ANNO QUINTO

VICTORIÆ REGINÆ.

Sess. 2.

****

Cap. xii.

An Act to amend the Acts relating to the *Edinburgh and Glasgow* Railway, and to grant further Powers to the Company of Proprietors thereof.

[29th *April* 1842.]

WHEREAS an Act was passed in the First and Second Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for making a Railway from* Edinburgh *to* Glasgow, *to be called* "*The* Edinburgh and Glasgow *Railway*," *with a Branch to* Falkirk: And whereas another Act was passed in the Third and Fourth Years of the Reign of Her said Majesty, intituled *An Act to amend the Act relating to the* Edinburgh and Glasgow *Railway*: And whereas the Main Line of the said Railway from *Edinburgh* to *Glasgow* has been nearly completed, and is about to be opened to the Public, but the Capital which the Company of Proprietors thereof are authorized to raise by the said first-recited Act is found insufficient to carry out fully the Objects and Purposes of the said Undertaking; and it is expedient that they should be empowered

1 & 2 Vict. c. 58.

3 & 4 Vict. c. 108.

empowered to raise additional Capital: And whereas the said Company are also desirous of purchasing some additional Lands, and of executing certain Works herein-after described, which would be beneficial to the said Undertaking, and also of amending some of the Powers and Provisions of the said recited Acts; but the said Objects cannot be attained 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 all the Powers, Provisions, Matters, and Things contained in the said recited Acts or either of them, (except so far as the same have already been or shall by this Act be repealed, altered, or otherwise provided for,) shall extend to this Act, and to the Works hereby authorized to be done, and to the Lands delineated on the Plans and described in the Books of Reference herein-after mentioned, and shall operate and be in force with respect to the several Purposes of this Act, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes.

Extending Provisions of former Acts.

Power to raise an additional Sum by Subscription.

II. And be it enacted, That it shall be lawful for the said Company from Time to Time to raise by creating new Shares, in addition to the Sums of Money which they are authorized to raise under and by virtue of the said first-recited Act, any further Sum of Money not exceeding in the whole the Sum of Two hundred and twenty-five thousand Pounds.

New Shares to be considered same as original Shares.

III. And be it enacted, That the Capitals so to be raised by the Creation of new Shares shall be considered as Part of the general Capital of the Company, and be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Amount of such Shares, and the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit, and except also as to any special Advantages in favour of or other Regulations in relation to such Shares which may be resolved on by any General or Special Meeting of the said Company, according to the Provisions of this Act.

If old Shares at a Premium, new Shares to be offered to original Shareholders.

IV. And be it enacted, That if at the Time of the Creation of the said new Shares the then existing Shares of the Capital Stock of the Company be at a Premium, or of greater actual Value than the nominal Amount thereof, then the Sum so to be raised shall, unless otherwise determined by the Proprietors present at some General or Special General Meeting of the said Company, be divided into Shares of such Amount as will conveniently allow the said Sum to be apportioned among the then Shareholders in proportion to the Amount of the Capital Stock of the Company held by them respectively, and such new Shares shall be offered to the then Shareholders

holders in the Proportion of One for every Fifty Pounds of the said Capital Stock held by them respectively, and such Offer shall be made by Letter, under the Hand of the Secretary or Clerk of the Company, and be sent by Post to each Shareholder, addressed to his usual or last known Place of Abode, or to the Address contained in the last Transfer of Shares in his Favour, recorded in the Books of the said Company, of which Letter having been so addressed and sent the Certificate of the said Secretary or Clerk shall be conclusive Evidence.

As to vesting of Shares.

V. And be it enacted, That such new Shares shall vest in and belong to the Shareholders who shall accept the same, and pay to the Company the Value at which the same were allotted to them, at the Times and by the Instalments which shall be fixed by the Directors of the said Company; and if any Shareholder fail for One Month after such Offer of new Shares as aforesaid to accept the same in Writing, and pay the Instalments called for in respect thereof, or if such Shareholder shall be incapacitated, or under legal Disability, or if any Shares shall remain over unappropriated among the Shareholders, then and in every such Case it shall be lawful for the Directors of the said Company to dispose of such Shares, for behoof of the Company, to any Persons willing to become the Purchasers thereof, for such Sum as they can obtain for the same.

