ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

****

Cap. lxx.

An Act to enable the *Edinburgh and Glasgow* Railway Company to make certain Branches, and to alter the Tunnel at *Glasgow;* and for other Purposes. [22d *July* 1848.]

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* 1 & 2 Vict.
Glasgow, *to be called the* Edinburgh and Glasgow *Railway, with a* c. 58.
Branch to Falkirk: And whereas the Powers and Provisions of the said Act were amended and enlarged by other Acts relating to the *Edinburgh and Glasgow* Railway, and to the *Glasgow Junction* Railway, passed respectively in the Third and Fourth, the Fifth, the Seventh and Eighth, the Eighth and Ninth, and the Ninth Years of the Reign of Her said Majesty: And whereas an Act was passed in the Seventh and Eighth Years of the Reign of Her said Majesty, intituled *An Act for making a Railway to connect the* Edinburgh and 7 & 8 Vict.
Glasgow *and* Slamannan *Railways*, which Railway has since been c. 70.
acquired by the *Edinburgh and Glasgow* Railway Company under the Authority of the said Act: And whereas it would be attended with public and local Advantage and Convenience if the *Edinburgh and Glasgow* Railway Company were authorized to incorporate with their Undertaking, and to complete and maintain a Branch Railway

already executed from the *Slamannan Junction* Railway, near where the same crosses the *Edinburgh and Glasgow Union* Canal to *Blackbraes*, and also to make and maintain a Railway from their present Terminus at *North Queen Street, Glasgow*, to *West George's Street, Glasgow:* And whereas it would likewise be attended with public and local Advantage and Convenience if the said *Edinburgh and Glasgow* Railway Company were enabled to alter their Railway by opening up Portions of the Tunnel at *Glasgow*, and to acquire certain Lands and Houses adjoining their Stations at *Glasgow* and *Cowlairs:* And whereas it would further be expedient if the said *Edinburgh and Glasgow* Railway Company were authorized to raise additional Capital, and if the Provisions of the said Acts relating to their Undertaking, and of the Act relating to the *Slamannan Junction* Railway, were extended and enlarged; but the Authority of Parliament is necessary for effecting the Objects aforesaid: 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 Provisions of the Lands Clauses Consolidation (*Scotland*) Act, 1845, and of so much only of the Railways Clauses Consolidation (*Scotland*) Act, 1845, as relates to the Construction of the Railway as therein defined, the Use and Occupation of Lands for the Purposes thereof, the Mode of crossing of Roads by the Railway, the Repair of such Roads, the Construction of Bridges and of Works for the Protection and Accommodation of Lands adjoining the Railway, shall, as regards the Railways, Branch Railways, Alterations of the Tunnel at *Glasgow*, Roads, and Works hereby authorized to be completed or to be made and maintained, and the Acquisition of the said additional Lands and Houses adjoining the Stations at *Glasgow* and *Cowlairs*, so far as the same are applicable and are not inconsistent with the Provisions herein-after contained, be incorporated with and form Part of this Act.

Certain Provisions of 8 & 9 Vict. cc. 19. and 33. extended to this Act.

Certain Provisions of 8 & 9 Vict. c. 17. extended to this Act.

II. And be it enacted, That so much only of the Companies Clauses Consolidation (*Scotland*) Act, 1845, as relates to the Consolidation of Shares into Stock, and the Rights of the Holders of such Stock, and to Proceedings for settling Questions by Arbitration, shall be incorporated with and form Part of this Act.

Recited Acts extended to this Act.

III. And be it enacted, That, except as to such Matters as are otherwise provided for by or are inconsistent with the said Lands Clauses Consolidation (*Scotland*) Act, 1845, or as are otherwise provided for by or are inconsistent with so much of the said Railways Clauses Consolidation (*Scotland*) Act, 1845, and the Companies Clauses Consolidation (*Scotland*) Act, 1845, as is extended to this Act, the said recited Acts relating to the *Edinburgh and Glasgow* Railway, and all the Powers and Provisions thereof, shall, where applicable and in force at the Time of the passing of this Act, operate and be in force with respect to the Objects and Purposes of this Act as fully and effectually as if the said Powers and Provisions were repeated and re-enacted in this Act, and made specifically applicable to such Objects and Purposes.

