ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

****

Cap. ccclxxvii.

An Act for making a Railway from *Airdrie* to *Bathgate*, with a Branch to *Whitburn* and *Blackburn*, to be called "The *Airdrie and Bathgate Junction* Railway." [13th *August* 1846.]

WHEREAS the making of a Railway from the Town or Burgh of *Airdrie* in the County of *Lanark* to the Town or Burgh of *Bathgate* in the County of *Linlithgow*, with a Branch to the Villages of *Whitburn* and *Blackburn* in the said County of *Linlithgow*, would be of great public Advantage, by opening an additional, certain, and expeditious Mode of Communication between these and intermediate Places, and also by facilitating Communication between more distant Towns and Places: And whereas the Persons herein-after named are willing, at their own Expence, to carry such Undertaking into execution; but the same 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, That in so far as not otherwise provided for in this Act the several Acts of Parliament following, (that is to say,) the Companies Clauses Consoli-

8 & 9 Vict. cc. 17. 19. and 33. incor-

porated with this Act.

Consolidation (*Scotland*) Act, 1845, the Lands Clauses Consolidation (*Scotland*) Act, 1845, and the Railway Clauses Consolidation (*Scotland*) Act, 1845, shall be incorporated with and form Part of this Act, and shall receive full Force and Effect accordingly in the Execution of the same, save as to any Provisions thereof respectively which may be modified by or be inconsistent with the Provisions of this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Airdrie and Bathgate Junction* Railway Act, 1846."

Subscribers incorporated.

III. And be it enacted, That *John Stewart* of *Binny*, *William Waddell*, *Alexander Marjoribanks*, *Alexander Dennistoun*, *James Lindsay Ewing*, *Alexander Jamieson*, *William Clark*, *John Fyfe*, *James Dunlop*, *Robert Addie*, *Robert Miller*, *William Bankier*, *John Wilson* of *Dundyvan*, *John Mann*, *Andrew Buchanan*, 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 a Railway from the Town of *Airdrie* to the Town of *Bathgate*, with a Branch to the Villages of *Whitburn* and *Blackburn*, with all proper Works, Approaches, and Conveniences belonging thereto, according to the Provisions of the said recited Acts and of this Act, and for other the Purposes herein and in the said recited Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Airdrie and Bathgate Junction* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the said recited Acts contained.

Capital.

IV. And be it enacted, That the Capital of the Company shall be Three hundred thousand Pounds.

Number and Amount of Shares.

V. And be it enacted, That the Number of Shares into which the Capital shall be divided shall be Twelve thousand, and the Amount of each Share shall be Twenty-five Pounds.

Calls.

VI. And be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Four Fifths of the Amount of a Share shall be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Two Months at the least shall be the Interval between successive Calls.

Interest on Calls to be allowed till Railway completed.

VII. And be it enacted, That it shall be lawful for the Directors of the said Company, and they are hereby required, to pay Interest at the Rate of Four Pounds *per Centum per Annum* on such Sums as shall from Time to Time be called on by the Directors in respect of the said Shares, and shall be paid by the Proprietors thereof, and

Interest

Interest shall commence from and after the passing of this Act, and be continued till the opening of the Railway, and the same shall be paid at such Times and Places as the Directors for the Time being shall appoint for that Purpose: Provided always, that no Interest shall accrue to the Proprietor of any Share who shall not have paid up the Calls due at the Time in respect of the whole Shares belonging to him as appearing from the Register of Shareholders.

Power to borrow Money on Mortgage.

VIII. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sum not exceeding in the whole the Sum of One hundred thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Three hundred thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Mortgagees may enforce Payment of Arrears by Appointment of a Judicial Factor.

IX. And be it enacted, That it shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any such 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 Monies 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.

First and other Meetings.

X. And be it enacted, That the first Ordinary Meeting of the Company shall be held within Two Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly, in the Months of *February* or *March* and *August* or *September*, and the first of such Ordinary Meetings shall be held in the Month of *August* or *September* One thousand eight hundred and forty-six; and all Meetings, whether ordinary or extraordinary, shall be held in *Glasgow*.

Quorum of General Meetings.

XI. And be it enacted, That the Quorum of every General Meeting of the Company shall be Ten Shareholders holding in the aggregate not less that Fifteen thousand Pounds in the Capital of the Company.

Number and Qualification of Directors.