If Shares not at a Premium, to be issued as Company think fit.

VI. And be it enacted, That if at the Time of the Creation of such new Shares the existing Shares of the Capital Stock of the Company be not at a Premium, then such new Shares may be of such Amount, and may be issued at such Price, and with such Preference or Priority in respect of Dividends over the other Shares in the Company, and with such other Advantages and in such Manner as the Company may think fit.

For consolidating the old with the new Shares of the Company.

VII. And be it enacted, That in the event of such new Shares being respectively of a less nominal Amount than the Sum of Fifty Pounds Sterling it shall be lawful for the Directors from Time to Time, with the Consent of the respective Proprietors of such Shares, to convert or amalgamate such Number thereof, belonging to the said Proprietors respectively, as shall together be of the nominal Amount or Value of Fifty Pounds or upwards, into One Share or more of the nominal Value of Fifty Pounds each, and to give to such Proprietors respectively Certificates for such Fifty Pound Shares, in lieu of the Certificates of the new Shares which may have been so converted or amalgamated as aforesaid; and after Two Thirds in Number of the said new Shares shall have been so converted into Fifty Pound Shares it shall be lawful for the said Directors to refuse to issue any separate Certificates in respect of new Shares belonging to any One Proprietor which shall together be of the nominal Amount or Value of Fifty Pounds, but in lieu thereof, and on any Deed or Conveyance transferring the same being presented for Entry or Registration, to convert the said new Shares, or so many of them as they shall think proper, into a corresponding Amount in Stock of Fifty Pound Shares, and to enter a Memorial thereof in a Book kept for that Purpose,

and

and the said Directors may indorse the Entry of such Memorial on the said Transfer, and grant a Certificate thereof, in place of the Indorsement, Memorial, and Certificate directed to be made and given by the said first-recited Act.

Power to borrow on Mortgage.

VIII. And be it enacted, That after One Half of the Sum by this and the said first-recited Act authorized to be raised by Shares shall have been paid up, it shall be lawful for the said Company to borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any General or Special General Meeting of the said Company, not exceeding in the whole the Sum of Seventy-five thousand Pounds, in addition to the Sum which they are by the said first-recited Act authorized to borrow, and for securing the Repayment of the Sums so respectively from Time to Time borrowed, with Interest, to mortgage the said Undertaking, as by the said first-recited Act authorized, and also, if they think fit, the whole or any of the future Calls on the Shareholders of the Company.

Reborrowing.

IX. And be it enacted, That if, after having borrowed any Part of the Money so authorized to be borrowed on Mortgage, the Company pay off the same, it shall be lawful for the Directors again to borrow the Sum so paid off, and so from Time to Time.

Rights of Mortgagees.

X. And be it enacted, That the respective Mortgagees shall be entitled, one with another, to their respective Proportions of the Tolls, Sums, Premises, and future Calls, if any, comprised in such Mortgage, according to the Sums advanced by such Mortgagees respectively, and to be repaid the Sums so advanced; without any Preference one above another by reason of the Priority of the Date of such Mortgage, or of the Meeting at which the same was authorized, or on any other Account whatever.

Application of Call notwithstanding Mortgage.

XI. And be it enacted, That no Mortgage comprising future Calls on the Shareholders shall preclude the Company from making, receiving, and applying to the Purposes of the Undertaking any Calls on the Shareholders, so long as the Principal Money borrowed on the Security of such Calls does not exceed the Amount of all the Calls still remaining to be made.

Priority of Mortgages under former Act.

XII. Provided always, and be it enacted, That all Mortgages already entered into under the Powers of the said first-recited Act shall during the Continuance thereof have Priority over the Security by this Act authorized to be given.

Transfers of Interest to be stamped.

XIII. And be it enacted, That the Interest on any Mortgage shall not be transferrable, except by an Instrument duly stamped.

