ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

****

Cap. cxviii.

An Act to facilitate the Construction of the *Cowlairs* Branch of the *Glasgow, Airdrie, and Monklands Junction* Railway by the *Edinburgh and Glasgow* Railway Company, and to grant further Powers to that Company. [14th *August* 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* Glasgow, *to be called* "*The* Edinburgh and Glasgow *Railway, with a 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 Ninth and Tenth Years of the Reign of Her said Majesty, intituled "The *Glasgow, Airdrie, and Monklands Junction* Railway Act, 1846," the Powers and Provisions of which were amended and enlarged by another Act passed in the Tenth and Eleventh Years of the Reign of Her said Majesty, intituled "The *Glasgow, Airdrie, and Monklands Junction* Railway (*Cowlairs* Branch) Act, 1847:" And whereas the *Edinburgh and Glasgow* Railway Company were empowered by the

1 & 2 Vict. c. 58.

9 & 10 Vict. c. 263.

10 & 11 Vict. c. 245.

said last-mentioned Act to acquire (subject to the Provisions therein contained) the Right to form the Branch Railway and Works thereby authorized, and to raise Capital for such Purpose: And whereas it is expedient to alter and amend some of the said Provisions which impede the Exercise by the *Edinburgh and Glasgow* Railway Company of the Powers intended to be conferred on them by the said Act, and to extend the Period for acquiring the Land necessary for such Branch Railway and Works: And whereas it is also expedient to enable the *Edinburgh and Glasgow* Railway Company to use certain Portions of the *Glasgow, Airdrie, and Monklands Junction* Railway and Stations, and for the above and other Purposes to amend and enlarge some of the Powers and Provisions of the said recited Acts: 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 in the said last-recited Act whereby it is declared that it should not be lawful for the *Glasgow, Airdrie, and Monklands Junction* Railway Company by virtue of the Power therein contained to convey nor for the said *Edinburgh and Glasgow* Railway Company to accept of a Conveyance of the Right to form the said Branch Railway thereby authorized to be made, unless it should have been proved to the Satisfaction of the Commissioners of Railways, and certified by them under their Seal previously to the Completion of such Conveyance, that One Half of the whole Amount of the Capital (exclusive of Loans) by the Act or Acts relating to each of the said Companies authorized to be raised, had been actually paid up and expended for the Purposes authorized by the Act or Acts of the said Companies respectively shall, as regards the Capital of the *Glasgow, Airdrie, and Monklands Junction* Railway Company, be and the same is hereby accordingly repealed.

Certain Provisions in Glasgow, Airdrie, and Monklands Junction Railway (Cowlairs Branch) Act, 1847, repealed.

Extending Period for taking Land.

II. And be it enacted, That the Provision in the said last-recited Act whereby the Period assigned to the *Edinburgh and Glasgow* Railway Company for acquiring Land for the said Branch Railway and Works is limited and restricted shall be and the same is hereby repealed, and it shall be lawful for the said Company to acquire the Lands thereby authorized to be taken at any Period within Three Years from the passing thereof.

Glasgow, Airdrie, and Monkland Junction Railway Company to convey Right to form Line subject to the Provisions of this Act.

III. And whereas the *Edinburgh and Glasgow* Railway Company have by a Requisition under the Hands of Three of their Directors called upon the *Glasgow, Airdrie, and Monklands Junction* Railway Company in pursuance of the said last-recited Act to convey to them the Right to form the Branch Railway and Works thereby authorized: Be it enacted, That the said last-mentioned Company shall be bound, on Payment to them by the said *Edinburgh and Glasgow* Railway Company of the actual Costs, Charges, Expenses, and Interest of Money disbursed and incurred by them in any way in relation or incidental to the said last-recited Act, forthwith to execute and deliver such Conveyance to the *Edinburgh and Glasgow* Railway Company, subject to the Modifications of the Provisions of the said last-recited Act in this Act contained, and thereupon the said last-mentioned

mentioned Company may forthwith proceed to make and construct the said Branch Railway and Works.