XII. And be it enacted, That the Number of Directors shall be Nine, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

Power to vary the Number of Directors.

XIII. And be it enacted, That it shall be lawful for the Company to increase or reduce the Number of Directors, provided that the increased Number do not exceed Thirteen, and that the reduced Number be not less than Seven.

First Directors.

XIV. And be it enacted, That *William Waddell*, *James Dunlop*, *John Fyfe*, *William Bankier*, *Andrew Buchanan*, *Robert Addie*, *Robert Miller*, *John Mann*, and *James Lindsay Ewing* shall be the first Directors of the Company.

XV. And

Directors to continue in Office till first Meeting after passing of this Act.

XV. And be it enacted, That the Directors appointed by this Act shall continue in Office until the first Ordinary Meeting to be held after the passing of the Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

As to the Election of future Directors.

XVI. And be it enacted, That at the first Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office agreeably to the Provisions in the said Companies Clauses Consolidation (*Scotland*) Act contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the said Companies Clauses Consolidation (*Scotland*) Act.

Quorum of Directors.

XVII. And be it enacted, That the Quorum of a Meeting of Directors shall be Three.

Committee of Directors.

XVIII. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three nor more than Five, and the Quorum of such Committees shall be the major Number of those appointed.

Newspapers for Insertion of Advertisements.

XIX. And be it enacted, That the Newspapers in which Advertisements relating to the Affairs of the Company are to be inserted shall be Two of the Newspapers published in the City of *Glasgow*.

Railway to be made according to deposited Plans.

XX. And whereas Plans and Sections of the Railway and Branch Railway showing the Lines and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited with the Sheriff Clerks of the Counties of *Lanark* and *Linlithgow* respectively; be it enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the Company to make and maintain the said Railway and Branch Railway and Works in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose: Provided always, that the Company shall be bound to construct the said Main Line of Railway so that no Radius of a Curve therein shall be less than Forty Chains.

Line of Railway.

XXI. And be it enacted, That the said Railway shall commence at or near to the Town or Burgh of *Airdrie* in the Parish of *New* or *East Monkland* in the County of *Lanark*, and shall terminate in or at or near to the Town or Burgh of *Bathgate* in the County of *Linlithgow*,

Linlithgow, and that the said Branch Railway shall diverge from the said Main Line of Railway at or near to a Place called *North Rigg* in the Parish of *Bertram Shotts* commonly called *Shotts* in the County of *Lanark*, and shall terminate at or near to the Village of *Whitburn* in the Parish of *Whitburn* in the County of *Linlithgow*, with an Extension or Continuation of such Branch to a Point at or near to the Village of *Blackburn* in the Parish of *Livingstone* in the said County of *Linlithgow*, which Railway and Branch Railway will pass from, through, or into the Parishes of *New* or *East Monkland*, *Bertram Shotts*, *Torphichen*, *Bathgate*, *Whitburn*, and *Livingstone*, all in the Counties of *Lanark* and *Linlithgow* respectively.

Regulating Construction of Branch from Whitburn to Blackburn.

XXII. And whereas an Act has been passed in the present Session of Parliament to incorporate a Company to be called "The *Edinburgh and Bathgate* Railway Company," with Powers to construct a Branch Line of Railway from a Point at or near the Lands of *Barracks* in the Parish of *Livingstone* to the Town of *Whitburn*, which Branch Line is marked C. J. K. on the Parliamentary Plan of the said Railway: And whereas the said Branch Line and the Continuation or Branch Line from *Whitburn* to *Blackburn* hereby authorized will coincide, or nearly so, as shown on the deposited Plans of both Railways; be it enacted, That unless the Company hereby incorporated shall construct the said last-mentioned Branch Line from *Whitburn* to *Blackburn* as aforesaid within Twelve Months after being thereunto required in Writing by the said *Edinburgh and Bathgate* Railway Company, the Powers hereby granted for that Purpose shall thenceforth cease and determine, and it shall be lawful for the said *Edinburgh and Bathgate* Railway Company and the Company hereby incorporated to enter into and complete such Agreements as may be expedient for the proper Construction and working of the said Branch Railway.

Capacity of Hill End Reservoir to be maintained.