Mortgages to be deemed Personal Estate.

XIV. And be it enacted, That Mortgages heretofore granted by the said Company, and all Mortgages hereafter to be granted by them, and the Sums thereby secured, shall be considered as Personal Estate.

XV. And

Power to convert Loan into Capital.

XV. And be it further enacted, That it shall be lawful for the Company, if they think fit, to raise the Sums authorized to be borrowed on Mortgages by the said first-recited Act and by this Act, or any Part thereof, by creating new Shares of the Company, instead of borrowing the same, or, having borrowed the same, it shall be lawful for them to continue at Interest only a Part of the said Sums, if they so think fit, and to raise the Remainder thereof, or any Part of the Remainder thereof, by creating new Shares of the Company; and all the Provisions herein-before contained with regard to the additional Capital by this Act authorized to be raised shall apply in like Manner to the new Shares which may be created in lieu of or to pay off any Money which the Company are authorized to borrow or may have borrowed under the Provisions of this or the said first-recited Act, but no such Augmentation of Capital as last herein-before authorized shall take place without the Authority of an Order of a General Meeting of the Company, called for the Purpose, previously obtained.

Application of Monies.

XVI. And be it enacted, That the Money which shall be raised under the Provisions of this Act shall be applied preferably in Payment of all Liabilities which may have been incurred or Advances which may have been made by or on the Credit of the Directors of the said Company on account of the said Railway, and of all the Costs, Charges, and Expences of and incidental to the obtaining and passing of this Act, and thereafter for carrying the same and the said recited Acts into effect.

Amending Provisions in former Act as to voting

XVII. And whereas by the said first-recited Act it is provided that at all General and Special General Meetings held by virtue of the said Act all Persons and Corporations who should have duly subscribed for or become entitled to any Shares in the said Undertaking, and their respective Successors, Executors, Administrators, and Assigns, should be entitled to vote in respect of such Shares according to the following Scale; (that is to say,) for any Share or Shares not exceeding Three, One Vote; for more than Three and not exceeding Five Shares, Two Votes; for more than Five and not exceeding Ten Shares, Three Votes; for more than Ten and not exceeding Twenty Shares, Four Votes; when more than Twenty Shares, then an additional Vote for every Ten Shares beyond the first Twenty Shares; provided nevertheless, that no Person or Corporation should have more than Ten Votes in his or their own Right: And whereas it is considered expedient to alter the said Provision; be it therefore enacted, That the said Provision shall be and the same is hereby accordingly repealed; and in lieu thereof be it enacted, that at all General and Special General Meetings of the Company to be held after the passing of this Act every Shareholder shall have One Vote for every complete Sum of Fifty Pounds paid up on the Shares held by him in the Capital Stock of the Company to the Extent of One thousand Pounds, and One additional Vote in respect of every complete Sum of Two hundred Pounds paid up on such Shares over and above the said Sum of One thousand Pounds.

Repealing Provisions as to Number of Directors prescribed by the Act of Incorporation.

XVIII. And whereas it is by the said first-recited Act provided, that there should be Twenty-four Directors of the said Company, Eight of whom should be resident within Ten Miles of *Glasgow*, and Eight within Ten Miles of *Edinburgh*, and that the said Directors should go out of Office by Rotation as therein mentioned: And whereas it is expedient that the said Provisions should be varied and altered; be it therefore enacted, That the Provisions in the said first-recited Act contained, with regard to the Number of the Directors of the said Company, and the Proportions of them who shall be resident within Ten Miles of *Edinburgh* and *Glasgow*, and the Order in which they shall go out of Office by Rotation, shall be and the same are hereby accordingly repealed; and in lieu thereof be it enacted, that at the first Half-yearly General Meeting of the said Company to be held after the passing of this Act, or at some Meeting to be held by Adjournment therefrom, Fifteen Persons, who shall be Proprietors, and respectively possessed in their own Right of Five hundred Pounds at the least of the Capital Stock of the said Company, paid up, shall be elected Directors of the Company by the qualified Proprietors present at such Meeting personally or by Proxy, Three at least of which Directors shall be resident in or within Twenty Miles of *Edinburgh*, and Four at least shall be resident in or within Twenty Miles of *Glasgow*; and such Directors, being neither removed nor disqualified, nor resigning, shall continue in Office and be Directors until the Half-yearly General Meeting of the said Company which shall be held in the Months of *February* or *March* One thousand eight hundred and forty-three, and until others shall be elected in their Stead, in pursuance of this Act.

