ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. clxxxiv.

An Act for vesting in the *Caledonian* Railway Company certain Portions of the Undertaking of the *General Terminus and Glasgow Harbour* Railway Company. [24th *July* 1854.]

WHEREAS by the *Caledonian* Railway Act, 1845, the *Caledonian* Railway Company were incorporated: And whereas, under the Powers of the *Caledonian, Polloc, and Govan and Clydesdale Junction* Railways Amalgamation Act, 1846, the *Caledonian and Glasgow, Paisley, and Greenock* Railways Amalgamation Act, 1847, and the *Caledonian* Railway (*Glasgow, Barrhead, and Neilston Direct* Railway Lease) Act, 1849, respectively, the *Polloc and Govan* Railway, the *Glasgow, Paisley, and Greenock* Railway, and the *Glasgow, Barrhead, and Neilston Direct* Railway, (including the *Glasgow Southern Terminal* Railway), have become vested in the *Caledonian* Railway Company: And whereas by the *General Terminus and Glasgow Harbour* Railway Act, 1846, and the *General Terminus and Glasgow Harbour* Railway (Branches) Act, 1847, the *General Terminus and Glasgow Harbour* Railway Company were incorporated, and authorized to construct the several Lines of Railway therein described: And whereas certain of the last-mentioned Lines of Railway have been constructed, and certain Portions thereof

8 & 9 Vict. c. clxii.

9 & 10 Vict. c. ccclxxix.

10 & 11 Vict c. clxix.

12 & 13 Vict. c. xc.

9 & 10 Vict. c. cxxx.

10 & 11 Vict. c. lxxv.

connect the *Polloc and Govan* Railway and the *Glasgow, Barrhead, and Neilston Direct* Railway with that Part of the *Glasgow, Paisley, and Greenock* Railway, commonly known as the Joint Line of Railway from *Glasgow* to *Paisley:* And whereas by the said fifth and sixth recited Acts, the *General Terminus and Glasgow Harbour* Railway Company were empowered to sell the Lines of Railway thereby authorized to be constructed, or any Part or Parts thereof, and also the Lands belonging to the said Company, or any Part of the same, to the *Caledonian* Railway Company, for such Consideration as should be agreed upon; but no corresponding Power of Purchase was conferred upon the *Caledonian* Railway Company: And whereas it would be attended with Advantage and Convenience to the Public and to the said Companies if so much of the said Lines of Railway as lies to the South of the said Joint Line, and as connects different Portions of the Undertaking of the *Caledonian* Railway Company with each other, as aforesaid, and certain of the Lands connected therewith, were transferred to and vested in the last-named Company; and the *General Terminus and Glasgow Harbour* Railway Company have agreed that such Transference should be made: And whereas the *Caledonian* Railway Company have paid a large Portion of the Price agreed on for such Transference; 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, as follows; (that is to say,)

Short Title.

I. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Caledonian* Railway (General Terminus Purchase) Act, 1854."

Interpretation of Terms.

II. In this Act the following Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; that is to say,

The Expression "the Company" shall mean the *Caledonian* Railway Company:

The Expression "the *General Terminus* Company" shall mean the *General Terminus and Glasgow Harbour* Railway Company:

The Expression "the *General Terminus* Railway" shall comprehend the several Lines of Railway and relative Works constructed under the Powers of the said fifth and sixth recited Acts:

The Expression "the Joint Line" shall mean that Portion of the *Glasgow, Paisley, and Greenock* Railway which extends from *Glasgow* to *Paisley*.

III. Upon

Certain Portions of General Terminus Railway vested in Caledonian Railway Company.

