terminating at or near the North Wall of the said Harbour:
3. A Railway,

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3. A Railway, Eight Chains and Nineteen Yards in Length, commencing by a Junction with the Railway first above described at a Point One hundred and twenty-seven Yards or thereby South-west from the North-eastern Terminus or Commencement thereof, and extending thence in a South-westerly Direction One hundred and ninety-five Yards or thereby to the North-eastern End of the said Wet Dock :

4. A Railway, Eight Chains and Eleven Yards in Length, commencing by a Junction with the Railway second above described at a Point One hundred and eight Yards or thereby from the North-eastern Terminus or Commencement thereof, and extending thence in a South-westerly Direction One hundred and eighty-seven Yards or thereby to the North-eastern End of the said Wet Dock :

All which Railways and Works connected therewith will be situate in the Parish of *Newton-upon-Ayr* and County of *Ayr*.

23. In constructing the Wet Dock and Breakwater by this Act authorized the Trustees may make vertical Deviations from the Levels defined on the said deposited Sections to any Extent not exceeding Five Feet. Powers of Deviation.

24. In addition to the Lands authorized to be taken as aforesaid, the Trustees may purchase by Agreement Lands not exceeding Five Acres for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," and for the other Purposes of the Undertaking by this Act authorized, and it shall be lawful for any Person to sell and convey Lands to the Trustees for such Purposes, and to contract in reference thereto. Lands for extraordinary Purposes.

25. The Powers of the Trustees for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act. Powers for compulsory Purchases limited.

26. The Railways shall be completed and opened for public Traffic at or previous to the opening of the Wet Dock by this Act authorized ; and if the Railways are not so completed and opened for public Traffic the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recovered as a Debt due to the Crown, for every Day after the Expiration of the said Period until the Railways shall be completed and opened for public Traffic ; but no Penalty shall accrue in respect of any Time during which it shall appear, by a Certificate to be obtained from the Board of Trade, that the Company were prevented from completing or opening the Railways by unforeseen Accident or Circumstances beyond their Control ; but the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company. Time for Completion of Railways.

27. The Limit of Deviation on the Eastern Side of the Wet Dock and Railways by this Act authorized shall be restricted as follows ; Restricting Limits of Deviation.
that

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that is to say, it shall run in a straight Line and in a North-easterly Direction parallel to and at a Distance not exceeding Ninety Feet South-eastward from the Line delineated on the deposited Plan as the South-eastern Boundary of the said Dock till it joins the Line delineated on the said Plan as the Limit of Deviation near the Point marked on the said Plan 156; and nothing in this Act contained shall empower the Trustees or the Company to enter upon, take, or use any Land lying to the Eastward of the said restricted Limit of Deviation without the previous Consent in Writing of *John Taylor Gordon of Blackhouse*, or his Heirs or Successors, Lessees of the said Land.

As to the
Construction
of a certain
Railway.

28. Nothing in this Act contained shall entitle the Company to abandon the Construction of the said Line of Railway No. 3. as authorized by "The *Glasgow and South-western Railway (Ayrshire Lines) Act, 1865*," or any Part thereof.

Rates to be
levied for
Wet Dock.

29. It shall be lawful for the Trustees to levy, demand, and receive from the Master or Owner of all Vessels coming into or going out of the said Wet Dock, and from the Owner or other Person having the Charge of Goods, Wares, and Merchandise shipped or unshipped or landed in or from the said Wet Dock respectively, any Rates not exceeding the several Rates on Vessels and on Goods, and for the Use of Cranes, Weighing Machines, Warehouses, Sheds, Hurries, and Haw-sers, specified in the Schedules (B.), (C.), and (D.) annexed to the recited Act; and all the Provisions of the recited Act with respect to the Rates thereby authorized shall be applicable to the Rates by this Act authorized in the same Manner as if the last-mentioned Rates had been authorized by the recited Act: Provided that Vessels and Goods on which the Rates by this Act authorized have been paid in the said Wet Dock shall not be liable to any additional Rates in respect of coming into, or going out of, or being shipped, unshipped, or landed in the River or Harbour of *Ayr*.

Rates may
be leased.

30. The Rates by this Act authorized may be let on Lease by the Trustees for any Term not exceeding Three Years in the Manner, for the Term, and subject to the Provisions contained in the recited Act with respect to the Rates thereby authorized; and the Lessee shall have the same Rights, Powers, and Privileges with respect to the Rates by this Act authorized as are by the recited Act conferred on him with respect to the Rates thereby authorized.

Regulations
for working
Railways
may be made
by Trustees.

31. The Railways shall be under the Control of the Trustees, and the Trustees may from Time to Time make Rules and Regulations for the Working and Management of the Traffic on the Railways, and the Company in the Working and Management of such Traffic shall be subject to the said Rules and Regulations.