New Election of Directors.

Former Directors to go out of Office.

XIX. And be it enacted, That upon the said Election being completed the Directors who shall have acted at and previous to the same shall go out of Office and cease to be Directors of the Company: Provided always, that the said last-mentioned Directors shall be eligible to be re-elected as Directors at or at any Time subsequent to the said Half-yearly General Meeting, and the Period of their coming into Office shall date from such Re-election.

Rotation of Directors going out of Office.

XX. And be it enacted, That the Fifteen Directors elected as aforesaid, or who shall afterwards be elected to supply their Places, shall retire from Office in the Proportions following; the Individuals to retire being determined by Ballot among the Directors; (that is to say,)

At the General Meeting to be held in the Months of *February* or *March* One thousand eight hundred and forty-three, One Third of such Directors shall go out of Office;

At the General Meeting to be held in the Months of *February* or *March* One thousand eight hundred and forty-four, One Half of the Remainder of such Directors shall go out of Office;

At the General Meeting to be held in the Months of *February* or *March* One thousand eight hundred and forty-five, the Remainder of such Directors shall go out of Office; and

At the General Meeting to be held in the Months of *February* or *March* in every subsequent Year, One Third of the Directors,

tors, being those who shall have been longest in Office, shall go out of Office and cease to be Directors of the said Company:

And in each Instance the Places of the retiring Directors shall be supplied by an equal Number of duly qualified Shareholders.

As to Residence of certain Directors.

XXI. Provided always, and be it enacted, That the Places of Directors shall be so supplied as that Three at least of the Directors for the Time being shall always consist of Proprietors residing in or within Twenty Miles of *Edinburgh*, and Four at least of Proprietors residing in or within Twenty Miles of *Glasgow*, and that Five shall be a Quorum at all Meetings of the said Directors.

Altering Provisions in former Act as to the Committees at Edinburgh and Glasgow.

XXII. And whereas by the said first-recited Act it is provided, that at the first Meeting of Directors which should be held after the passing thereof, and at the first Meeting of Directors which should be held next after the first Appointment of Directors under the Provision therein contained, and at the first Meeting of Directors which should be held next after the Half-yearly Meeting in the Month of *February* in each Year, except the Year One thousand eight hundred and thirty-eight, the Directors present at such Meeting of Directors should choose out of the Directors of the said Company Two Committees, each of which Committees should consist of Twelve Directors; and that one of such Committees should be called the *Edinburgh* Committee, and the other the *Glasgow* Committee; and of the *Edinburgh* Committee Eight Members at the least should be Directors residing in or within Ten Miles of *Edinburgh*, and the other Four Members should be unrestricted as to Place of Residence; and of the *Glasgow* Committee Eight Members at the least should be Directors residing in or within Ten Miles of *Glasgow*, and the other Four Members should be unrestricted as to Place of Residence; and that such Committees respectively should have full Power and Authority to enter into and make any Contracts or Agreements on behalf of the said Company, and to hire and employ any Agents, Surveyors, Workmen, or Servants in or about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever in or about the said Undertaking, which the said Directors should from Time to Time think proper to intrust to the Care and Management of such Committees respectively (save and except, nevertheless, the making Calls for Money upon the Proprietors of the said Undertaking); and such Committees respectively should have Power to meet from Time to Time, and to adjourn from Place to Place, as they should think proper, and as Occasion should require, for effecting the Purposes aforesaid; and all Powers and Authorities thereby vested in or which should by the said Directors be confided to any such Committee, within the Intent and Meaning of the said Act, should and might be exercised by Five of the Members present at the respective Meetings of such Committee; and at all Meetings of the said Committee One of the Members present should be appointed Chairman, and all Questions should be determined by a Majority of the Members present, and the Chairman should be entitled