III. Upon the passing of this Act those Portions of the *General Terminus* Railway lying to the South of the Joint Line, including the Junction therewith, and all the Lands acquired and contracted to be acquired by or for Behoof of the *General Terminus* Company on the South Side of the said Joint Line, and all the Powers, Rights, and Privileges conferred by the said fifth and sixth recited Acts upon and otherwise acquired by the *General Terminus* Company, in relation to the said Portions of Railway and Lands, shall, subject to the Provisions of this Act, and of the said fifth and sixth recited Acts, so far as applicable to the said Portions of Railway, be and the same are hereby transferred to and vested in the *Caledonian* Railway Company, and shall be held, used, and enjoyed by and in Name of the Company, in like Manner as the same were vested in and were or might have been held, used, and enjoyed by the *General Terminus* Company before the passing of this Act, and to the like Effect as if the Company had been authorized by the said fifth and sixth recited Acts to make and maintain the said Portions of Railway, and to acquire the said Lands, and to exercise the said Powers, Rights, and Privileges.

Providing for Payment of Balance of Price and Execution of Conveyance.

IV. The Company are hereby authorized and required, within Three Months after the passing of this Act, to pay to the *General Terminus* Company the Sum of Fifty-five thousand four hundred and forty-one Pounds, being the Balance of the Price agreed upon as aforesaid, with legal Interest thereon from the Fifteenth Day of *May* One thousand eight hundred and fifty-three, until such Payment; and thereupon the *General Terminus* Company shall and they are hereby required to pay and discharge all Debts and Obligations incurred in relation to the Construction of the said Portions of Railway, including therein the Sum of Fifteen thousand five hundred Pounds, being the adjusted Balance due to the Contractors, and all Mortgages, Debts, and Incumbrances affecting the said Portions of Railway and Lands, excepting the Feu Duties and Public and Parish Burdens payable therefrom, and to execute, under their Corporate Seal, and deliver, to and in favour of the Company, a valid and effectual Conveyance of the said Portions of Railway, and of the said Lands, freed and disburdened of all such Mortgages, Debts, Obligations, and Incumbrances, excepting as aforesaid, in which Conveyance the Consideration already paid and to be paid shall be fully and truly stated, and which Conveyance shall be duly stamped with the full and proper *ad valorem* Stamp Duty in respect of such Consideration, and shall contain Clause of absolute Warrandice, and all other usual and necessary Clauses; and such Conveyance shall be produced, duly stamped as aforesaid, to the Commissioners of Inland Revenue, within Six Months next after the passing of this Act, or in default thereof the said *ad valorem* Stamp Duty shall be recoverable from the

the Company, with full Costs of Suit, and all Charges attending the same.

Saving Rights of Mortgagees and others.

V. Nothing herein contained shall prejudice or affect the Rights of Persons holding Mortgages over the Portions of Railway and Lands hereby transferred, or any other Rights or Privileges which under the said fifth and sixth recited Acts are granted or reserved to any Persons or Corporations, or to which such Persons and Corporations are entitled in virtue of the said Acts, or of any Contract or Agreement entered into between them and the *General Terminus* Company: Provided always, that, notwithstanding anything in this Section contained, the *General Terminus* Company shall be bound, as herein-before provided, to free and relieve the Company of all Mortgages and other pecuniary Obligations (excepting as aforesaid) affecting the Portions of Railway and Lands hereby transferred.

Power to enter into Agreements.

VI. It shall be lawful for the Company and the *General Terminus* Company from Time to Time to enter into and execute any Agreements and other Deeds which they may mutually deem advisable for further carrying into effect the Purposes of this Act, and in relation to the Management and Use of the several Portions of the Undertaking authorized by the said fifth and sixth recited Acts, the Regulation of the Traffic thereon or to or from the same, the fixing and levying of the Tolls, Rates, and Charges payable in respect of such Traffic, and the Regulation of other Matters connected with the said Undertaking: Provided always, that nothing herein contained shall alter, prejudice, or affect any Agreement heretofore entered into between the *General Terminus* Company and the Parliamentary Trustees on the River *Clyde* and Harbour of *Glasgow*, or any Conveyance executed by the *General Terminus* Company in favour of the said Trustees.

Tolls.