XXIII. And be it enacted, That if in constructing the said Railway the Embankments thereof shall diminish the Capacity of the *Hill End* Reservoir, belonging to the Company of Proprietors of the *Forth and Clyde* Navigation, the Company shall be bound to provide such Land or Space, and to make such Operations, at their own Expence, as may be necessary to restore the Capacity of the Reservoir to the Extent so diminished.

Certain Roads may be passed on the Surface.

XXIV. And be it enacted, That it shall be lawful for the Company to carry the Railway or Branch Railway across the Surface of the following Roads numbered on the Plans deposited as aforesaid as after mentioned; (that is to say,)

In the Parish of *Bertram Shotts*, the Roads marked Nos. 20, 66, and 69:

In the Parish of *Whitburn*, the Roads marked Nos. 48 and 55.

Lodge or Station to be made at level Crossings.

XXV. And be it enacted, That for the Security of the Public the Company shall erect and maintain either a Station or Lodge at the Place where the Railway shall cross each of the before-mentioned Roads.

Regulating Crossing of North and South Lanarkshire Roads.

XXVI. And whereas the Railway is intended to cross the Line of the said *North* and *South Lanarkshire* Roads in the Parish of *New* or *East Monkland* at the Point marked No. $\frac{16}{3}$ on the Plans deposited as herein-before mentioned; be it therefore enacted, That the Company shall be bound to make the Inclination of the said Road at such Crossing when finished not less that One Foot in Sixty Feet: Provided always, that in conducting the Operations connected with such Crossing the Company shall be bound to execute the same at the Sight and to the Satisfaction of the Surveyor of the said Roads and the Engineer of the said Company, and in the event of their differing in Opinion, to the Satisfaction of an Umpire to be named by them.

Land for extraordinary Purposes.

XXVII. And be it enacted, That it shall be lawful for the said Company to take Lands for extraordinary Purposes, but the Quantity of Land to be taken for such Purposes shall not exceed Thirty Acres.

Compulsory Purchase of Lands limited.

XXVIII. And be it enacted, That the Powers of the Company 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.

Period for Completion of Works.

XXIX. And be it enacted, That the said Railway, Branch Railway, and Works shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers of this Act or the recited Acts granted to the Company for executing the said Railway, Branch Railway, and Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as shall then be completed.

Tolls:

XXX. And be it enacted, That it shall be lawful for the Company to demand any Tolls for the Use of the Railway not exceeding the following; (that is to say,)

On Articles of Merchandize.

1. In respect of the Tonnage of all Articles conveyed upon the Railway or any Part thereof, as follows:

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile not exceeding One Penny Farthing:

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, 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 Merchandize, *per* Ton *per* Mile not exceeding Three Halfpence:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Stones, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile not exceeding Two-pence Halfpenny:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Fish, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Three-pence Farthing:

And

And for every Carriage, of whatever Description, having more than Two Wheels, and 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 not exceeding Sixpence;

And a like Sum of Sixpence *per* Mile for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile not exceeding Sixpence:

Provided always, that the said Tolls shall not include the Use of Carriages or Locomotives, if supplied by the Company.

On Passengers and for Cattle.

2. In respect of Passengers and Animals conveyed in Carriages upon the said Railway or any Part thereof, as follows:

For any Person conveyed in or upon any such Carriage, *per* Mile not exceeding Two pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding Two-pence *per* Mile:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, *per* Mile not exceeding Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding Three-pence *per* Mile:

For every Calf, Pig, Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Penny Halfpenny *per* Mile:

And for the Trouble occasioned by loading or unloading, and for the Use of any Wharf, Basins, Loading Place, Stations, or any of them, such reasonable Sum as to the said Company shall seem fit.

Maximum Rate of Charge for Passengers.

XXXI. And be it enacted, That the maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the said Railways, including the Tolls for the Use of the Railway, and of Carriages and for locomotive Power, and every other Expence incidental to such Conveyance, shall not exceed the following Sums:

For every Passenger conveyed in a First-class Carriage, the Sum of Three-pence *per* Mile:

For every Passenger conveyed in a Second-class Carriage, the Sum of Two-pence *per* Mile:

For every Passenger conveyed in a Third-class Carriage, the Sum of One Penny *per* Mile.

On Cattle, Goods, &c.

