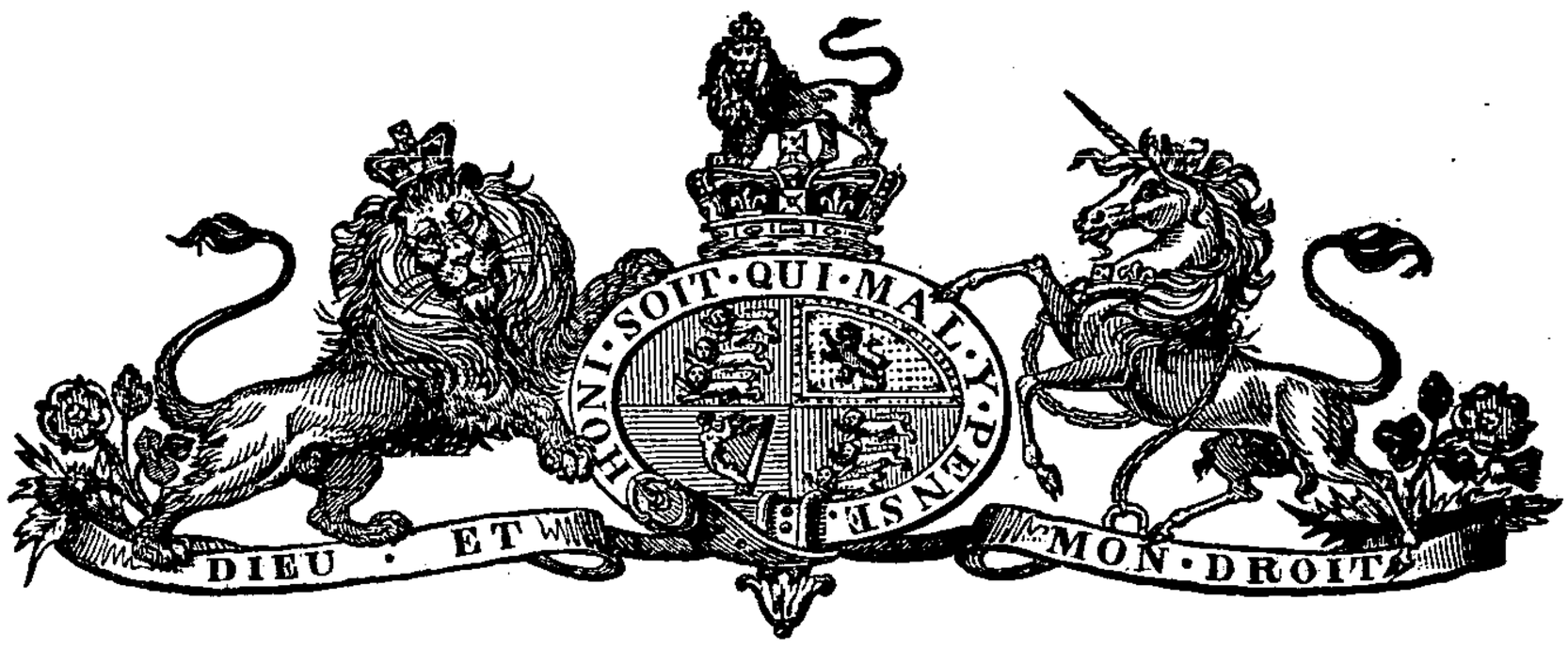


ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

***

8 & 9 Vict. c. 160.

intituled *An Act for making a Railway from the Termination of the* Polloc and Govan *Railway at* Rutherglen *to* Hamilton, *and to the* Wishaw and Coltness *Railway at* Motherwell, *to be called the* Clydesdale Junction *Railway:* And whereas the said *Clydesdale Junction* Railway is in the course of being made: And whereas another Act was passed in the Ninth Year of the Reign of Her said Majesty,

8 & 9 Vict. c. 162.

intituled *An Act for making a Railway from* Carlisle *to* Edinburgh *and* Glasgow, *and the North of* Scotland, *to be called the* Caledonian *Railway:* And whereas the said *Caledonian* Railway is in the course of being made: And whereas the *Clydesdale Junction* and *Polloc and Govan* Railways afford advantageous Means of Railway Communication between the *Caledonian* Railway and the City and Harbour of *Glasgow*, and also with other Railways and Places: And whereas it would be attended with Advantage and Convenience to the Public, and to the said *Polloc and Govan*, *Clydesdale Junction*, and *Caledonian* Railway Companies, if the said Railways were consolidated and the said Companies incorporated into One Company; 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, That the *Caledonian* Railway Act, 1845, before recited, and the Acts thereby incorporated therewith, except so far as altered, varied, or otherwise provided in this Act, shall apply to and form Part of this Act.

Recited Act 8 & 9 Vict c. 162. applied to 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 "*Caledonian, Polloc and Govan*, and *Clydesdale Junction* Railways Amalgamation Act, 1846."

Repeal of Four first recited Acts, and Dissolution of Polloc and Govan and Clydesdale Junction Railway Companies.