IV. And

Short Title.

IV. 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 *Edinburgh and Glasgow* Railway Amendment and Branches Act, No. 1, 1848."

Power to raise additional Capital by Creation of new Shares.

V. And be it enacted, That, for the Purpose of constructing or completing the Railways or Branch Railways, Alterations of the Tunnel at *Glasgow*, and Works by this Act authorized to be completed, or to be made and maintained, and of acquiring the said additional Lands and Houses, it shall be lawful for the *Edinburgh and Glasgow* Railway Company from Time to Time to raise, by creating new Shares or Stock in addition to the other Sums of Money which they are authorized to raise under and by virtue of the Acts relating to their Undertaking, or which they may be authorized to raise under any other Act to be passed in the present Session of Parliament, any Sum of Money not exceeding in the whole the Sum of One hundred and sixty-five thousand Pounds, which Sum may be raised by the said Company in the like Way, and with the like Powers, and subject to the like Restrictions and Conditions, as are provided in the said recited Act relating to the *Edinburgh and Glasgow* Railway, passed in the Second Session of the Fifth Year of the Reign of Her present Majesty, with respect to the raising of the Money thereby authorized to be raised by Shares: Provided always, that Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders in respect of the Money by this Act authorized to be raised, and Three Months at the least shall be the Interval between successive Calls.

For compelling Payment of Subscriptions.

VI. And be it enacted, That in the event of any of the Shareholders of the said Company failing for One Month after the Offer thereof to accept the Proportion of the said new Shares to which they may be entitled, and which may be offered to them, according to the Provisions contained in the said Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty, or to pay the Price at which the same may be allotted to them, then and in such Case the several Parties who have subscribed under any Deed or Contract entered into prior to the passing of this Act towards the Undertaking by this Act authorized shall, (if required so to do by the Directors, or by a General Meeting of the said Company,) at any Time within Twelve Months after the passing of this Act, make good the Deficiency occasioned by such Default by accepting such new Shares to the Extent of their several Subscriptions; and in the event of the Nonacceptance of such Shares or any of them, by the said Subscribers or any of them, the said Company shall have the same Powers for enforcing the Payment of the Subscriptions of the Parties so making default as by the said recited Acts or any of them, or by this Act they would have for enforcing the Payment of Calls on Shareholders in the Company: Provided always, that the several Subscribers who may be called on to pay and shall pay any Sum of Money under this Enactment shall in respect of such Sum be entitled to a Share in the Capital Stock of the said Company of the full Value of the Sum so paid.

VII. And

Power to borrow on Mortgage.

VII. And be it enacted, That after the whole of the said Sum of One hundred and sixty-five thousand Pounds has been subscribed or taken up, and after One Half of the Sums by this and the said recited Acts relating to the *Edinburgh and Glasgow* Railway authorized to be raised by Shares shall have been paid up, it shall be lawful for the Directors of the said Company to borrow on Mortgage, and if subsequently paid off again to reborrow, 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 Fifty-five thousand Pounds, in addition to the Sums which they are authorized to borrow by the Acts relating to their said Undertaking, or which they may be authorized to borrow by any other Act or Acts to be passed in the present Session of Parliament, and for securing the Repayment of the Sums so borrowed, with Interest, to mortgage the said Undertaking belonging to them, and also, if they think fit, the whole or any of the future Calls on the Shareholders of the Company: Provided always, that the Money herein-before authorized to be raised by Shares or by borrowing shall be applied to the Construction of the Works by this Act authorized, and to no other Purpose whatsoever.

Rights of Mortgagees.

VIII. And be it enacted, That the respective Mortgagees shall be entitled to the same Rights and Privileges, and the said Mortgages shall be subject to the same Restrictions and Conditions, as are provided in the said last-recited Act relating to the *Edinburgh and Glasgow* Railway, passed in the Seventh and Eighth Years of the Reign of Her present Majesty, with respect to the Mortgages thereby authorized to be granted: Provided always, that all Mortgages of the said Undertaking heretofore granted under the Powers of the said recited Acts, or any of them, shall, during the Continuance thereof, have Priority over any Mortgage thereof to be granted under the Powers of this Act.

Power to convert Loan into Capital.