And with respect to the Conveyance of Horses, Cattle, Carriages, and Goods, the maximum Rate of Charge to be made by the Company, including the Tolls for the Use of the Railway, and Waggons or Trucks, and locomotive Power, and every Expence incidental to such Conveyance (except the loading and unloading of Goods, where such Service is performed by the Company), shall not exceed the following Sums:

For

For every Horse, or other Beast of Draught or Burden before classed with Horses, the Sum of Five-pence *per* Mile:
For Cattle, the Sum of Two-pence *per* Head *per* Mile:
For Sheep and small Animals, Three Farthings each *per* Mile:
For every Carriage, the Sum of Seven-pence *per* Mile:
For Manure, and other Articles herein-before classed therewith, the Sum of One Penny Three Farthings *per* Ton *per* Mile:
For Coals, and other Articles herein-before classed therewith, the Sum of Two-pence *per* Ton *per* Mile:
For Sugar, and other Articles herein-before classed therewith, the Sum of Three-pence *per* Ton *per* Mile:
For Cotton, and other Goods and Articles herein-before classed therewith, the Sum of Four-pence *per* Ton *per* Mile.

Company may take increased Charges by Agreement.

XXXII. Provided always, and be it enacted, That nothing herein contained shall be held to prevent the said Company from taking any increased Charges over and above the Charges herein-before limited for the Conveyance of Goods of any Description by Agreement with the Owners of or Persons in charge of such Goods, either in respect of the Conveyance thereof by Passenger Trains, or by reason of any other special Service performed by the said Company in relation thereto.

Restriction as to Charges not to apply to Special Trains.

XXXIII. Provided also, and be it enacted, That the Restriction as to the Charges to be made for Passengers shall not extend to Passengers conveyed by any Special or Extra Train, but shall apply only to the ordinary Trains appointed or to be appointed from Time to Time by the said Company.

Regulations as to the Tolls.

XXXIV. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)
For Persons, Animals, or Goods conveyed on the Railway for a less Distance than Six Miles the Company may demand as for Six Miles, and, in addition to the Tolls and Charges for Conveyance, a reasonable Charge for the Expences of loading and unloading:
For a Fraction of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Tolls and Charges as for One Mile:
For a Fraction of a Ton the Company may demand Toll 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:
With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:
With respect to Stone and Timber, Fourteen Cubic Feet of Stone, and Forty Cubic Feet of Oak, Mahogany, Teak, Beech, Ash, or Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for small Parcels and Articles of great Weight.

XXXV. And with respect to small Packages, and single Articles of great Weight, be it enacted, That the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels (that is to say, Parcels not exceeding Five hundred Pounds Weight each,) the Company may demand any Sum which they think fit: Provided always, that Parcels 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, and to Parcels not being aggregate Quantities of the same Description of Articles sent in the same Package:

For the Carriage of any Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they may from Time to Time think fit, not exceeding One Shilling *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Passengers Luggage.

XXXVI. And be it enacted, That every Passenger travelling upon the Railway may take with him his ordinary Luggage at his own Risk, not exceeding the Weights following, (that is to say,) if travelling in a First-class Carriage One hundred Pounds, and if in a Second or Third Class Carriage Sixty Pounds, without any Charge being made for the Carriage thereof.

Confirming Contracts made by Provisional Directors.

XXXVII. And be it enacted, That any Contracts or Agreements entered into by the Provisional Directors of the Company previous to the passing of this Act not inconsistent with the Provisions of this Act shall be as valid and effectual as if the same were entered into in pursuance of the Provisions herein contained.

Compensation to be made to the Trustees acting under 10 G. 4. c. 112. and Creditors of the North and South Lanarkshire Roads.

XXXVIII. And whereas the Trustees acting in the Execution of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to alter and amend and continue an Act passed in the First Year of the Reign of His present Majesty, intituled 'An Act for making and maintaining certain Roads and 'Bridges in the Counties of* Lanark *and* Dumbarton,' commonly called the *North and South Lanarkshire* Roads, and the several Acts therein referred to, have borrowed and expended considerable Sums of Money in making and repairing the Roads authorized by the said Acts to be made, and various other Persons have advanced, or are in right of those who have advanced, large Sums of Money for the like Purposes, which Sums are now due and owing on the Credit of the Tolls on the said Roads: And whereas the Revenues of the Toll Bars on that Portion of the said Line of Roads from *Dalmicoulter* at or near to *Raw Yards* to *Chappell Hall* in the Parish of *New* or *East Monkland* and *Old Monkland* or *Bothwell*, or some of them, will in the Opinion of the said Trustees be diminished by reason of the Traffic on the said Portion of the Road being diverted therefrom by the Railway hereby authorized to be made: And whereas the Company are willing that the said Trustees and Creditors should