III. And be it enacted, That from and after the passing of this Act the several recited Acts relating to the *Polloc and Govan* Railway passed in the Eleventh Year of the Reign of His Majesty King *George* the Fourth, the Second Year of the Reign of His Majesty King *William* the Fourth, and the First Year of the Reign of Her present Majesty, as also the said *Clydesdale* Junction Railway Act, 1845, shall, excepting in so far as the said Acts relate to the Construction and Maintenance of the said *Polloc and Govan* and *Clydesdale Junction* Railways, and Works connected therewith respectively, and excepting in so far as herein-after expressly reserved in force, be repealed, and that the said *Polloc and Govan* Railway Company and the said *Clydesdale Junction* Railway Company shall be dissolved; provided that the repealing of the said Acts shall not annul or in anywise prejudice or affect any Purchase, Sale, Conveyance, Grant, Lease, Contract, Security, Act, Matter, or Thing whatsoever made, done, committed, or instituted under or by virtue or in pursuance of the said hereby repealed Acts or any of them, but all such Purchases, Sales, Conveyances, Grants, Leases, Contracts, Securities, Acts, Matters, and Things shall be as good, valid, and effectual to all Intents and Purposes whatsoever as if the said hereby repealed Acts were not repealed: Provided also, that, save and except in so far as herein-

after enacted, nothing herein contained shall extend in any way to defeat, affect, or prejudice any Rights, Privileges, Liberties, Powers, Accommodations, or Exemptions which, under or by virtue of the said hereby repealed Acts or any of them, are given, granted, or reserved to or for the Benefit of any Persons, Corporations, Commissioners, or Trustees whose Estates, Properties, or Interests are, have been, or may be in anywise affected in or by the making or maintaining or otherwise on account of the Railways and Works by the said repealed Acts respectively authorized to be made and maintained, or to which such Persons, Corporations, Commissioners, or Trustees but for the Repeal of the said hereby repealed Acts would have been entitled under or by virtue of the said Acts or any of them, but all such Rights, Privileges, Liberties, Powers, Accommodations, and Exemptions shall be as valid and effectual as if the said hereby repealed Acts were not repealed; and such several Persons, Corporations, Commissioners, and Trustees shall be entitled to, and shall have, use, and enjoy, the same Rights, Privileges, Liberties, Powers, Accommodations, and Exemptions, or such and so many of them, as immediately before the passing of this Act they were entitled to have, use, and enjoy, as fully and effectually as if the said hereby repealed Acts had not been hereby repealed, and shall and may have and be entitled to such or the like Powers and Remedies upon and against the *Caledonian* Railway Company for securing the Possession, Use, and Enjoyment of such Rights, Privileges, Liberties, Powers, Accommodations, and Exemptions as, under the Provisions of the said hereby repealed Acts, they had or were or might have been entitled to against the said dissolved Companies or either of them in case the said hereby repealed Acts had not been repealed; and all such Penalties, Damages, Monies, Costs, and Expences as, under the Provisions of the said hereby repealed Acts or any of them, would or hereafter might have become payable to or recoverable by such Persons, Corporations, Commissioners, and Trustees as aforesaid of and from the said hereby dissolved Companies, or either of them, in case the said Acts had not been repealed, shall and may be payable by and recoverable from the *Caledonian* Railway Company in such Manner and by such Ways and Means as the same are respectively made payable and recoverable under the Provisions of the said hereby repealed Acts or any of them.

Prohibitions in recited Acts as to Railway on West Street to continue in force.

IV. Provided always, and be it enacted, That all the Prohibitions, Restrictions, and Penalties imposed by the recited Acts or any of them with respect to the Mode of constructing or using so much of the *Polloc and Govan* Railway as is formed on *West Street* shall remain and continue in full Force.

Polloc and Govan and Clydesdale Junction Railway incorporated with the Caledonian Railway.

V. And be it enacted, That from and immediately after the passing of this Act the several and respective Persons and Corporations who immediately before the passing of this Act were Proprietors of Shares in the Capital or Joint Stocks of the *Polloc and Govan* Railway Company and the *Clydesdale Junction* Railway Company, or either of them, and their Executors, Administrators, Successors, and Assigns respectively, shall be united and incorporated with the *Caledonian* Railway Company.

VI. And

Capital of amalgamated Companies.

VI. And whereas the Capital or Joint Stock of the *Caledonian* Railway Company amounts to the Sum of Two millions one hundred thousand Pounds; be it enacted, That the said Capital of the said Company shall from and immediately after the passing of this Act be increased to the Sum of Two millions five hundred and fifty thousand Pounds, by the Addition of the Sum of Four hundred and fifty thousand Pounds and the said additional Capital shall be considered as made up of the following Sums; that is to say,

Of the Sum of One hundred and twenty thousand Pounds which shall be held to be contributed by the *Polloc and Govan* Railway Company; and

Of the Sum of Three hundred and thirty thousand Pounds which shall be held to be contributed by the *Clydesdale Junction* Railway Company:

And the said additional Capital of Four hundred and fifty thousand Pounds shall be denominated "*Caledonian* Railway (*Clydesdale Junction*) guaranteed Stock," and shall be divided into Nine thousand Shares of the nominal Value of Fifty Pounds each; and such Shares shall be entitled to the Priority of Dividend herein-after mentioned, and shall in other respects confer such and the like Powers, Privileges, and Benefits, and shall be liable to such and the like Rules, Regulations, and Provisions, as the original Shares in the Capital or Joint Stock of the *Caledonian* Railway Company confer and are liable to under or by virtue of the said recited Act relating to the said Railway, or under or by virtue of any other Act or Acts passed or to be passed in relation thereto.

Numeration of new Shares.

VII. And be it enacted, That the Shares by this Act added to the Capital or Joint Stock of the *Caledonian* Railway Company shall be denominated "*Caledonian* Railway (*Clydesdale Junction*) guaranteed Shares," and shall be numbered in arithmetical Progression, beginning with Number One; and every such Share shall be distinguished by the Number applied to the same, and shall be entered in a separate Register of Shareholders of the said guaranteed Stock of the *Caledonian* Railway Company, to be kept according to the Provisions in that Behalf contained in the Companies Clauses Consolidation (*Scotland*) Act, 1845.

Apportionment of Stock to the Proprietor of the Polloc and Govan Railway.

