ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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Cap. clx.

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. [31st *July* 1845.]

WHEREAS the making of a Railway leading from *Rutherglen* to the Town of *Hamilton*, and to the *Wishaw and Coltness* Railway at *Motherwell*, would be of great public Advantage, by opening an additional, certain, and expeditious Means of Communication between the said 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: And whereas the Purposes aforesaid 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 several Acts of Parliament following, (that is to say,) the Companies Clauses 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.

Incorporation of 8 & 9 Vict. cc. 17. 19. and 33. with 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 *Clydesdale Junction* Railway Act, 1845."

Subscribers incorporated.

III. And be it enacted, That *James Lumsden* Lord Provost of *Glasgow*, *Christopher Saltmarshe*, *Charles Murray Barstow*, Lieutenant Colonel *William. Graham*, *Alexander Campbell*, *William Gilmour*, *John Fyfe*, *Archibald Glen Kidston*, *Thomas Hill*, *James Tasker*, *Robert Ewing*, *John Wilson*, *James Dunlop*, and *John Mann*, 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 leading from *Rutherglen* to the Town of *Hamilton*, and to the *Wishaw and Coltness* Railway at *Motherwell*, as herein-after described, with proper Works and Conveniences belonging thereto, according to the Provisions of the said recited Consolidation Acts and of this Act, and for other the Purposes herein and in the said recited Consolidation Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Clydesdale Junction* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the recited Consolidation Acts contained.

Capital.

IV. And whereas the estimated Expence of making the said Railway is Two hundred and ninety thousand Pounds; be it enacted, That the Capital of the Company shall be Three hundred and thirty thousand Pounds.

Number and Amount of Shares.

V. And be it enacted, That the Capital shall be divided into Shares of equal Amount, and the Amount of each Share shall be Fifty Pounds.

Calls.

VI. And be it enacted, That Ten Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three 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 leastshall be the Interval between successive Calls.

Power to borrow Money.

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

Arrears to be enforced by Appointment of a Judicial Factor.

VIII 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 b eing 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.

Quorum for General Meetings.

IX. And be it enacted, That the Quorum for every General Meeting of the Company shall be Ten Shareholders, holding in the aggregate not less than Twenty thousand Pounds in the Capital of the Company.

Number and Qualification of Directors.

X. And be it enacted, That the Number of Directors shall be Twelve; 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.

XI. 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 Fifteen, and that the reduced Number be not less than Nine.

First Directors.

XII. And be it enacted, That Lieutenant Colonel *William Graham*, *Christopher Saltmarshe*, *Charles Murray Barstow*, *Alexander Campbell*, *John Fyfe*, *Archibald Glen Kidston*, *Thomas Hill*, *James Tasker*, *Robert Ewing*, *John Wilson*, *James Dunlop*, and *John Mann*, shall be the first Directors of the Company.

Removal of Directors, &c.

XIII. And be it enacted, That the Directors hereby appointed 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.

Quorum of Directors.

XIV. And be it enacted, That the Quorum of a Meeting of Directors shall be Five.

Committees of Directors.

XV. 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 Seven; and the Quorum of such Committee shall be Three.

Lines of the Railway.

XVI. And be it enacted, That the Railway shall include and comprehend the following new Portions of Railway hereby authorized to be made; that is to say,

A Railway from the present Eastern Termination of the *Polloc and Govan* Railway, at or near to the *Horsecroft* in the Parish of *Rutherglen*, to the Town of *Hamilton*, near to the County Buildings there; and

A Branch Railway from the said intended Railway, at a Point near to *Park Farm* in the Parish of *Cambuslang*, to and to communicate with the *Wishaw and Coltness* Railway at or near to *Motherwell* in the Parish of *Dalziel*.

Power to make the Railway

XVII. And whereas Plans and Sections of the new Portions of the Railway showing the Lines and Levels thereof, and also Books of Reference

according to the deposited Plans.

Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and Occupiers, of the Lands through which the same are intended to pass, have been deposited with the principal Sheriff Clerks of the Counties of *Lanark* and *Renfrew*; be it enacted, That, subject to the Provisions in this and the said recited Consolidation Acts contained, it shall be lawful for the said Company to make and maintain the said 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.

Railway not to pass through certain Lands belonging to John Graham, Esq. withuot his Consent.

XVIII. Provided always, and be it enacted, That nothing in this Act contained shall enable the Company to take or use any Part of the Gardens, Park, or Lawn of *Westburn*, or Land inclosed as Gardens, Park, or Lawn at *Westburn*, belonging to *John Graham*, situate in the Parish of *Cambuslang*, and lying to the North of the *Cambuslang* Toll Bar, without the Consent in Writing of the said *John Graham*, his Heirs or Successors in the said Lands.

Polloc and Govan Railway not to be used without the Consent of Board of Trade.

XIX. And be it enacted, That it shall not be lawful for the Company 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 Gavan* Railway, until they have obtained the Consent in Writing of the Board of Trade.

Restraint on opening the Motherwell Branch.

XX. And be it enacted, That it shall not be lawful for the Company to open or use the *Motherwell* Branch 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*.

Empowering Board of Trade to compel the laying down of additional Line of Rails on Fork to Hamilton.

XXI. And whereas the Line of the said Railway from a Place called *Parkfarmstead* to *Hamilton* is intended to be constructed of such Width as to admit of the laying down thereon of a double Line of Rails, but it is not proposed in the first instance to lay down more than a single Line of Rails; be it enacted, That if at any Time after Twelve Months from the opening of the Railway to the Public it shall appear to the Board of Trade that an additional Line of Rails is required for the Safety of the Public using the Railway, then the Company shall, upon receiving an Order to that Effect from the Board of Trade, lay down an additional Line of Rails upon the Railway within such Time as shall be fixed by the Board.

Minerals in course of being worked not to be taken.

XXII. And be it enacted, That it shall not be lawful to the Company to take and acquire any Part of the Minerals in such Mineral Fields as were in the course of being worked at the Commencement of the present Session of Parliament, without the Consent in Writing of the Owners thereof respectively.

Regulating crossing of certain Roads under Charge of Glasgow and

XXIII. And be it enacted, That in crossing the Turnpike Roads under the Charge of the *Glasgow and Shotts* Road Trustees, at a Point between the *Powburn* Toll Bar and *Uddingston*, the Levels of the said Roads shall not be put in a worse Condition than they are at present; and in crossing the said Roads at or near *Motherwell* the Level

Level of the Road shall not be raised to any greater Extent than Three Feet Four Inches, and the Ascent of the said Road shall not be steeper than One in Fifty. Shotts Road Trustees.

XXIV. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Fifty Acres. Lands for additional Stations, &c.

XXV. 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 within which Lands are to be purchased.

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

XXVII. 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,) Tolls:

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

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repairs 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, Stones, 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 Sixpence:

And a 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, Six-pence:

Tolls for Passengers or Cattle.

2. In respect of Passengers and Animals conveyed in Carriages upon the Railway, 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 One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum of One Penny Halfpenny:

Tolls for propelling Power.

XXVIII. And be it enacted, That the Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway 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.

XXIX. 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 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 great Weights.

XXX. 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 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

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.

XXXI. And be it enacted, That it shall not be lawful for the Company to demand or receive any greater Sum, in respect of the Carriage of Passengers conveyed on the Railway by this Act authorized, 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.

XXXII. And be it enacted, That every Passenger travelling upon the Railway 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.

XXXIII. And be it enacted, That it shall not be lawful for the 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 Railway by this Act authorized, any greater Sum, including the Charges for the Use of Carriages, Waggons, or Trucks, and for 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, Handles, 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.

Railway 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.

XXXIV. 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 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 not exempt from Provisions of any future general Act.

XXXV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway hereby authorized to be made 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.

XXXVI. And be it enacted, That the Expences of applying for and obtaining this Act, and incident thereto, shall be defrayed out of the Monies hereby authorized to be raised.

Public Act.

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

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