entitled to vote on all Questions, and in case of an equal Division of Votes upon any Subject entertained by the said Committee should have an additional or casting Vote: And whereas it is also by the first-recited Act provided, that it should be lawful for the said *Edinburgh* Committee and *Glasgow* Committee respectively from Time to Time to nominate and appoint out of their own Body a Sub-Committee or Sub-Committees, who should have full Power and Authority to do, execute, and perform all such and so many of the Matters and Things which the said Committee was thereby authorized to do, or which should be confided to them by the said Directors, as the said Committees respectively should think proper to delegate and confide to such Sub-Committees respectively; and it should be lawful for the said *Edinburgh* Committee and *Glasgow* Committee respectively, by an Order or Resolution for that Purpose, to break up and dissolve any Sub-Committee which should have been appointed by them respectively, or to remove and displace any Member of such Sub-Committee, and appoint another in his Place and Stead, when and as often as such Committees respectively should think proper, and such Sub-Committees respectively should have Power to meet from Time to Time, and to adjourn from Place to Place, as they should think proper, and as Occasion might require, for effecting the Purposes aforesaid; and at all Meetings of the said Sub-Committees One of the Members present should be appointed Chairman, who should be entitled to vote on all Questions, and in case of an equal Division of Votes upon any Subject entertained by the said Sub-Committee, should have an additional or casting Vote; and all Powers and Authorities which should be confided to any such Sub-Committee under this Act should and might be exercised by any Three of the Members present at the respective Meetings of such Sub-Committee: And whereas it is considered expedient to alter the Constitution of the said Company, so far as regards the said *Edinburgh* and *Glasgow* Committees; be it therefore enacted, That the said recited Provisions relating thereto shall be and the same are hereby accordingly repealed, and that the whole Powers, Authorities, Functions, and Duties which were by the said first-recited Act vested in and confided to the said *Edinburgh* and *Glasgow* Committees shall from henceforth vest in, belong to, and be exercised by the general Body of Directors of the said Company meeting in *Glasgow*, without Prejudice but in addition to the Powers directly conferred on them by the said first-recited Act, to the End and Intent that the said general Body of Directors may possess and be entitled to exercise directly, and without the Intervention of any Committees, the whole Powers and Authorities of every Description conferred either on the said Company or on them, or on the said *Edinburgh* and *Glasgow* Committees, for the Purposes of carrying into effect the said recited Acts and this Act, save and excepting only those Powers expressly and exclusively vested in General or Special General Meetings of the said Company.

Directors may appoint Committees.

XXIII. And be it enacted, That it shall be lawful for the said Directors from Time to Time to nominate and appoint out of their own Body a Committee or Committees, who shall have full Power and

and Authority to do, execute, and perform all such Matters and Things as the said Directors are hereby or by the said recited Acts or either of them authorized to do, and as the said Directors shall think proper to delegate and confide to such Committees respectively; and it shall be lawful for the said Directors, by an Order or Resolution for that Purpose, to break up and dissolve any Committee which shall have been appointed by them, or to remove and displace any Member of such Committee, and to appoint another in his Place and Stead, when and as often as the said Directors shall think proper, and to alter, vary, and revoke their Functions from Time to Time; and such Committees respectively shall have Power to meet, from Time to Time, at such Places as Occasion may require, for discharging the Duties confided to them; and at all Meetings of the said Committees One of the Members present shall be appointed Chairman, who shall be entitled to vote on all Questions, and in case of an equal Division of Votes shall have an additional or casting Vote; and all Powers and Authorities which shall be confided to any such Committee under this Act may be exercised by any Three of the Members present at the respective Meetings of such Committee, or by such other Number less than Three as may from Time to Time be declared by the said Directors to form a Quorum of any such Committee.

When Books of Company may be balanced.