VIII. And whereas *William Dixon* of *Govan* Colliery in the County of *Lanark* is the sole Proprietor of the Capital Stock of the *Polloc and Govan* Railway Company; be it enacted, That immediately after the passing of this Act the said *William Dixon* shall be entitled to Two thousand four hundred of the said *Caledonian* Railway guaranteed Shares of the nominal Value of Fifty Pounds each, and the said Two thousand four hundred guaranteed Shares are hereby vested in the said *William Dixon*, and his Executors, Administrators, and Assigns, accordingly.

Apportionment of Stock to the Proprietors of Clydesdale Junction Railway.

IX. And be it enacted, That every Person and Corporation who immediately before the passing of this Act was Proprietor of One or more Shares of the nominal Value of Fifty Pounds in the Capital or Joint Stock of the *Clydesdale Junction* Railway Company shall immediately after the passing of this Act be entitled to a like Number of

of the said *Caledonian* Railway guaranteed Shares, and every such guaranteed Share is hereby vested in such Person or Corporation accordingly; and every Person and Corporation in whom any such guaranteed Shares are hereby vested shall stand and be possessed of such Shares in the same Manner, upon the same Trusts, for the same Purposes, and with and under the same Powers and Provisions respectively, as such Person or Corporation immediately before the passing of this Act held the Shares in the Capital Stock of the *Clydesdale Junction* Railway Company, in lieu of which such guaranteed Shares in the Capital Stock of the *Caledonian* Railway Company have been hereby substituted.

Provision as to Portion of Clydesdale Junction Railway Stock not yet paid up.

X. And whereas a Part only of the foresaid Sum of Three hundred and thirty thousand Pounds of Capital contributed by the *Clydesdale Junction* Railway Company has been called for and paid up; be it enacted, That each of the guaranteed Shares hereby apportioned to the Proprietors of the said Stock, and also the Proprietor of each such Share, shall be subject to the Payment of all Sums which immediately before the passing of this Act were remaining due and uncalled for or unpaid in respect of the Share in the Capital Stock of the *Clydesdale Junction* Railway Company for which such guaranteed Share in the Stock of the *Caledonian* Railway Company is by this Act substituted; and it shall be lawful to the *Caledonian* Railway Company to receive and recover all Calls or Arrears of Calls made previously to the passing of this Act by the *Clydesdale Junction* Railway Company in respect of their Stock and remaining unpaid, and the Interest due and to accrue thereon, and to call for, receive, and recover all further Sums due in respect of such Stock, in the same Manner and by the same Means as the *Clydesdale Junction* Railway Company could have called for, received, and recovered such Arrears of Calls and such other Sums if the said Company had not been hereby dissolved, and the said *Clydesdale Junction* Railway Act, 1845, had not been hereby repealed; and all the Powers, Provisions, Remedies, Forfeitures, Matters, and Things contained in the said *Clydesdale Junction* Railway Act, and the Acts thereby incorporated therewith, in regard to the making of Calls and recovering the same, and in regard to the Forfeiture of Shares and Disposal of forfeited Shares, shall be as available to the *Caledonian* Railway Company and the Directors of the said Company as if the same Powers, Provisions, Remedies, Forfeitures, Matters, and Things had been specially repeated and re-enacted in this Act, and made applicable to the *Caledonian* Railway Company.

Certificate of new Share.

XI. And be it enacted, That on demand of any Person or Incorporation entitled to any of the guaranteed Shares hereby added to the Capital Stock of the *Caledonian* Railway Company, and who shall deliver up the Certificate of any Share held by him in either of the said dissolved Companies for the Purpose of the same being cancelled, or who shall prove to the Satisfaction of the Directors, or, in case of Difference, to the Satisfaction of the Sheriff of the County of *Lanark*, or his Substitute, that such Certificate had never been issued, or that having been issued it had been worn out, lost, or destroyed, the *Caledonian* Railway Company shall cause a Certificate of the Proprietorship

prietorship of such guaranteed Share to be delivered to such Person or Incorporation at the Expence of the said Company; and such Certificate shall state that the same has reference to a guaranteed Share in the Capital Stock of the *Caledonian* Railway Company, and shall in other respects be in conformity with the Provisions and Regulations in regard to Certificates of Shares contained in the *Caledonian* Railway Act, 1845, and the Acts thereby incorporated therewith.

Powers of borrowing.

XII. And be it enacted, That as soon as One Half of the foresaid additional Capital of Four hundred and fifty thousand Pounds, including in the said One Half the Capital of One hundred and twenty thousand Pounds contributed as aforesaid by the *Polloc and Govan* Railway Company, shall be paid up, it shall be lawful to the *Caledonian* Railway Company from Time to Time to borrow, and, if repaid, to reborrow in the Manner and by the Ways and Means in that Behalf provided in the said *Caledonian* Railway Act, 1845, any Sum or Sums of Money not exceeding in all the Sum of One hundred and fifty thousand Pounds, in addition to the Sum of Seven hundred thousand Pounds authorized to be borrowed by the said last-mentioned Act, and in addition to any Sum or Sums which the said *Caledonian* Railway Company are or may be authorized to borrow by any other Act or Acts to be passed in the present Session of Parliament.