VII. It shall be lawful for the Company, subject to the Conditions, Limitations, and Provisions contained in the said fifth and sixth recited Acts and in this Act, to demand and recover, for the Use of the said Portions of Railway hereby vested in them, and the Conveyance of Traffic thereon, the same Tolls, Rates, and Charges which the *General Terminus* Company are authorized by the said fifth-recited Act to demand and recover for the Use of the Railways thereby authorized to be made, and the Conveyance of Traffic thereon: Provided always, that with respect to small Parcels (that is to say, Packages not exceeding Five hundred Pounds Weight each), instead of the Tolls in the said last-mentioned Act prescribed, the Company may lawfully demand, for the Carriage of such Packages upon the said Portions of

Tolls for small Parcels.

Railway

Railway hereby vested in them, the Tolls following; (that is to say,)

For any Parcel not exceeding Seven Pounds in Weight, Fourpence:

For any Parcel exceeding Seven Pounds and not exceeding Fourteen Pounds in Weight, Eightpence:

For any Parcel exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds in Weight, One Shilling:

For any Parcel exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds in Weight, One Shilling and Sixpence:

For any Parcel exceeding Fifty-six Pounds and not exceeding Five hundred Pounds in Weight 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, and to Parcels, not being aggregate Quantities of the same Description of Article sent in the same Package.

No higher Tolls to be exacted by both Companies than are at present exigible by the General Terminus Company.

VIII. In the case of Passengers, Animals, Goods, Minerals, and other Traffic, of whatever Description, which shall pass over the Portions of Railway hereby vested in the Company, or any Part thereof, and also over the remaining Portions of the *General Terminus* Railway, or any Part thereof, the Tolls, Rates, and Charges leviable by the Company and by the *General Terminus* Company for the Use of the said several Portions of Railway, and the Conveyance of Traffic thereon, shall not together exceed the Tolls, Rates, and Charges authorized by the said fifth-recited Act; and such Tolls, Rates, and Charges shall be divided between the said Two Companies as follows; that is to say, in the Case of Traffic passing from the Joint Line to the Harbour of *Glasgow*, or from the said Harbour to the Joint Line, One Third Part of the Tolls leviable for the Use of the said several Portions of Railway shall be levied by and belong to the Company, and the remaining Two Third Parts thereof shall be levied by and belong to the *General Terminus* Company; and in the Case of Traffic passing from the *Polloc and Govan* Railway, or the *Glasgow, Barrhead, and Neilston Direct* Railway, to the Harbour of *Glasgow*, or from the said Harbour to either of the Two last-mentioned Railways, One Fourth Part of the Tolls leviable for the Use of the said several Portions of Railway shall be levied by and belong to the Company, and the remaining Three Fourth Parts thereof shall be levied by and belong to the *General Terminus* Company; and in all Cases the Tolls, Rates, and Charges leviable for the Use of Engines, Carriages, or Waggons, and for loading or unloading, and for the Use of any Wharf, Basins, Loading Places, or Station, shall be levied by and belong to the Company to whom the Conveniences so used may belong, or by whom such Services may be performed.

Power to raise Money by Creation of Shares.

IX. It shall be lawful for the Company, with Consent of Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at any Extraordinary Meeting to be convened for the Purpose, from Time to Time to raise, in addition to the Sums which they are or may be authorized to raise by any other Act of Parliament, any farther Sums of Money not exceeding in the whole the Sum of Fifty-five thousand Pounds, by the Creation of new Shares or Stock, bearing, if the Company shall think fit, a guaranteed or preferential Dividend of such Amount as the Company may appoint, not exceeding Five Pounds *per Centum per Annum*, which Sum shall be applicable only to the Objects and Purposes by this Act authorized, and shall be raised subject to the like Conditions and Restrictions as to the maximum Amount of each Call, and the Interval between the successive Calls, as are prescribed by the said first-recited Act in relation to the Capital thereby authorized to be raised, and the new Shares or Stock created by virtue of this Act shall become Part of the General Capital of the Company: Provided always, that any Guarantee or Priority of Dividend which may be granted in respect of such new Shares or Stock, in pursuance hereof, shall not prejudice or affect any Guarantee, Preference, or Priority in the Payment of Interest or Dividend on any other Shares or Stock which may have been granted by the Company in pursuance of or which may have been created or confirmed by any previous Act of Parliament, or which may be otherwise lawfully subsisting.