XXIV. And be it enacted, That it shall be lawful for the Directors to balance the Books of the said Company either upon the Thirty-first Day of *December* and the Thirtieth Day of *June* in each Year, if lawful Days, or, if a *Sunday*, upon the Day preceding, as provided for in the said first-recited Act, or, at their Option, and in lieu thereof, upon any Day in the Months of *January* and *July* respectively following the said first-mentioned Months which shall be from Time to Time fixed and determined by them.

Amending Powers as to equal Rates and Charges.

XXV. And whereas by the said first-recited Act it is enacted, that, except as therein otherwise provided, the Charges to be taken and made for the Carriage of any Passengers, Goods, Animals, or other Matters or Things, to be conveyed by the said Company, or for the Use of any Steam Power or Carriage to be supplied by the said Company, shall be at all Times charged equally to all Persons, and after the same Rate *per* Mile, or *per* Ton *per* Mile, or after any other Manner in which such Rates and Charges are therein directed or authorized to be taken or charged, throughout the whole of the said Railway, in respect of all Passengers, and of all Goods, Animals, or Carriages of a like Description, and conveyed or propelled by a like Carriage or Engine, and no Reduction or Advance in any Charge for Conveyance by the said Company, or for the Use of any locomotive Power to be supplied by them, should be made, either directly or indirectly, in favour of or against any particular Company or Person, or be confined to any particular Part of the said Railway, but every Reduction or Advance in any Charge to be taken by the said Company in respect of the Carriage of Passengers, or any Description of Goods, Carriages, or Animals carried on the Railway, or for the Use of any Carriage or locomotive Power, should extend to and take

place at the same Time throughout the Whole and every Part of the said Railway in respect of such Passengers, Goods, Carriages, Animals, or locomotive Power, as the Case might be: And whereas it is expedient that the said Provision should be modified in manner herein-after mentioned; be it therefore enacted, That the said Provision herein-before recited, so far as the same relates to the Charges which may be made by the Company as Carriers, or for the Use of locomotive or Steam Power or Carriages, shall be and the same is hereby repealed; and in lieu thereof be it enacted, that it shall be lawful for the said Company, wherever they shall provide locomotive or Steam Power or Carriages for the Conveyance of Passengers, Animals, Goods, Wares, Merchandize, Matters, or Things, or shall act as Carriers under the Powers conferred on them by the said first-recited Act, to charge for such locomotive or Steam Power and Carriages, and for loading and unloading the said Goods, Wares, Merchandize, Articles, Matters, or Things, and for the Use of the Stations or other Accommodation provided by them, such Sum or Sums, and that either *per* Ton or *per* Mile, or by Bulk Measure, Number, or Admeasurement, or by fixed Charges, as they shall think expedient: Provided always, that in whatever Way the said Charges are made they shall be made equally to all Persons in respect of all Animals, and all Goods, Wares, Merchandize, Articles, Matters, or Things of a like Description and Quantity, and conveyed or propelled by a like Carriage or Engine passing over the same Portion of and over the same Distance along the Railway, and in respect of all Accommodations of a like Nature, whether of Speed or otherwise, afforded in respect thereto; and no Reduction or Advance in any of such Charges shall be made partially, either directly or indirectly, in favour of or against any particular Company or Person.

Lists of Tolls, &c. may be printed and affixed on Boards in lieu of being painted.

XXVI. And whereas by the said first-recited Act it was enacted, that the said Company should cause to be painted on Boards and affixed as therein mentioned an Account or List of the several Rates and Tolls payable by virtue of the said Act, and that certain Bye Laws, Orders, Rules, and Regulations therein referred to should be also painted on Boards and hung up and affixed as therein mentioned: And whereas it is expedient that the said recited Enactments should be modified as hereafter mentioned; be it therefore enacted, That a List of all the Rates and Tolls authorized by the said first-recited Act to be taken by the said Company, and which shall from Time to Time be demanded by them, and also, in the event of their providing locomotive or Steam Power or Carriages, or acting as Carriers, a List of the Sums which shall from Time to Time be charged by them therefor, under the Authority of this Act, and also all Bye Laws, Rules, Orders, or Regulations directed by the said first-recited Act to be painted on Boards and affixed as therein mentioned, shall hereafter be published, either by the same being painted upon One Board or more in distinct Black Letters on a White Ground or White Letters on a Black Ground, or, in the Option of the said Company, by being printed in legible Characters on Paper affixed to such Board or Boards, and by such Board or