Dividend to be paid on the guaranteed Stock,

XIII. And be it enacted, That the Proprietors of the aforesaid Nine thousand guaranteed Shares hereby added to the Capital Stock of the *Caledonian* Railway Company shall from the Fifteenth Day of *August* One thousand eight hundred and forty-eight, or from the Time when the said *Clydesdale Junction* Railway shall be opened throughout to the Use of the Public, if such Opening should take place before the said Date, and in all Time thereafter, (except in so far as such Stock shall be redeemed as after provided,) be entitled to receive out of the general Funds or Profits of the *Caledonian* Railway Company, before any Part of such Profits be divided among or assigned or paid to any of the other Shareholders of the *Caledonian* Railway Company, Dividends at the Rate of Six Pounds *per Centum per Annum* upon the foresaid Capital of Four hundred and fifty thousand Pounds, which Dividends shall be rateably paid to the Proprietors of the said Nine thousand guaranteed Shares: Provided always, that if at any Time after the Period herein-after fixed for the Commencement of the said Dividends of Six Pounds *per Centum per Annum* any Part of the Stock of the *Clydesdale Junction* Railway Company, or of the guaranteed Shares by this Act substituted in lieu thereof, shall remain uncalled up, a Deduction shall be made from the Dividends payable to the Proprietors of such guaranteed Shares at the Rate of Four Pounds *per Centum per Annum* on the Capital Stock so remaining to be called up; and in the event of there being at any Time any Arrears due upon Calls made upon the Capital Stock of the *Clydesdale Junction* Railway Company, or upon the guaranteed Shares by this Act substituted in lieu thereof, the Dividends on the Shares in respect of which such Arrears are due shall suffer a Deduction at the Rate of Six Pounds *per Centum per Annum* on the Amount of such Arrears: Provided further, that the

under Deduction in respect of Stock of Clydesdale Railway Company not paid up;

and not to exceed Six per Cent. until other Shareholders receive the same Benefit.

Proprietors

Proprietors of the said Nine thousand guaranteed Shares shall not be entitled to any further Participation in the Profits of the *Caledonian* Railway Company until the Dividend payable to the other Shareholders in the said Company shall exceed Six Pounds *per Centum per Annum* on the Money paid up by them; but whenever and from Time to Time when the Dividend payable to the other Shareholders shall exceed the said Rate of Six Pounds *per Centum per Annum*, the Proprietors of the said guaranteed Shares shall be entitled to participate equally and proportionally with the other Shareholders in such Excess.

Commencement of guaranteed Dividends.

XIV. And be it enacted, That the aforesaid Dividends on the foresaid guaranteed additional Capital of Four hundred and fifty thousand Pounds shall (subject to the Deductions before mentioned) accrue from the said Fifteenth Day of *August* One thousand eight hundred and forty-eight, or from the Time when the said *Clydesdale Junction* Railway shall be opened throughout as aforesaid, if that Event should occur before the said Date, and shall be payable half-yearly at the Periods which may be fixed by the Directors of the said *Caledonian* Railway Company for the Payment of the Dividends to the other Shareholders of that Company.

Until guaranteed Dividends accrue, Interest at Four per Cent. per Annum to be paid on Calls.

XV. And be it enacted, That until the said guaranteed Dividends of Six Pounds *per Centum per Annum* shall accrue as aforesaid the said *Caledonian* Railway Company shall pay to the Holders of the said guaranteed Stock Interest at the Rate of Four Pounds *per Centum per Annum* upon the Sums already paid up in respect of their Shares from the Date of the passing of this Act, and upon the Sums hereafter to be paid up in respect of such Shares from the Dates of such Payments, which Interest shall be payable half-yearly on the Fifteenth Day of *August* and Fifteenth Day of *February* in each Year.

Power to enter into Agreement for interim Use and Maintenance of Polloc and Govan Railway.

XVI. And be it enacted, That it shall be lawful to the *Caledonian* Railway Company to enter into any Agreement and Contract with the said *William Dixon* for and in regard to the Occupation and Use of the said *Polloc and Govan* Railway, and in regard to the Maintenance and Expence of working the same, until the *Clydesdale Junction* Railway be opened throughout as aforesaid, upon such Terms as shall be mutually agreed upon.

Clydesdale Junction Shareholders to have a Lien over the Railway and Works for guaranteed Dividends.

XVII. And be it enacted, That the Holders of the foresaid *Caledonian* Railway (*Clydesdale Junction*) guaranteed Stock shall have a Lien over the said *Clydesdale Junction* Railway and the Branch thereof, and over the *Polloc and Govan* Railway and the Works connected therewith, and the whole Revenues thereof, for Payment to them of the foresaid Dividend of Six Pounds *per Centum per Annum* on the said guaranteed Stock; but such Lien shall be postponed to any Security or Mortgage to be granted by the *Caledonian* Railway Company for the Sum of One hundred and fifty thousand Pounds hereby authorized to be borrowed, or any Part thereof, and shall not prejudice or affect their Right to borrow the same and grant Securities therefor,

therefor, nor the Rights of the Parties advancing such Sums or holding such Securities.

Payment of guaranteed Dividends may be enforced by Appointment of a Judicial Factor.

XVIII. And be it enacted, That it shall be lawful to the Holders of the foresaid guaranteed Stock to enforce Payment of the foresaid Dividends of Six Pounds *per Centum per Annum* upon the Shares held by them by the Appointment of a Judicial Factor upon the said *Clydesdale Junction* and *Polloc and Govan* Railways in the Manner, or as nearly as may be in the Manner, provided by the Companies Clauses Consolidation (*Scotland*) Act, 1845, for enforcing the Payment of Arrears of Interest upon Mortgages granted by Joint Stock Companies; and in order to authorize the Appointment of such Judicial Factor, the Number of guaranteed Shares held by the Parties applying for such Appointment, and the Dividends on which shall be in arrear, shall not be less than Five hundred, and the Period during which such Dividends shall be in arrear shall not be less than Three Months.

Caledonian Railway Company to execute Works, and to apply Clydesdale Railway Company's Capital and other Funds thereto.