in such event be relieved of a Portion of the said Debts; be it therefore enacted, That the Company shall pay to the Trustees such Sum of Money by way of Compensation as shall be agreed upon between the Company and the said Trustees; and, failing such Agreement, it shall be competent for the said Trustees to apply to the Sheriff of the County of *Lanark*, who shall on such Application take Account of the Tolls paid at the Bars on the said Portion of Road, and the necessary Expenditure for the ordinary Maintenance and Repair thereof, during the Three Years preceding the passing of this Act, and shall also take an Account in like Manner of the Amount of the Tolls which shall be paid on such Portion of the said Road, and of the necessary Expenditure for the ordinary Maintenance and Repair thereof, during the Three Years following the opening of the said Railway to the Public; and the average Amount of such Tolls being so ascertained for the said respective Periods of Three Years, if the Amount shall have decreased during the Second Period by reason of the opening of the said Railway, the Sheriff shall thereupon determine the Amount of the Loss sustained by the said Road Trust through the Operation of the Railway, and shall convert the Amount of the average annual Loss, or the Proportion thereof which he shall consider attributable to the Operation of the said Railway, into Capital, at the Rate of such Number of Years Purchase as in the Circumstances of the Case shall seem just, and shall declare and decree the Amount of the Compensation to be paid by the Railway Company to the said Trustees; and the Sums paid as such Compensation, whether paid under an Agreement or by Decerniture of the Sheriff, shall be applied, so far as the same will extend, in Payment and Extinction of the Debts now due on the Credit of the Tolls, and the Company shall become Creditors upon the Tolls of the Road in place of the Creditors whose Debts shall have been so paid off, but postponed both as to the Principal and Interest to the Creditors in the other Debts affecting the said Roads, and so that no greater Amount of Debt shall be created upon the said Roads on the Credit of the said Tolls thereon than the Amount of Debt now due and owing upon the same.

Edinburgh and Glasgow Railway Company may require the Transfer of the Railway to them.

XXXIX. And be it enacted, That it shall be lawful for the *Edinburgh and Glasgow* Railway Company, by a Requisition under the Hands of any Three Directors, to call upon the Company hereby incorporated, either before the Execution or not later than Six Months after the Completion of the Railways by this Act authorized to be made, or any Part thereof, to convey such Railway and Branch Railways, or the Right to form the same or any Part thereof, to such first-mentioned Company, and the Company hereby incorporated shall upon such Requisition be bound to convey and transfer by Deed duly stamped the said Railway and Branch Railways, or the Right to make the same, to the *Edinburgh and Glasgow* Railway Company, subject to the Conditions and Provisions herein-after contained.

Company may require Edinburgh and Glasgow Railway

XL. And be it enacted, That it shall be lawful for the Company hereby incorporated, by a Requisition under the Hands of any Three of the Directors, to call upon the *Edinburgh and Glasgow* Railway Company, either before the Execution or not later than Six Months after

after the Completion of the Railways by this Act authorized to be made, or any Part thereof, to purchase the said Railways, or the Right to form the same, and the *Edinburgh and Glasgow* Railway Company shall upon such Requisition be bound to purchase and take a Conveyance to the said Railway, or the Right to form the same, from the Company hereby incorporated, subject to the Conditions and Provisions herein-after contained.

Company to purchase Railway.

XLI. And be it enacted, That from and after such Time as a Requisition shall have been made by either of the said Companies to the Effect herein-after mentioned, and of the Completion and Delivery of the said Conveyance or Transfer, all the Rights, Privileges, Powers, and Authorities by this Act and the Acts extended to this Act respectively given to the Company hereby incorporated, and also the said Railway and all Works belonging thereto, and the Ground and Soil thereof respectively, and all Chattels, Monies, and other Property and Effects of, belonging, due, and owing to the Company hereby incorporated, shall, subject to the existing Debts, Liabilities, Contracts, Engagements, Obligations, and Incumbrances affecting the same, be and be held to be and the same are hereby vested in the said *Edinburgh and Glasgow* Railway Company, and may be held, used, exercised, and enjoyed by and in the Name of such last-mentioned Company in the same Manner and to the same Extent as if the Undertaking had been hereby authorized to be made and maintained by them, or as if their Name had been inserted in this Act in lieu of the Name of the *Airdrie and Bathgate Junction* Railway Company.