Boards being exhibited in some conspicuous Place on the Toll Gates or Toll Houses or Places where such Tolls and Charges shall be payable; and such Tolls and Charges, as well as such Bye Laws, Rules, and Regulations as aforesaid, shall be repainted or reprinted, and such Boards whereon the same are affixed shall be renewed, as the Case may require, so often as the same shall be obliterated or rendered illegible, or defaced or destroyed; and no Tolls or Charges shall be demanded or taken by the Company for the Use of the Railway during any Time at which the Boards on which such Tolls and Charges are directed to be painted or printed and affixed as aforesaid shall not be exhibited in manner before directed; and if any Person wilfully pull down, deface, or destroy any such Board, or any Matter painted or printed and affixed thereon, he shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Limiting Charge for Passengers.

XXVII. Provided always, and be it enacted, That nothing herein contained shall authorize the said Company to charge for the Conveyance of Passengers on the said Railway any greater Sum than the maximum Rate fixed by the said first-recited Act.

As to Investment of Purchase Money due to Heirs of Entail.

XXVIII. And be it enacted, That where any Purchase or Compensation Money payable by the said Company to any Heir of Entail, for or on account of any Lands belonging to or possessed by such Heir of Entail taken or injured by them, shall have been consigned in any of the chartered Banks of *Scotland*, it shall be lawful to the Court of Session, on a summary Application by or on behalf of the Party who would have been entitled to the Rents and Profits of the said Lands, with Consent of the said Company, to authorize and direct the same to be paid and applied in extinction *pro tanto* of any Sums of Money which shall at the Date of the Order or Decree by such Court form a Charge on the said Lands, or on the Rents thereof, under and in pursuance of the Provisions contained in an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditamnets in that Part of* Great Britain *called* Scotland *held under Settlements of strict Entail.* 10 G. 3. c. 51.

Plans of Extension of Tunnel deposited with Principal Sheriff Clerk to remain there, and be open to Inspection.

XXIX. And whereas, according to the Plan and Section referred to in the said first-recited Act, a certain Part of the said Railway lying next the Terminus thereof at *Glasgow* was delineated or shown as passing or being carried in or by means of a Tunnel, with certain Eyes, Breaks, or Openings between the different Parts thereof: And whereas the Level of the Railway at the Point where it was proposed that the Tunnel should terminate at the North End thereof is considerably below the Surface of the Ground; and it is expedient that the said Tunnel should be extended, and that the Eyes, Breaks, or Openings in or between the different Parts thereof should be covered over or decreased in Size: And whereas also Part of the Basin of the *Edinburgh* and *Glasgow* Union Canal, and of the Land adjoining thereunto, in the Parish of *Falkirk* and County of *Stirling*,

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is required for the Purposes of the said Railway: And whereas Plans and Sections describing the proposed Extension of the said Tunnel and other Works in connexion therewith, and the Lands to be taken and used for the said Extension and Works, and also the Lands required to be taken at and near the said Basin of the *Edinburgh* and *Glasgow* Union Canal Company, together with Books of Reference to such Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, have been deposited in the Office of the Principal Sheriff Clerks for the Counties of *Lanark* and *Stirling*; be it therefore enacted, That the said Plans, Sections, and Books of Reference shall remain with and be kept by the said Sheriff Clerks respectively; and all Persons interested may at all reasonable Times inspect the said Plans, Sections, and Books of Reference, and may require to be furnished by either of such Sheriff Clerks with Extracts therefrom or Copies thereof; and the said Sheriff Clerks respectively shall give Access to such Documents, and, if required, furnish Copies thereof or Extracts therefrom, and certify the same to be true Copies or Extracts, and in respect thereof they shall be respectively entitled to One Shilling for every Inspection of such Document, and One Shilling for every Hour such Inspection shall continue beyond the first Hour, and Sixpence for every One hundred Words copied or extracted therefrom; and if either of such Sheriff Clerks shall fail to comply with the Provisions aforesaid he shall forfeit for every such Offence a Sum not exceeding Five Pounds.