XIX. And be it enacted, That the *Caledonian* Railway Company shall be bound to proceed with all due Despatch in making and completing the said *Clydesdale Junction* Railway and Branch thereof, and Works connected therewith; and the foresaid additional Capital of Four hundred and fifty thousand Pounds to be denominated *Caledonian* Railway (*Clydesdale Junction*) guaranteed Stock, and the foresaid Sum of One hundred and fifty thousand Pounds authorized to be borrowed as aforesaid, shall as far as necessary be applied exclusively in making, forming, and completing the *Clydesdale Junction* Railway and Branch thereof, and the Works connected therewith, as the same are described in and authorized to be made and constructed by and under the foresaid *Clydesdale Junction* Railway Act, 1845, and the *Polloc and Govan* Railway as described in and authorized to be made under the foresaid recited Acts relating thereto.

In case Funds inadequate, Caledonian Company to provide the Deficiency.

XX. And be it enacted, That in case the said Sums shall be inadequate to the proper Construction and Completion of the said *Clydesdale Junction* Railway, and its Branch and Works foresaid, the additional Sums necessary for constructing and completing the same shall be found and provided by the *Caledonian* Railway Company.

Caledonian Company, if required, to redeem the guaranteed Stock.

XXI. And be it enacted, That the several registered Proprietors of the foresaid Nine thousand guaranteed Shares shall have Right at any Time before the Fifteenth Day of *August* One thousand eight hundred and forty-nine to require the *Caledonian* Railway Company, by a written Notice given to their Secretary, to redeem by Purchase as after provided the Shares belonging to them respectively, or any Number thereof; and upon such Notice being so given the *Caledonian* Railway Company shall be bound and obliged to purchase the Shares specified therein, and to pay to the Proprietors of the same the Sum of Seventy-five Pounds for and as the agreed on Price and Value of each such Share; and such Price shall be payable and be paid by Four equal Instalments on the Fifteenth Days of the Months of *August* in the Years One thousand eight hundred and fifty, One thousand eight hundred

hundred and fifty-one, One thousand eight hundred and fifty-two, and One thousand eight hundred and fifty-three; and upon Payment of each such Instalment to the registered Proprietor of any such Share, or lawful Tender of the Amount thereof, and Deposit of the said Amount in Bank in his Name or for his Behoof, a corresponding Proportion of the foresaid guaranteed Dividend, and of the surplus Profits of the Company, shall be thereby redeemed, and shall cease to belong to the Proprietor of such Share: Provided always, that the said Notice shall be given in the Form set forth in the Schedule annexed to this Act, or in Words to the same Effect, and shall be left at the Office of the *Caledonian* Railway Company; and provided also, that the Company shall make an Entry in the Register of the said guaranteed Shares hereby appointed to be kept of all such Notices, and that after any such Notice has been given the *Caledonian* Railway Company shall be entitled to redeem the Shares specified therein, on the Terms before specified, either from the Party giving such Notice or from the registered Holders of the said Shares at the Time of Redemption: Provided always, that the Neglect of the Company to make the Entry in the said Register shall not prejudice the Right of the Shareholder who shall have given the Notice; and provided further, that after any such Notice has been given the said Company shall be entitled to redeem as aforesaid the Shares specified therein at any Time thereafter that they may find convenient by Payment or lawful Tender to the registered Holder of such Shares of the whole of the foresaid Purchase Money of Seventy-five Pounds *per* Share, without awaiting the Terms of Payment thereof by Instalments before mentioned, and upon such full Payment being made the whole Interest of the Proprietors of any such redeemed Shares in the *Caledonian* Railway Company shall cease and determine.

Power to Caledonian Company to buy in Shares.

XXII. And be it enacted, That it shall be lawful to the Directors of the *Caledonian* Railway Company from Time to Time, either prior to such Redemption or subsequently to the Expiration of the Power of Redemption, if such Power shall not have been exercised, to purchase and acquire and thereafter to hold for behoof of the said *Caledonian* Railway Company any of the said guaranteed Shares from any Proprietor willing to dispose of the same at such Price as may be mutually agreed upon; and upon the Completion of any such Purchase (of which Completion a Transfer of the Shares so purchased in favour of the *Caledonian* Railway Company shall be conclusive Evidence) the whole Interest of such Proprietor in the *Caledonian* Railway Company in respect of such Share or Shares so purchased shall cease and determine.

Power to raise Money.

XXIII. And be it enacted, That it shall be lawful to the *Caledonian* Railway Company for the Purpose of the Redemption or Purchase of the said guaranteed Stock from Time to Time to raise, in addition to the Sums which they are authorized to raise by the *Caledonian* Railway Act, 1845, or which they may be authorized to raise by any other Act to be passed in the present Session of Parliament, the further Sum of Six hundred and seventy-five thousand Pounds by the Creation of new Shares or Stock, upon such Terms and in such Manner as may have been or may be agreed upon at any Extraor-

dinary Meeting or Meetings of the Company, and the new Shares or Stock created by virtue of this Act shall become Part of the general Capital of the Company.

Railways and Works of the dissolved Companies vested in the Caledonian Company.

XXIV. And be it enacted, That from and immediately after the passing of this Act the aforesaid *Polloc and Govan* Railway and *Clydesdale Junction* Railway, together with all Embankments, Drains, Soughs, Tunnels, Arches, Piers, Bridges, Sluices, Gates, Ways, Roads, Landing Places, Wharfs, and Appurtenances of and connected with the said Railways respectively, and belonging to the said respective Companies, and all Lands, Tenements, Hereditaments, Rights, Powers, and Privileges whatsoever in, of, or to which the said Companies were respectively seised, possessed, or entitled, with the Benefit of all Contracts, Agreements, and Proceedings in any way relating thereto, and all Bonds, Deeds, Securities, Books, Writings, Maps, and Plans belonging to the said Companies respectively immediately before the passing of this Act, shall be vested in and belong to the *Caledonian* Railway Company for their absolute Benefit.