IX. And be it enacted, That it shall be lawful for the said Company, if they think fit, to raise the Sums authorized to be borrowed on Mortgage by this Act, or any Part thereof, by creating new Shares of the said 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 Provisions 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 so created as aforesaid, but no such Augmentation of Capital as last herein-before authorized shall take place without the previous Authority of a General Meeting of the Company called for the Purpose.

Power to raise additional Capital for the general Purposes of the Undertaking.

X. And be it enacted, That it shall be lawful for the said Company from Time to Time to raise by creating new Shares or Stock, in addition to the other Sums of Money which they are authorized to raise by this Act, and in addition to the Sums which they are authorized to raise under and by virtue of the Acts relating to their Undertaking, or which they may be authorized to raise for the Purposes of new

Works

Works under any other Act to be passed in the present Session of Parliament, any Sum of Money not exceeding in the whole the Sum of Fifty-five thousand Pounds, which Sum may be raised by the said Company in the like Way and with the like Powers, and subject to the like Restrictions and Conditions, as are provided in the said recited Act relating to the *Edinburgh and Glasgow* Railway, passed in the Second Session of the Fifth Year of the Reign of Her present Majesty, with respect to the raising of the Money thereby authorized to be raised by Shares: Provided always, that the said Sum of Fifty-five thousand Pounds hereby authorized to be raised shall be applied towards the Construction and Completion of the *Campsie* Branch and the Improvement of the Company's Station in *Edinburgh*, and to no other Purposes whatever.

Interest not to be paid on Calls paid up.

XI. And be it enacted, That it shall not be lawful for the said Company out of any Money by this Act or any other Act relating to the *Edinburgh and Glasgow* Railway authorized to be raised by Calls in respect of Shares, or by the exercise of any Power of borrowing, to pay Interest to any Shareholder 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 nothing herein-before contained shall be deemed to prevent the said Company from paying 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 the said recited Acts, or any of them, or in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in that Behalf contained.

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

XII. And be it enacted, That it shall not be lawful for the said Company out of any Money by this Act or any other Act relating to the *Edinburgh and Glasgow* Railway, authorized to be raised for the Purposes of such Act or Acts, 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 said Company to construct any other Railway or execute any other Work or Undertaking.

Power to make Works according to deposited Plans.

XIII. And whereas Plans and Sections of the said new Railways, Branch Railways, and Alterations of the Tunnel at *Glasgow*, showing the Lines and Levels thereof, and also Plans of the additional Lands and Houses intended to be acquired as aforesaid, with Books of Reference containing the Names of the reputed Owners, Lessees, and Occupiers of the said additional Lands and Houses, and also of the Lands and Houses which may require to be taken for the Purposes of the said Railways and Branch Railways, or of the Stations or other Works and Conveniences connected therewith, and of the said Alterations of the Tunnel at *Glasgow*, have been deposited with the Sheriff Clerks of the Counties of *Lanark* and *Stirling*: Be it enacted, That, subject to the Provisions in this Act and in the Acts extended to this Act, it shall be lawful for the said Company to complete or to make and maintain the said Railways and Branch

Railways (with Stations and other Works and Conveniences connected therewith), and the said Alterations of the Tunnel at *Glasgow*, and other Works on the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and for such Purposes respectively, and also for extending their present Stations at *Glasgow* and *Cowlairs;* and for the general Purposes of their Undertaking to enter upon, take, and use so much of the said Lands and Houses as they shall consider necessary.

Direction of Lines of Railway.