Copies thereof to be Evidence.

XXX. And be it enacted, That true Copies of the said Plans, Sections, and Books of Reference, so deposited with the said Sheriff Clerks, or of any Corrections thereof or Extracts therefrom, certified by either of the said Sheriff Clerks, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Tunnel near Glasgow may be extended.

XXXI. And be it enacted, That it shall be lawful for the said Company to make and execute the Extension of the said Tunnel, and to cover over, shut up, or decrease in Size the Eyes, Breaks, or Openings in or between the different Parts thereof, as hereinbefore described, and to execute such other proper Works and Conveniences connected therewith, in, upon, across, under, or over the Lands delineated on the Plans and described in the Books of Reference before mentioned, as to them shall seem expedient; and it shall be lawful also for the said Company to purchase and take the Lands delineated on the said Plans, and described in the said Books of Reference, both at and near the said Tunnel and at and near the Basin of the *Edinburgh* and *Glasgow* Union Canal as aforesaid, for the Purposes of the said Railway, and also for restoring to the Company of Proprietors of the said Canal an Area of Water equal in Extent to the Area of the Waters of the said Canal which is or may be occupied by the Works of the said Railway.

XXXII. Pro-

Limiting Land to be taken of the Edinburgh and Glasgow Union Canal Company.

XXXII. Provided always, and be it enacted, That nothing in this Act contained shall entitle the said Railway Company to take from the *Edinburgh* and *Glasgow* Union Canal Company, or their Trustees, any greater Extent of Property at the Viaduct on the Estate of *Glenfuir* near *Falkirk* than is now occupied by the said Viaduct and its Foundations, save and except the Portion of Ground hereby authorized to be taken for restoring to the said Canal Company an Area of Water equal in Extent to the Area of Water occupied by the Works of the said Railway.

Repeal of Penalties provided by first-recited Act with respect to Damage of Canal Company's Works by the Railway Company.

XXXIII. And whereas it is by the first-recited Act enacted, that in case of any Obstruction as therein mentioned being occasioned to the said *Edinburgh* and *Glasgow* Union Canal, or any Lock or other Works thereof, owing to the Execution of the Works of the said Railway Company, or the bad State of Repair thereof, the said Railway Company should pay to the said Canal Company the actual Damage thereby occasioned, or in lieu thereof certain Penalties therein specified: And whereas, the said Railway being now completed at the Point of crossing the said Canal, it is expedient that the same Enactment should be modified as herein-after mentioned; be it therefore enacted, That the said last-recited Enactment shall be and the same is accordingly hereby repealed; and in lieu thereof be it enacted, that if at any Time Obstruction shall be occasioned to the said Canal or any of the Locks or other Words thereof, or to the Traffic thereon, owing to the bad State of Repair of the said Railway or any of the Works thereof, or by reason of any Operations of the said Railway Company, the said Railway Company shall pay to the said Canal Company all Damage which they may sustain by reason of such Obstruction.

Canal Company not to be responsible for Damage.

XXXIV. And be it enacted, That if at any Time, in the necessary Repair or necessary Renewal of the Lock Number 6, of the *Edinburgh* and *Glasgow* Union Canal, being the Lock crossed by the Viaduct of the said Railway, or of any Part of the said Lock or Works thereof, Damage shall happen to the Viaduct of the said Railway, or any of the Works of the said Viaduct, the *Edinburgh* and *Glasgow* Union Canal Company shall noway be responsible for such Damage, unless such Damage shall have arisen from Want of proper Care on such Repairs or Renewals.

Railway to be subject to Provisions of any General Act.

XXXV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway and Works by the said recited Acts or this Act authorized to be made from the Provisions of any general Act relating to Railways which may pass during the present or any future Session of Parliament.

Domicile of the Company.

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

Public Act.

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

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