As to the Use of certain Portions of the Glasgow, Airdrie, and Monklands Junction Railway by the Edinburgh and Glasgow Railway.

IV. And whereas it would be attended with public Advantage and Convenience to facilitate the Passage of Traffic between the proposed Station at *Glasgow* of the *Glasgow, Airdrie, and Monklands Junction* Railway Company and the *Edinburgh and Glasgow* Railway, and to secure the Use of the said Station for the Purposes of such Traffic: Be it enacted, That the *Glasgow, Airdrie, and Monklands Junction* Railway Company shall be bound in all Time coming to allow the *Edinburgh and Glasgow* Railway Company and all other Companies and Persons lawfully using or intending to use the *Edinburgh and Glasgow* Railway with Engines or Carriages to use in like Manner the Portion of the Main Line of the *Glasgow, Airdrie, and Monklands Junction* Railway which lies between the Point where the *Cowlairs* Branch is intended to diverge at or near *Whitevale Street*, and the Point where such Main Line will terminate at or near the East Side of *High Street* in *Glasgow*, and the Stations and Conveniences thereon, on such Terms and Conditions, and on Payment of such Tolls and Charges, or of such Wayleave or Compensation as shall be mutually agreed upon between the said Two Companies, or in the event of Dispute as shall be determined by Arbitration; and the Decision in such Arbitration shall be final and binding on the Parties, and after such Agreement, or after the Decision in the Arbitration, as the Case may be, it shall not be lawful for the *Glasgow, Airdrie, and Monklands Junction* Railway Company to demand or levy in respect of Traffic to or from the *Edinburgh and Glasgow* Railway using the said Portion of their Railway, or the Stations and Conveniences thereon, any Tolls or Charges other than such as shall be fixed by Agreement or Arbitration between the Companies as aforesaid.

Regulating Times and Speed of Trains on such Portion of Railway.

V. Provided always, and be it enacted, That the Times and Speed at which the Trains of the *Edinburgh and Glasgow* Railway Company and all other Companies and Persons lawfully using the said *Edinburgh and Glasgow* Railway shall run on the Portions herein-before mentioned of the *Glasgow, Airdrie, and Monklands Junction* Railway shall be subject to the Bye Laws and Regulations of the *Glasgow, Airdrie, and Monklands Junction* Railway Company, unless such Bye Laws and Regulations shall be conceived by the *Edinburgh and Glasgow* Railway Company to be unfair or otherwise objectionable, in which Case the Times and Speed of the said Trains shall be settled by the Commissioners of Railways, or by an Arbitrator appointed by them.

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

VI. And be it enacted, That so much of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," as relates to Proceedings for settling Questions by Arbitration shall be incorporated with this Act.

Authorizing Agreements between the Edinburgh and Glasgow

VII. And whereas the said *Glasgow, Airdrie, and Monklands Junction* Railway Company are authorized to construct Stations on the Portion of the *Glasgow, Airdrie, and Monklands Junction* Railway herein-before mentioned, and it is expedient that the said Company and

Company and the Glasgow, Airdrie, and Monklands Junction Company as to the Stations of the latter.

and the *Edinburgh and Glasgow* Railway Company should be authorized to enter into mutual Agreements with reference to the joint or several Use, Occupation, or Appropriation of the said Stations or any Part or Parts thereof: Be it enacted, That it shall be lawful for the said Two Companies to enter into mutual Agreements for the joint or several Use, Occupation, and Appropriation of the whole or such Part or Parts of the Stations situated on the said Portion of the said Railway as shall be agreed upon between the said Companies; and the said Companies are hereby respectively authorized to enter into Agreements with each other, fixing the Terms and Conditions on which the said Stations or any such Part or Parts thereof shall be used and occupied by or appropriated to the separate Use of each of the said Companies respectively; and any Agreement which before the passing of this Act shall have been made by or between the Directors of the said Companies with reference thereto shall, if the same has been or shall hereafter be confirmed by a General Meeting of the Proprietors of the said Companies respectively, be as valid and effectual as if made after the passing and in pursuance of the Provisions hereof.