XIV. And be it enacted, That the said Railway to *Blackbraes*, hereby incorporated with the *Edinburgh and Glasgow* Railway, shall diverge out of the *Slamannan Junction* Railway near to where the same crosses the *Edinburgh and Glasgow Union* Canal in the Parish of *Muiravonside* in the County of *Stirling*, and shall pass through and terminate in the same Parish and County near *Blackbraes;* and the said Railway to *West George's Street, Glasgow*, shall diverge out of the *Edinburgh and Glasgow* Railway at or near its present Terminus at *North Queen Street, Glasgow*, in the Parish of *Glasgow*, or of *Saint George's* of *Glasgow* in the County of *Lanark*, and shall pass through and terminate in the said Parish or Parishes and County at or near *West George Street, Glasgow*, between *North Queen Street* and *Dundas Street, Glasgow;* and the Alterations of the Tunnel at *Glasgow* hereby authorized shall consist of opening up the said Tunnel in Three different Places, and converting the same at such Places into an open Cutting, which Places and the Extent of which Alterations are shown on the Plans and Sections deposited as herein-before mentioned; and the additional Land and Houses hereby authorized to be acquired, adjoining the Stations of the said Railway at *Glasgow* and *Cowlairs*, are situated, as regards the Station at *Glasgow*, in the Parish of *Glasgow* or of *Saint George's* and *Saint David's* of *Glasgow* in the County of *Lanark*, and, as regards the Station at *Cowlairs*, in the Parishes of *Glasgow* or of *Inner High Church* of *Glasgow* and *Barony* of *Glasgow* in the County of *Lanark*.

Power to Company to stop up certain Roads.

XV. And be it enacted, That it shall be lawful for the said Company permanently to stop up and to appropriate the Soil or Sites of the Roads or Streets, or intended Roads or Streets, numbered respectively on the Plans deposited as herein-before mentioned, to the Extent shown upon the said Plans.

The intended Roads or Street numbered $\frac{48}{2}$, $\frac{48}{4}$, and 53, of the Parish of *Barony* of *Glasgow:*

The intended Road or Street numbered $\frac{47}{2}$, of the Parish of *Saint David's* of *Glasgow:*

The Roads or Streets numbered 1 and 15, of the Parish of *Glasgow* or *Saint George's* of *Glasgow*.

Regulating Inclinations of certain Roads.

XVI. And be it enacted, That as regards the Roads herein-after mentioned it shall be lawful for the said Company to retain or make the Inclinations of the Roads as follows; (that is to say,)

On the Railway to *Blackbraes*,

The Road numbered 4 of the Parish of *Muiravonside* may be made of any Inclination not steeper than One Foot in Fourteen Feet:
The Road numbered 13 of the said Parish may be made of any Inclination not steeper than One Foot in Sixteen Feet.

Periods for compulsory Purchase of Lands limited.

XVII. And be it enacted, That the Powers hereby conferred on the said Company for the compulsory Purchase and taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

XVIII. And be it enacted, That if the said new Railways, Branch Railways, and Alterations of the Tunnel at *Glasgow*, shall not be completed within Five Years from the passing of this Act, then, on the Expiration of such Period, the Powers by this or the recited Acts granted to the said Company for executing the said Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Limiting Charges for Conveyance.

XIX. And be it enacted, That the Provisions contained in the last-recited Act relating to the *Edinburgh and Glasgow* Railway, passed in the Eighth and Ninth Years of the Reign of Her present Majesty, whereby the Charges for the Conveyance of Passengers and of Goods and Cattle on the Branch Railways thereby authorized to be made were limited and regulated, shall extend and apply to the new Railways and Branch Railways by this Act authorized, and of the Engines and Carriages employed by the Company thereon.

Restricting Charges as to certain Traffic if conveyed by the Company.

XX. And whereas it is anticipated that Traffic will take place between Points situated on the Line of the Branch to *Blackbraes* by this Act authorized to be made, and Points situated on the Main Line of the *Edinburgh and Glasgow* Railway, which will therefore pass along the Line of the *Slamannan Junction* Railway: And whereas the Dues leviable on the *Slamannan Junction* Railway are higher than those leviable on the Main Line of the *Edinburgh and Glasgow* Railway in consequence of its steep Gradients, but it is not expedient that such higher Dues should, under the Circumstances, be exacted on the Traffic above mentioned: Be it enacted, That it shall not be lawful for the *Edinburgh and Glasgow* Railway Company to charge in respect of Traffic conveyed by them between Points herein-before mentioned, or any intermediate Distance, including the Charges for Carriages, Waggons, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance, any higher Sum than the Charges levied by them at the Time, in respect of the Conveyance of the same Description of Traffic passing for an equal Distance along the Main Line of the *Edinburgh and Glasgow* Railway, under the like Circumstances and with similar Accommodations; and such first-mentioned Traffic shall in all respects be treated and charged as if the said Branch formed a Portion of the Main Line of said *Edinburgh and Glasgow* Railway, and shall receive equal Facilities as the Traffic on the Main Line.