Railways to
form Part of
Undertaking
of the
Company.

32. Subject to the Provisions of this Act, the Railways shall, for the Purpose of Tolls, Rates, and Charges, and for all other Purposes whatsoever, form Part of the Undertaking of the Company as if the same were and always had been an integral Part of their Undertaking.

33. And

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33. And whereas the Magistrates and Town Council of the Burgh of *Ayr* have been in use to levy Petty Customs on certain Animals and Goods exported from the Harbour: And whereas the levying of the said Petty Customs is attended with Inconvenience and Expense, and the said Magistrates and Council have agreed to accept of a Composition of Thirty Pounds *per Annum* in lieu thereof: From and after the Twenty-sixth Day of *May* Eighteen hundred and sixty-six the said Petty Customs, and all Right and Powers of the said Magistrates and Council to levy Petty Customs on Animals or Goods shipped or exported from the Harbour shall cease and determine, and the Trustees shall, subject to the Provision herein-after mentioned, be bound and are hereby required to pay to the said Magistrates and Town Council the Sum of Thirty Pounds *per Annum* in lieu of the said Petty Customs; and the first of such yearly Payments shall be made on the Twenty-sixth Day of *May* Eighteen hundred and sixty-seven for the Year preceding, and the subsequent yearly Payments shall be made on the Twenty-sixth Day of *May* in each succeeding Year: Provided always, that all Arrears of the said Petty Customs at the said Twenty-sixth Day of *May* Eighteen hundred and sixty-six may be recovered by the said Magistrates and Town Council as if this Act had not been passed: Provided also, that in the event of the Burgh Customs leviable by the said Magistrates and Council on Animals and Goods taken out of the Burgh of *Ayr* being abolished or ceasing to be levied, the said annual Payment of Thirty Pounds shall cease and determine from and after the Twenty-sixth Day of *May* immediately following the Date at which the said Burgh Customs shall be abolished or cease to be levied.

Payment to
Magistrates
and Town
Council of
Ayr in lieu
of Petty
Customs.

34. Whereas *Alexander Haldane Oswald* Esquire, of *Auchincruive*, as Heir of Entail in possession of the Estate of *Auchincruive*, has Right to certain Property situate on the North Side of the Harbour of *Ayr*, and to a Waggon Road or private Railway to connect his Estate with the said Property, but which Waggon Road or private Railway has not yet been fully constructed: And whereas on the said deposited Plan and Sections the Railways first and second before described are shown to have each a level Crossing of the said Waggon Road or private Railway: And whereas it is expedient, in the Interests of the Trustees and the Company and of the Public, that there should be only One level Crossing of the said Waggon Road or private Railway, instead of the Two which would be necessary if the Line of Railway No. 3. authorized by "The *Glasgow and South-western* Railway (*Ayrshire* Lines) Act, 1865," and the Railways authorized by this Act, were constructed as shown on the Plans deposited in reference thereto: And whereas under the Provisions of the said Act the Consent in Writing of the said *Alexander Haldane Oswald* is required to the Diversion of the said authorized Line of Railway No. 3. as after mentioned, and he has given his Consent on certain Conditions to the said authorized Line of Railway No. 3. being diverted so as to cross the said Waggon Road or private

As to
private
Railway
belonging to
*Alexander
Haldane
Oswald,
Esquire.*

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Railway once on a Level within a short Distance to the Southward of *Newton Lodge*, and thence to run on the Western Side of the said Waggon Road or private Railway to the Harbour of *Ayr*, and thus render any other level Crossing thereof unnecessary: Be it enacted as follows, first, nothing in this Act or in the Acts incorporated herewith contained shall authorize the Trustees or the Company to enter upon, take, or use, except so far as necessary for the said Crossing, any of the Lands in, upon, or through which the said Property of the said *Alexander Haldane Oswald* or the said Waggon Road or private Railway are situated, or are or may hereafter be constructed in conformity with the existing Rights and Titles of the said *Alexander Haldane Oswald*, all which Rights and Titles are hereby reserved entire to him and his Successors in the said Estate; second, the Company shall be bound to haul any Waggons carrying Minerals or Pig Iron coming from the said Waggon Road or private Railway on to the said authorized Line of Railway No. 3. (upon a Connexion between those Two Railways near the said Crossing being formed) from the Point at which such Connexion is formed to the Harbour of *Ayr* or to the Wet Dock before mentioned, as the Case may be, and to haul the empty Waggons back from the said Harbour or Dock to the said Point of Connexion at a Rate which (including Tolls and Haulage both Ways, as well as all Charges, if any, that may be exigible by the Company for the Use of Wharves, Basins, Loading Places, or Stations,) shall not exceed Fivepence *per* Ton on the Traffic so carried, and to afford to the working of such Traffic the same Facilities in all respects as may be afforded to any other Traffic on the said authorized Line of Railway No. 3, or on the Railways by this Act authorized; third, the said *Alexander Haldane Oswald* and his Successors in the said Estate shall be entitled (upon a Connexion being formed between his said Waggon Road or private Railway and the Railway authorized by this Act second herein described) to use with their Engines, Trucks, and Carriages the said Railway second herein described to and from and along the South-east Side of the Dock before mentioned, so far as necessary for their Traffic on the said Waggon Road or private Railway, without Payment of any Rate, and shall be entitled, so far as necessary for such Traffic, to the like Facilities in passing over the said Railway second herein described, and for loading and unloading Ships lying in the said Dock, as may be granted to any other Traffic of the same Description or to any other Person or Persons; the said *Alexander Haldane Oswald* and his Successors in the said Estate being bound, in lieu of any Rate exigible by the Company, to pay a proportional Part of the Cost of maintaining that Portion of the said Railway second herein described which shall be used by them, and all Turntables and Works connected therewith, corresponding to the Proportion which the Tonnage of the Traffic coming from or going to the said Waggon Road or private Railway, and using the said Railway