After such Conveyance Railway to be vested in Edinburgh and Glasgow Railway Company.

XLII. And be it enacted, That all and every Purchase, Sale, Conveyance, Contract, Agreement, Obligation, Bond, Covenant, Liability, and Security made, done, executed, granted, or entered into before such Requisition shall have been made with, by, or for the said *Airdrie and Bathgate Junction* Railway shall, subject to the Provisions in this Act contained, be and remain as good, valid, and effectual, and of the same Condition and Quality, in favour of, for, on behalf of, or against, or with reference to the said *Edinburgh and Glasgow* Railway Company, to all Intents and Purposes, as if the said last-mentioned Company had been Party to and had executed the same, or had been named or referred to therein instead of the *Airdrie and Bathgate Junction* Railway Company, and shall and may, subject as aforesaid, be executed, done, performed, continued, completed, and terminated by, to, in favour of, on behalf of, against, or with respect to the *Edinburgh and Glasgow* Railway Company as fully and effectually as the same could or might have been by and in the Name of the *Airdrie and Bathgate Junction* Railway Company if such Requisition had not been made.

Contracts and Agreements, &c. to remain valid against Edinburgh and Glasgow Railway Company.

XLIII. And be it enacted, That from and after such Requisition and Conveyance shall have been made in manner herein-before mentioned the Company hereby incorporated shall be and the same is hereby dissolved.

Company to be dissolved on Transfer of Railway.

XLIV. And

Edinburgh and Glasgow Railway Company to create Stock and allot the same among the Shareholders.

XLIV. And be it enacted, That in the event aforesaid, and as the Consideration for such Sale, it shall be lawful for the *Edinburgh and Glasgow* Railway Company and they are hereby required to create a Stock in their Undertaking to the Amount of Two hundred thousand Pounds, and to allot the same to the Shareholders in the Company hereby incorporated in proportion to the Number of Shares held by them respectively therein in lieu of their own Stock, and such new Shares shall vest in and belong to the said Shareholders who shall accept the same, and pay the Calls to become due thereon to the said *Edinburgh and Glasgow* Railway Company, subject to the Restrictions and Conditions herein contained; and such new Stock shall be kept by the *Edinburgh and Glasgow* Railway Company as a separate Stock, and the Certificates thereof shall be separately numbered, and the Transfers be recorded in a separate Register.

Fixing Dividend to be paid after Railway opened for Traffic.

XLV. And be it enacted, That every Proprietor of One or more such Shares shall, from and after the opening for Traffic of the Main Line of Railway hereby authorized, receive from the *Edinburgh and Glasgow* Railway Company, payable half-yearly, on the Second Day of *February* and on the Second Day of *August* in every Year, a Dividend out of the Profits of the *Edinburgh and Glasgow* Railway Company at the fixed Rate of Six Pounds *per Centum per Annum* on the Amount from Time to Time called for and paid up by each Shareholder, which Dividend shall be paid preferably to the Dividend in respect of any of the ordinary Shares in the *Edinburgh and Glasgow* Railway Company, but shall not have Priority over the Dividend to any other Shareholders who by virtue of any Act of Parliament to be passed in the present Session may be entitled to a preferable Dividend out of the said Profits, excepting to the Extent of the net Receipts from the Railway and Works hereby authorized to be made which shall be and remain primarily liable for the Payment of the said Dividend.

Interest to be paid on Calls till opening of Railway.

XLVI. And be it enacted, That the said *Edinburgh and Glasgow* Railway Company shall, on the said Second Day of *February* and Second Day of *August* in every Year, pay to the Shareholders or Subscribers to the Undertaking hereby authorized, out of the Profits of the first-mentioned Company, Four *per Centum per Annum* on all Calls and Deposits paid or to be paid by them, commencing from the Payment of the same respectively, until the opening of the said Main Line of Railway, and such Payment shall have the same Priority and Preference as herein-before provided with respect to the said Dividend of Six *per Centum*.

Restricting Rights of such Shareholders in Edinburgh and Glasgow Railway.