XXI. And

Connexion between the Depôt on the Edinburgh and Glasgow Union Canal and the Railway to continue.

XXI. And whereas a Depôt has been formed on the *Edinburgh and Glasgow Union* Canal, and a Connexion has been made between such Depôt and the Line of the Branch Railway to *Blackbraes* by this Act authorized to be made: Be it enacted, That the *Edinburgh and Glasgow* Railway Company shall in all Times coming permit the said Connexion to remain and continue, in order that the Mineral Traffic of the Owners of Lands and of the Owners of Coal and Minerals situated on the said Branch and their Tenants may be received and delivered from or at the said Depôt; and it shall not be lawful for the said *Edinburgh and Glasgow* Railway Company under the Powers of this Act to take or use any Part of the Ground lying betwixt the said Branch Railway and the said Canal on which the Depôt and Connexion herein-before mentioned have been constructed.

For Protection of Caledonian and Dumbartonshire Junction Railway Company.

XXII. And whereas certain of the Lands and Houses authorized to be taken and used for the Purposes of this Act have been already authorized to be taken and used by the *Caledonian and Dumbartonshire Junction* Railway Company for the Purpose of forming a Branch Line to the *Edinburgh and Glasgow* Railway near *Cowlairs*, as described in the "*Caledonian and Dumbartonshire Junction* Railway Act, 1846," and it is expedient that the Powers by this Act conferred should be regulated: Be it enacted, That nothing herein contained shall alter, prejudice, affect, or take away any of the Rights, Privileges, or Authorities vested by the said recited Act in the *Caledonian and Dumbartonshire Junction* Railway Company to make, maintain, and use the said Branch Railway in the Line and upon the Levels shown upon the Plans and Sections thereof referred to in the said *Caledonian and Dumbartonshire Junction* Railway Act without Deviation; and it shall not be lawful for the *Edinburgh and Glasgow* Railway Company, in the event of their acquiring, under the Powers by this Act granted, any of the Lands and Houses through which the said Branch Railway is authorized to be made, to plead such Acquisition or the Powers by this Act granted against the *Caledonian and Dumbartonshire Junction* Railway Company thereafter taking and using the same, provided such Lands and Houses lie upon the Line of the said Branch as delineated upon the said Plans, and are necessary for the Construction thereof in the said Line of a suitable Breadth, and for effecting a convenient Junction at the Point shown on the said Plans with the Line of the said *Edinburgh and Glasgow* Railway; and in the event of any Differences arising between the said Companies in respect to the Formation of the said Branch or the said convenient Junction, the same shall be referred to Arbitration of Persons to be named under and by virtue of the Powers to that Effect in the "Lands Clauses Consolidation (*Scotland*) Act, 1845:" Provided always, that the Compensation payable to the *Edinburgh and Glasgow* Railway Company, in the event aforesaid, by the *Caledonian and Dumbartonshire Junction* Railway Company for the Lands and Houses so taken and used by them, shall be estimated as if none of the Powers conferred by this Act on the *Edinburgh and Glasgow* Railway Company had been granted or exercised.

XXIII. And

Provisions of former Act as to Residence of Directors repealed.

XXIII. And be it enacted, That so much of the Act relating to the said *Edinburgh and Glasgow* Railway herein-before referred to, passed in the Second Session of the Fifth Year of the Reign of Her present Majesty, as provides that Three at least of the Directors who should be elected to manage the Affairs of the said Company should 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* shall be and the same is hereby repealed.

Railway to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., and 7 & 8 Vict. c. 85. and 9 & 10 Vict. cc. 57. 105.

XXIV. 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 Railways;* 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;* and Two Acts were passed in the Ninth and Tenth Years of the Reign of Her said Majesty, the one intituled *An Act for regulating the Gauge of Railways*, and the other *An Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the Railways or Branch Railways by this Act authorized, 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 Railways and Branch Railways and Companies so far as the same shall be applicable thereto.

Railways to be subject to Provisions of future general Acts.

XXV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways or Branch Railways by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, 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.

Expenses of Act.

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

Public Act.

XXVII. 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 by all Judges, Justices, and others.

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