second

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second herein described and Works connected therewith, shall bear to the Tonnage of the other Traffic using the same respectively.

35. And whereas by Section Thirty-eight of "The *Glasgow and South-western Railway (Ayrshire Lines) Act, 1865,*" the said *Alexander Haldane Oswald* and his Successors in the said Estate are entitled to require the Company to carry the Traffic therein specified on and over their several Railways made or to be made to the Harbour of *Ayr* at certain Rates therein mentioned: It is hereby declared that, so far as regards the Provisions of that Section, the Railways to be formed under the Powers of this Act shall be held to be Railways of the Company to the Harbour of *Ayr*, and the said Provisions shall apply to Traffic thereon of the Description specified in that Section: Provided that the Rates therein mentioned shall not be held to include but shall be payable over and above any Rate which the Trustees are hereby or by the recited Act authorized to levy.

As to Traffic on Railways.

36. Nothing in this Act contained shall alter, prejudice, or affect any Right or Privilege which may be legally possessed and exercised or claimed by *Alexander Haldane Oswald* Esquire, of *Auchencruive*, in or over any Part of the Quays or Works of the Harbour of *Ayr* which, with the Objections of the Trustees and all other Parties thereto, are hereby saved and reserved entire.

Saving Rights of Alexander Haldane Oswald, Esquire.

37. If in the course or by means of the Execution of any of the Works by this Act authorized any Part of the Shores or Bed of the Harbour, or of the *Firth of Clyde*, belonging to Her Majesty, and not forming the Site of any such Works, shall be inured, gained, or reclaimed from the Water, the Trustees shall not have or exercise any Right upon the same or in respect thereof, but such inuring, gaining, or Reclamation shall enure absolutely for the Benefit of Her Majesty the Queen, Her Heirs and Successors, and it shall not at any Time afterwards be lawful for the Trustees to take, enter upon, or interfere with the Lands so inured, gained, or reclaimed for any Purpose whatsoever without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them.

Crown Lands reclaimed not to be taken without Consent of Commissioners of Woods, &c.

38. Nothing in this Act contained shall be deemed to exempt the Harbour or the Trustees from the Provisions of "The Merchant Shipping Act, 1854," or of any General Act amending that Act, or relating to Docks or Harbours, or to Shipping, or to Goods carried in Ships, or to Pilotage, or to Lights, Buoys, and Beacons, or the Rights, Powers, Privileges, and Jurisdiction of the General Lighthouse Authorities, now in force or which shall be passed during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Rates authorized by the recited Act or this Act.

Reservation of General Acts.

39. Nothing

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Saving
Rights of
the Crown.

39. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the Trustees to take, use, or in any Manner interfere with any Foreshore or other Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose, which Consent such Commissioners or Commissioner are and is hereby authorized to give, neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by Her Majesty, Her Heirs or Successors.

Interest not
to be paid
on Calls paid
up.

40. The Company shall not, out of any Money by this Act or any other Acts relating to the Company authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided that this Act shall not 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 Companies Clauses Consolidation (*Scotland*) Act, 1845."

Deposits for
future Bills
not to be
paid out of
Capital.

41. The Company shall not, out of any Money by this Act or any other Acts relating to the Company authorized to be raised, pay or deposit any Sum which, by any Standing Order of either House of Parliament now or hereafter 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 to execute any other Work or Undertaking.

Railways
not exempt
from Provi-
sions of
present and
future
General
Acts.

42. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made from the Provisions of any General Act relating to Railways, or 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 or Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges or of the Rates for small Parcels authorized by this Act.

Expenses of
Act.

43. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Trustees out of the Rates authorized to be levied, or the Monies authorized to be raised, by the recited Act or this Act.

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