XLVII. And be it enacted, That the Proprietors of the Stock to be created and issued as aforesaid shall not, after the opening of the said Main Line, be entitled to participate in the Profits of the *Edinburgh and Glasgow* Railway Company to any greater Extent than the said fixed Dividend herein-before mentioned, nor shall the Possession of the said Stock qualify the Holders thereof, or any of them, to be Directors of the said Company, or to act or vote at any General Meeting thereof; and it shall not be necessary for the said Company,

Company, or for the Directors thereof, to offer to the Proprietors of such Stock any Portion of the Share or Stock representing the Capital which they may be authorized to raise, and shall hereafter raise, under the Powers of the Acts relating to the *Edinburgh and Glasgow* Railway, or of any Acts which may be passed in the present or any future Session of Parliament relating to such Railway, or to any other Undertaking which shall be acquired by or be united and incorporated with the *Edinburgh and Glasgow* Railway.

Edinburgh and Glasgow Railway Company to call up Stock and complete and open Railway for Traffic within Three Years from passing of Act.

XLVIII. And be it enacted, That the said *Edinburgh and Glasgow* Railway Company shall, within Three Years after the Date of the Requisition herein-before mentioned, call up and make payable from the Subscribers to the Undertaking hereby authorized, in proportion to the Shares held by each, such Portion of the said Sum of Two hundred thousand Pounds for which Stock is to be created as aforesaid as shall be necessary for the Execution of the said Main Line of Railway from *Airdrie* to *Bathgate*, and apply the same for that Purpose, but the said Company shall not be bound to call up any Portion of the said Sum of Two hundred thousand Pounds for the Purpose of executing the Branch Lines hereby authorized to be made; and the Capital necessary for the Execution of such Branches, or for the Completion of the said Main Line, and for Plant, and for working the same, shall and may be advanced and paid by the said *Edinburgh and Glasgow* Railway Company out of their own Funds, who for that Purpose are hereby authorized to raise the same, either by borrowing or by the Creation of new Shares in their Undertaking, or in such other Way or Manner as to them shall seem expedient.

Edinburgh and Glasgow Railway Company may raise the Capital and borrow the Money authorized to be raised by this Act.

XLIX. And be it enacted, That all Payments which shall have been made in respect of the Shares of the Company hereby incorporated before the Date of the Requisition herein-before mentioned shall be held to have been Payments made to the said *Edinburgh and Glasgow* Railway Company, but the said *Edinburgh and Glasgow* Railway Company shall have all the same Powers with regard to the making Calls for the Balance of the said Shares to the Extent of the said Sum of Two hundred thousand Pounds, and with regard to enforcing such Calls, or the Forfeiture and Disposal of Shares in Cases of Nonpayment thereof, and otherwise with reference thereto, and also with regard to the raising by Mortgage on the *Edinburgh and Glasgow* Railway any Sums of Money which the Company hereby incorporated are authorized to raise by virtue of this Act, and with regard also to the Conversion of such Monies into Capital of the *Edinburgh and Glasgow* Railway Company, as are contained in the Acts relating to the *Edinburgh and Glasgow* Railway Company with reference to the Shares thereby authorized to be created, and the Monies thereby authorized to be raised on Mortgage, and the Conversion of such Monies into Capital.

Edinburgh and Glasgow Railway Company to complete Railway

L. And be it enacted, That in the event of such Sale and Transfer as aforesaid before the Execution of the Works the *Edinburgh and Glasgow* Railway Company shall and are hereby required to complete the said Main Line of Railway, with a double Line of Rails, in a good and substantial Manner, adapted for the Traffic thereon,

within Three Years.

thereon, and agreeably to the said Plan and Section, and to have the same opened for said Traffic within the Period of Three Years after the passing of this Act, and thereafter to provide a good and sufficient Plant and Locomotive Engines for working and to work the same for the Conveyance of Goods and Passengers.

Domicile of the Company.

LI. And be it enacted, That, except when otherwise specially provided, the Domicile of the Company in reference to all judicial Proceedings or Actions at Law shall be held to be in *Glasgow*.

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., and 7 & 8 Vict. c. 85.

LII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

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

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

Expences of Act.

LIV. And be it enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and of making the Survey, Plans, and Estimate, and all other Costs, Charges, and Expences in any way incident thereto, shall be paid and defrayed by the said Company out of the Money already raised and received, or out of the first Money to be raised or received by them, in preference to any other Payment whatsoever.

Public Act.

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

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