Power to borrow Money on Mortgage.

X. After the whole of the said Sum of Fifty-five thousand Pounds shall have been subscribed, and One Half thereof shall have been paid up, it shall be lawful for the Company from Time to Time to borrow on Mortgage or Bond, and if paid up again to borrow, any Sum or Sums of Money not exceeding in all Ten thousand Pounds, in addition to the Amount which they are or may be authorized to borrow by any other Act of Parliament: Provided always, that the Sums so to be borrowed under the Powers of this Act shall be applicable only to the Objects and Purposes by this Act authorized; provided also, that all Mortgages, Bonds, and Debenture Stock for which or for the Interest whereof the Company are lawfully liable, and which shall be in force at the Time of the passing of this Act, and all Renewals thereof, shall, during their Subsistence, have Priority over any Mortgage, Bond, or other Security for Money to be granted by the Company under the Powers of this Act.

Certain Clauses of 8 & 9 Vict. c. 16. incorporated.

XI. Subject to the Provisions of this Act, all the Clauses and Provisions of The Companies Clauses Consolidation (*Scotland*) Act, 1845, with respect to the Distribution of the Capital of the Company into Shares, and with respect to the Transfer or Transmission of Shares, and with respect to the Payment of Subscriptions, and the Means

Means of enforcing the Payment of Calls, and with respect to the Forfeiture of Shares for Nonpayment of Calls, and with respect to the borrowing of Money by the Company on Mortgage or Bond, and with respect to the Conversion of the borrowed Money into Capital, and with respect to the Consolidation of the Shares into Stock, and with respect to the General Meetings of the Company, and the Exercise of the Right of voting by the Shareholders, shall be incorporated with this Act, and shall be applicable to the Moneys hereby authorized to be raised and borrowed: Provided always, that each Holder of new Shares or Stock in the Capital hereby authorized to be raised shall be entitled to the same Number of Votes in respect thereof which the Possession of an equal nominal Amount in Money of the Capital authorized by the said first-recited Act would have conferred upon him.

Interest not to be paid on Calls paid up.

XII. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay to any Shareholder Interest or Dividend on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in that Behalf of the Companies Clauses Consolidation (*Scotland*) Act, 1845.

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

XIII. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

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

XIV. Nothing in this Act contained shall be held to exempt the Company or the Railways hereby vested in them from the Provisions of the following Public General Acts; *viz.*, First and Second *Victoria*, Chapter Ninety-eight, intituled *An Act to provide for the Conveyance of the Mails by Railways*; Third and Fourth *Victoria*, Chapter Ninety-seven, intituled *An Act for regulating Railways*; Fifth and Sixth *Victoria*, Chapter Fifty-five, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; Seventh and Eighth *Victoria*, Chapter Eighty-five, 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*,

9 & 10 Vict. c. 57. 14 & 15 Vict. c. 64.

ment, and for other Purposes in relation to Railways; Ninth and Tenth *Victoria*, Chapter Fifty-seven, intituled *An Act for regulating the Gauge of Railways;* and Fourteenth and Fifteenth *Victoria*, Chapter Sixty-four, intituled *An Act to repeal the Act for constituting Commissioners of Railways;* but such Provisions shall be in force in respect to the Company and the said Railways, so far as the same are applicable thereto.

Railways not exempt from Provisions of future General Act.

XV. 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, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force, or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act or the said recited Acts, and of the Rates for small Parcels.

Expenses of Act.

XVI. All the Costs, Charges, and Expenses of applying for and obtaining this Act, and in any way incidental thereto, shall be paid by the Company.

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