Chattels and Personal Estate of the Clydesdale Junction Railway Company vested in Caledonian Railway Company.

XXV. And be it enacted, That from and immediately after the passing of this Act all the Monies, Goods, Chattels, and other Personal Estate and Effects of or to which the said *Clydesdale Junction* Railway Company were possessed or entitled immediately before the passing of this Act shall be vested in and belong to the *Caledonian* Railway Company for their absolute Benefit; and all Persons and Corporations who immediately before the passing of this Act owed any Sum of Money to the said *Clydesdale Junction* Railway Company, or to any Person on their Behalf, shall pay the same, together with all Interest, if any, due or to accrue due for the same, to the *Caledonian* Railway Company.

Debts and Contracts, &c. to be good.

XXVI. And be it enacted, That all Debts and Monies which immediately before the passing of this Act were due and owing by or recoverable from the said dissolved Companies or either of them, or for the Payment of which they or either of them were or but for the passing of this Act would have been liable, shall be paid, with all Interest, if any, due or to accrue due thereon, by and recoverable from the *Caledonian* Railway Company; and all Conveyances, Leases, Covenants, Contracts, Agreements, Mortgages, Bonds, and Securities made or entered into before the passing of this Act to, with, in favour of, or by or for, the said dissolved Companies or either of them, or any Person on their or either of their Behalf, shall be and remain as good, valid, and effectual in favour of, against, and with reference to the *Caledonian* Railway Company, and may be proceeded on and enforced in the same Manner to all Intents and Purposes, as if the said Company had been a Party to and executed the same, or had been named or referred to therein instead of the Company actually named therein.

Future Awards of Arbitrators in Matters already re-

XXVII. And be it enacted, That every Agreement, Contract, or Bond before the passing of this Act made, executed, or entered into between, by, or on behalf of the said dissolved Companies or either of them and any Person or Corporation, whereby any Matter in dispute

dispute between such dissolved Companies or either of them and such Person or Corporation shall have been referred or agreed to be referred to the Arbitrament or Determination of any Arbitrators or Umpire, shall be as good, valid, and effectual in favour of and against and with reference to the *Caledonian* Railway Company, and may be proceeded on and enforced in favour of or against the said Company in the same Manner to all Intents and Purposes, as if the Matter in dispute thereby referred was Matter in dispute between the said Company and such Person or Corporation as last aforesaid, and as if the said Company had been named or referred to therein, and had been Party to and executed or entered into the same, instead of the dissolved Company or Companies by or on whose Behalf the same was made, executed, or entered into as aforesaid; and every Award which shall be made under or by virtue of any such Agreement, Contract, or Bond shall be made in favour of or against the *Caledonian* Railway Company, and shall be as binding and effectual to all Intents and Purposes, and may be proceeded upon and enforced in favour of or against the *Caledonian* Railway Company, and in favour of or against any Person or Corporation with whom the Matter shall be in dispute, in the same Manner in all respects as it would or might have been with reference to the Company by or with whom such Agreement, Contract, or Bond may have been entered into in case this Act had not been passed.

ferred to Arbitration to bind the Company.

XXVIII. Provided always, and be it enacted, That all Railways, Branches, and Works which, under the Provisions of the said hereby repealed Acts or any of them, the said dissolved Companies or either of them are authorized to make, and which have not been already made or completed, may be made or completed, as the Case may be, by the *Caledonian* Railway Company; and the said Company shall have all such Powers for making and completing such Railways, Branches, and Works as the said dissolved Companies or either of them were entitled to exercise under the said hereby repealed Acts or any of them as fully as if the said *Caledonian* Railway Company had been originally authorized and required to make the same: Provided always, that where any particular Time is by the said Acts or any of them limited for the Execution or Completion of such Railways, Branches, and Works, the same shall be made and completed within the Period so limited.

Railways and Works authorized by repealed Acts to be completed.

XXIX. And be it enacted, That in all Cases in which either of the said dissolved Companies previously to the passing of this Act shall, under the Powers or Provisions of any of the Acts hereby repealed, have entered into any Contract for the Purchase of, or shall have taken or used, any Land which at the Time of the passing of this Act shall not be effectually conveyed to such Company, or the Purchase Money in respect of which shall not have been duly paid by such Company, then and in every such Case such Contract shall be completed by and such Land be conveyed to the *Caledonian* Railway Company, or as the said Company shall direct, and such Purchase Money shall be paid and applied pursuant to the Act or Acts under which such Contract shall have been made, or such Land shall have been taken or used; and all the Clauses, Provisions, Powers, and Authorities

Contracts to be completed.

Authorities contained in such Act or Acts in relation to the Completion of such Contract, and the Purchase and Conveyance of such Land, and the Payment and Application of the Purchase Money in respect thereof, shall for the Purposes of this Act remain in full Force, and shall be construed and taken as if the *Caledonian* Railway Company were named in such Act or Acts and Contract respectively instead of the Company which shall have entered into such Contract or taken or used such Land.

Application of certain Monies payable under repealed Acts.

XXX. And be it enacted, That in all Cases in which, under the Provisions of any of the Acts hereby repealed, any Sum of Money has already been paid by either of the said dissolved Companies into any Bank or to any Trustee or Trustees on account of the Purchase of any Land, or any Interest therein, or for any Compensation or Satisfaction, or on any other Account, such Sum and the Interest and annual Produce thereof shall be applied and disposed of pursuant to the Act or Acts under which the same has been so paid into such Bank or to such Trustee or Trustees as aforesaid; and all the Clauses, Provisions, and Authorities contained in such Act or Acts in relation to such Monies, and the Interest and annual Produce thereof, shall for the Purposes of this Act remain in full Force, and shall be construed and taken as if the *Caledonian* Railway Company were named in such Act or Acts instead of the dissolved Company to which such Act or Acts specially relate.