Saving Rights of Slamannan, Ballochney, and Monkland and Kirkintilloch Railway Companies.

VIII. And whereas the *Slamannan* Railway Company, the *Ballochney* Railway Company, and the *Monkland and Kirkintilloch* Railway Company claim to be entitled to a Lease of the *Glasgow, Airdrie, and Monklands Junction* Railway, under the Provisions of "The *Glasgow, Airdrie, and Monklands Junction* Railway Act, 1846," and such Claim is at present the Subject of judicial Inquiry: Be it enacted, That if at the Time of entering into any Agreement or Agreements between the *Edinburgh and Glasgow* Railway Company and the *Glasgow, Airdrie, and Monklands Junction* Railway Company, under the Powers herein-before contained, or of submitting to Arbitration or to the Commissioners of Railways the Question herein-before directed to be settled by the said Commissioners or by Arbitration or any of them, the Claim of the *Slamannan* Railway Company, the *Ballochney* Railway Company, and the *Monkland and Kirkintilloch* Railway Company shall not have been disposed of by a Court of Law, or if the said Claim shall have been sustained, or if the said Companies shall in any other Way previous to such Date legally become Lessees of the said Railway, then the Consent of the said Companies shall be necessary to the Validity of any such Agreement, or they shall be entitled to be Parties for their Interest in any Submission or Arbitration as aforesaid: Provided always, that in the event of any Agreement in respect to the Matters aforesaid being entered into previously to the passing of this Act the Consent of the said Companies shall be necessary to the Validity of any such Agreement.

Power to Edinburgh and Glasgow Railway Company to subscribe.

IX. And whereas the *Edinburgh and Glasgow* Railway Company are the Proprietors of Shares in the Undertaking of the said *Glasgow, Airdrie, and Monklands Junction* Railway Company, the Sum paid and payable in respect whereof amounts to the Sum of One hundred and eighty-three thousand and fifty Pounds, and it is expedient that the *Edinburgh and Glasgow* Railway Company shall be authorized to raise Money for the Purpose of paying the Calls upon the said Shares: Be it therefore enacted, That it shall be lawful for the *Edinburgh and*

and Glasgow Railway Company, with the Approbation of Three Fifths of the Shareholders present, personally or by Proxy, at a General Meeting specially convened for the Purpose, to retain and hold the said Shares, and to raise by Mortgage or by the Creation of Shares, or partly by one and partly by the other of such Means, the said Sum of One hundred and eighty-three thousand and fifty Pounds, and to apply the same in Payment of the past and future Calls on their said Shares, and to no other Purpose, 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 Seventh and Eighth Years 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, subject to the Right and Mode of voting herein-after provided, all such Shares shall be held by the said *Edinburgh and Glasgow* Railway Company under and subject to the same Provisions and Regulations and with the same Liabilities, Benefits, and Privileges in all respects, so far as may be, as the other like Shares in the Undertaking of the *Glasgow, Airdrie, and Monklands Junction* Railway Company are or may be held under, with, or subject to; and provided also, that no such Mortgage shall be made by the *Edinburgh and Glasgow* Railway Company until the whole of the Capital which they are hereby authorized to raise shall have been subscribed or taken up; and One Half of the whole Capital of the Company for the Time being paid up, and all the Money to be raised by Mortgage including the other Monies raised by Mortgage by the said Company shall not at any Time exceed One Third of the Capital of the Company at that Time.

Calls.

X. And be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any One Call which the *Edinburgh and Glasgow* Railway Company may make on the Shareholders in respect of the Money by this Act authorized to be raised, 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 least shall be the Interval between successive Calls.