Actions, &c. not to abate.

Penalties to be recoverable.

XXXI. And be it enacted, That no Action, Suit, Prosecution, or other Proceedings whatsoever commenced either by or against the said dissolved Companies or either of them previously to the passing of this Act shall abate or be discontinued or prejudicially affected by this Act but the same shall continue and take effect both in favour of and against the *Caledonian* Railway Company in the same Manner in all respects as the same would have continued and taken effect in relation to the said dissolved Companies or either of them if this Act had not been passed; and all Penalties incurred by any Offence against the Provisions of the said hereby repealed Acts or any of them previously to the passing of this Act shall and may be sued for, and all Offences which may have been committed before the passing of this Act against the Provisions of the said hereby repealed Acts or any of them may be prosecuted, in such or the like Manner to all Intents and Purposes as the same might have been sued for and prosecuted respectively if this Act had not been passed, the *Caledonian* Railway Company being in reference to the Matters aforesaid in all respects substituted in the Place of the said hereby dissolved Companies respectively.

Saving the Rights of Sir John Maxwell and his Feuars.

XXXII. And be it enacted, That, excepting in so far as hereby expressly authorized, nothing herein contained shall prejudice, alter, take away, or affect any Rights and Privileges of Sir *John Maxwell* of *Polloc*, Baronet, or of his Feuars and Vassals, all which Rights and Privileges, and all competent Objections thereto, are hereby reserved entire,

XXXIII. And

Books, &c. to be Evidence.

XXXIII. And be it enacted, That all Books and other Documents whatsoever by the said repealed Acts or any of them authorized or directed to be kept, and thereby made Evidence, shall still be admitted as Evidence in all Courts of Law or elsewhere.

Maps, &c. deposited to remain with Clerks of the Peace and Sheriff Clerks.

XXXIV. And be it enacted, That the several Maps or Plans and Books of Reference which, in pursuance of the said hereby repealed Acts or any of them, have been deposited with the respective Clerks of the Peace and Sheriff Clerks of the several Counties to which the same relate, shall remain in the Custody of the said Clerks of the Peace and Sheriff Clerks respectively to the end that all Persons interested in any manner therein may at all reasonable Times have Liberty to inspect the same, and to take Copies thereof or Extracts therefrom at their Pleasure, as provided in the said repealed Acts.

Provisions in repealed Acts in favour of particular Persons to remain in force.

XXXV. And be it enacted, That all Works and Things which, under the Provisions of the said recited Acts or any of them, the said dissolved Companies or either of them were bound, required, empowered, or made liable to make, construct, complete, or maintain, and all Repairs thereof respectively, and all Regulations and Restrictions which, under the Provisions of the said recited Acts, were imposed upon or required to be observed by the said dissolved Companies or either of them, for the Safety, Protection, Accommodation, Convenience, Enjoyment, and Benefit of Persons and Corporations, Road Trustees, and others, whose Estates, Properties, or Interests were or might be affected by the making and maintaining of the said Railways, Branch Railways, and Works hereby vested in or authorized to be made and maintained by the *Caledonian* Railway Company, and for the Protection of such Estates, Properties, and Interests, and for securing the Enjoyment of such Estates, Properties, and Interests as aforesaid, and all such Payments, annual and in gross, as, under the Provisions of the hereby repealed Acts or any of them, were required to be made by the said hereby dissolved Companies or either of them, or such or so many of the aforesaid Works, Things, Regulations, Restrictions, and Payments as the said dissolved Companies or either of them would have been bound or liable to construct, complete, maintain, observe, or pay in case this Act had not been passed, shall, except so far as altered, varied, repealed, or otherwise provided for hereby, or by any other Act or Acts passed during the present Session of Parliament, be constructed, completed, maintained, observed, and paid by the *Caledonian* Railway Company as fully to all Intents and Purposes as the same were by the said hereby repealed Acts or any of them required to be constructed, completed, maintained, observed, and paid by the said dissolved Companies or either of them, and as if the several Provisions in the said hereby repealed Acts or any of them contained in reference thereto respectively had been specially repeated and re-enacted in and by this Act, and had been made applicable to the *Caledonian* Railway Company.

Provisions in other Companies Acts in favour of dissolved

XXXVI. And be it enacted, That all Powers, Provisions, Matters, and Things granted, provided, or contained by or in any Act of Parliament to or for the Benefit of the said dissolved Companies or either

Companies to remain in force.

either of them, and not heretofore repealed, shall, notwithstanding the Repeal of the said hereby repealed Acts, be of the like Force, Operation, and Effect as if the said Acts had not been repealed, and shall be exercised and enforced by and appertain to the *Caledonian* Railway Company in as full and effectual a Manner to all Intents and Purposes whatsoever as the same Powers, Provisions, Matters, and Things could have been exercised and enforced by and would have appertained to the said dissolved Companies or either of them in case this Act had not been passed.

Restricting Traffic on Portion of Polloc and Govan Line.

XXXVII. And whereas by the said recited Act relating to the *Clydesdale Junction* Railway it is enacted, that it shall not be lawful for the Company thereby incorporated to form a Junction with, or to deliver to, or to carry or convey any Part of their Traffic upon the Line of the *Polloc and Govan* Railway until they have obtained the Consent in Writing of the Board of Trade: And whereas the Board of Trade have given such Consent on the Condition that no such Traffic shall be carried along any Part of the said *Polloc and Govan* Railway to the North of the Aqueduct, whereby the *Glasgow, Paisley, and Ardrossan* Canal is carried over the said Railway; be it enacted, That it shall not be lawful for the *Caledonian* Railway Company or any other Party whatever to carry or allow to be carried any Traffic to or from the *Clydesdale Junction* Railway along that Portion of the *Polloc and Govan* Railway which lies to the North of the said Aqueduct under a Penalty not exceeding Twenty Pounds for each Offence, to be levied by summary Proceeding before the Sheriff of the County of *Lanark* at the Instance of any Party informing.

Tolls.

XXXVIII. And be it enacted, That from and after the passing of this Act it shall be lawful for the *Caledonian* Railway Company to demand any Tolls for the Use of the *Polloc and Govan* Railway and *Clydesdale Junction* Railway, and the Works connected therewith, not exceeding the following; (that is to say,)

Tonnage on Articles of Merchandize.

1. In respect of the Tonnage of all Articles conveyed upon the said Railways 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 Two-pence; and if conveyed by Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

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 Two-pence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Three-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny Halfpenny:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandize, Fish, Articles, Matters, or Things, *per* Ton *per* Mile Four-pence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile of Two-pence:

And 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 not exceeding Five-pence:

And a Sum of Five-pence *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 of Five-pence.

Tolls for Passengers and Cattle.

2. In respect of Passengers and Animals conveyed in Carriages upon the said Railways, as follows:

For every Person conveyed in or upon any such Carriage, *per* Mile Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum of Two-pence:

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 Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum of Three-pence:

For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile Three Farthings; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum of Three Farthings.

Tolls for propelling Power.

XXXIX. And be it enacted, That the Toll which the *Caledonian* Railway Company may demand for the Use of Engines for propelling Carriages on the said Railways shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Regulations as to the Tolls.

XL. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,)

For Fractions of a Mile the Company may demand Tolls on Merchandize for such Fractions in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles shall be deemed a 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

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and 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.

XLI. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the *Caledonian* Railway 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 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 the Carriage of any One 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 think fit, not exceeding Twelve-pence *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.

Limiting Charges for Conveyance of Passengers.

XLII. And be it enacted, That it shall not be lawful for the *Caledonian* Railway Company to demand or receive any greater Sum in respect of the Carriage of Passengers conveyed on the said *Polloc and Govan* and *Clydesdale Junction* Railways than Three-pence *per* Passenger *per* Mile in respect of any Passenger travelling in a First-class Carriage, Two-pence *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, unless in the Case of Passengers travelling by Special Trains.

Passengers Luggage.

XLIII. And be it enacted, That every Passenger travelling upon the said Railways may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Limiting Charges for Conveyance of Goods.

XLIV. And be it enacted, That it shall not be lawful for the *Caledonian* Railway Company to charge in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals, herein-after mentioned, conveyed on the said *Polloc and Govan* and *Clydesdale Junction* Railways, any greater Sum, including the Charges for the Use of Carriages, Waggons, or Trucks, and for locomotive

locomotive Power, and all other Charges incidental to such Conveyance, than the several Sums herein-after mentioned; that is to say,

For Dung, Compost, and all Sorts of Lime and Limestone Manure, and undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile Two-pence:

For Coals, Coke, Culm, Charcoal, and Cinders, Stones for building, pitching, and paving, Bricks, Tiles, Slates, Clay, and Ironstone and Iron Ore, Pig Iron, Bar Iron, Hoop Iron, and other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandize, *per* Ton *per* Mile Two-pence Halfpenny:

For Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Three-pence:

For Cotton and other Wools, Drugs, manufactured Goods, and other Wares, Merchandize, Fish, Articles, Matters, and Things, *per* Ton *per* Mile Four-pence:

And for every Carriage, of whatever Description, not being 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 Five-pence:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, *per* Mile Four-pence:

For every Ox, Cow, Bull, or Neat Cattle, *per* Mile Two-pence:

For every Calf or Pig, Sheep, Lamb, or other small Animal, *per* Mile Three Farthings.

Tolls, &c. in this Act to be in lieu of those in Clydesdale, &c. Acts.

XLV. And be it enacted, That the Tolls, Rates, and Charges by this Act authorized to be levied shall be in lieu of the Tolls, Rates, and Charges authorized to be levied by the Acts relating to the said *Clydesdale Junction* Railway and *Polloc and Govan* Railway.

Restraint on opening Motherwell Branch repealed.

XLVI. And be it enacted, That as much of the said recited *Clydesdale Junction* Railway Act, 1845, as provides that it shall not be lawful to open or use the *Motherwell* Branch of the said *Clydesdale Junction* Railway for the Passage thereon of Goods or Passengers until such Time as the *Caledonian* Railway shall be completed, and a Communication be opened from *Carlisle* to the *Wishaw and Coltness* Railway at *Overton*, shall from the passing of this Act be repealed.

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

XLVII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present*

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 Railways or the said *Caledonian* Railway Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Company so far as the same shall be applicable thereto.

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

XLVIII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Railways from the Provisions of any general Act relating to this Act, or of any general Act relating to Railways, which may 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.

XLIX. And be it enacted, That the Expences of applying for and obtaining this Act, and anywise incident thereto, shall be paid by the *Caledonian* Railway Company or the Directors of the said Company out of the first Monies belonging to the said Company that shall come into their Hands.

Public Act.

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

The

The SCHEDULE referred to in the foregoing Act.

Form of Notice.

To the Secretary of the Caledonian Railway Company.

Sir,

In pursuance of the Provisions of the "Caledonian, Polloc and Govan, and Clydesdale Junction Railways Amalgamation Act, 1846," I hereby require the Caledonian Railway Company to redeem Shares of the Caledonian Railway (Clydesdale Junction) guaranteed Stock, of which I am the registered Proprietor, being the Shares numbered in the Register of the said guaranteed Stock. Dated this Day of One thousand eight hundred and forty-

(Signature) _____.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1846.