Mode of voting.

XI. And be it enacted, That it shall be lawful for the Directors of the said *Edinburgh and Glasgow* Railway Company from Time to Time to nominate and appoint by Writing under the Hands of Three of their Number such Person as they shall think fit to attend any Meetings of the said *Glasgow, Airdrie, and Monklands Junction* Railway Company, and to vote at such Meetings in respect of the Shares or Stock in such Company to which the said *Edinburgh and Glasgow* Railway Company may for the Time being be entitled: Provided always, that neither the said *Edinburgh and Glasgow* Railway Company nor any Person to be nominated and appointed by the Directors thereof to attend and vote at Meetings of the said *Glasgow, Airdrie, and Monklands Junction* Railway Company, in respect of any Shares or Stock in the said last-mentioned Company which the said *Edinburgh and Glasgow* Railway Company may hold or be interested in for the Time being, shall be entitled to vote in respect of any such Shares or Stock in any Question relating to a

Sale or Lease of the said *Glasgow, Airdrie, and Monklands Junction* Railway to the said *Edinburgh and Glasgow* Railway Company, nor shall the said *Edinburgh and Glasgow* Railway Company or the Person so appointed as aforesaid be entitled to vote at any such Meetings on more than Four thousand Shares of Twenty-five Pounds each, and in respect of more than One hundred thousand Pounds of Capital Stock in the said Undertaking so held by them as aforesaid, in any Question relating either to the Sale or Lease of the said Railway to any other Railway Company whatever: Provided always, that in the event of the *Edinburgh and Glasgow* Railway Company selling or transferring any Part of the Shares or Stock held by them at the Date of or after the passing of this Act their Right of voting on the said Four thousand Shares shall be reduced in proportion to the Number of Shares or Amount of Stock so sold by them; and also that no greater Number than One Third of the Directors of the said *Glasgow, Airdrie, and Monklands Junction* Railway Company shall at any Time consist of Parties who are at the Time Directors of the said *Edinburgh and Glasgow* Railway Company.

Restricting the Exercise of the Power of voting by the Edinburgh and Glasgow Railway Company.

XII. Provided also, and be it enacted, That until One Half of the Capital by this Act authorized to be raised shall have been raised and paid to the *Glasgow, Airdrie, and Monklands Junction* Railway Company, and until the Sum of Two hundred thousand Pounds shall have been expended for the Purpose of such Undertaking, of which One Half shall have been expended upon that Portion of the Line which is situate between *White Vale* and *Airdrie*, it shall not be lawful for the *Edinburgh and Glasgow* Railway Company to vote at any Meetings of the *Glasgow, Airdrie, and Monklands Junction* Railway Company in respect of the Shares in that Company which they are by this Act enabled to hold, except only in support of a Motion for authorizing or giving Instructions for the Execution of the whole of the said Undertaking: Provided further, that it shall not be lawful for the *Edinburgh and Glasgow* Railway Company to vote in respect of any of the said Shares unless the whole Calls due at the Time in respect of such Shares shall have been paid by them.

Interest not to be paid on Calls paid up.

XIII. And be it enacted, That it shall not be lawful for the said *Edinburgh and Glasgow* Railway Company, out of any Money by this Act or any other Act relating to the said Railway Company 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 Companies Clauses Consolidation (*Scotland*) Act, 1845, in that Behalf contained.

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

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

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.

Railways not exempt from Provisions of future general Acts.

XV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made or completed from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, now in force or which hereafter 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 the said recited Acts.

Short Title of Act.

XVI. And be it enacted, That in citing this Act in other Acts of Parliament, and in all legal Instruments and Proceedings, it shall be sufficient to use the Expression "The *Edinburgh and Glasgow* Railway Amendment Act (No. 2.), 1848."

Public Act.

XVII. And be it enacted, That this Act shall be deemed a Public Act, and shall be taken notice of as such by all Judges, Justices, and others.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1848.