ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. cli.

An Act to enable the *Edinburgh and Glasgow* Railway Company to connect their Line at *Glasgow* by Branches with the *Caledonian* Railway, and to extend their Station at *Cowlairs*.

[4th *August* 1853.]

WHEREAS the *Edinburgh and Glasgow* Railway Company were incorporated by "The *Edinburgh and Glasgow* Railway Consolidation Act, 1852:" And whereas it would be attended with public Advantage and Convenience if the Company were authorized to connect their Railway near *Glasgow* with the Extension into *Glasgow* of the *Glasgow, Garnkirk, and Coatbridge* Railway, belonging to the *Caledonian* Railway Company, by means of a Branch from the Main Line of the *Edinburgh and Glasgow* Railway at *Cowlairs* Station to the said Extension Line near the *Inchbelly* Turnpike Road, and of another Branch from the said Extension Line near the Boundary between the *Barony* and *Inner High Church* Parishes of *Glasgow* to the first-mentioned Branch near *Petershill*, and if the Company were authorized to take additional Land for

15 & 16 Vict. c. cix.

the Extension of their Station at *Cowlairs*; but these Objects cannot be accomplished without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

I. This Act may be cited for all Purposes as "The *Edinburgh and Glasgow* Railway Branches Act, 1853."

Interpretation.

II. The Expression "the Company" in this Act shall mean the *Edinburgh and Glasgow* Railway Company.

8 & 9 Vict. cc. 19. and 33., incorporated with this Act.

III. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," are hereby incorporated with this Act.

Power to raise additional Capital by new Shares.

IV. The Company may from Time to Time raise, in addition to the Capital fixed by the recited Act, any Sum not exceeding Thirty thousand Pounds, by the Creation and Issue of new Shares in their Undertaking.

Provision as to such new Shares.

V. It shall be lawful for the Company, with the Consent of Three Fifths of the Shareholders present, personally or by Proxy, at a Special General Meeting convened for that Purpose, to confer on such new Shares a guaranteed or preferential Dividend out of the Profits of the Company, at such Rate, not exceeding Four Pounds *per Centum per Annum*, and payable at such Time as shall be fixed by such Meeting.

Additional Capital to be Part of general Capital.

VI. The Capital to be raised by such new Shares shall be Part of the general Capital of the Company, and, except as otherwise provided by the Special General Meeting of the Company which shall resolve to create and issue the same, such new Shares shall confer and impose on the Holders thereof all the Rights and Privileges, Liabilities and Obligations, which the existing Shares or Stock in the Company confer and impose on the Holders thereof.

Company to direct how new Shares are to be appropriated or disposed of.

VII. Such new Shares may be apportioned among and offered to the then Shareholders in the Company, or if not taken by them, or as to so many as shall not be taken by them, may be disposed of to such other Persons as may be willing to accept the same, in such Manner and on such Terms and Conditions as shall be determined by the Special General Meeting which shall resolve to create and issue the same.

VIII. After

Power to borrow on Mortgage or Bond.

VIII. After the said Sum of Thirty thousand Pounds shall have been subscribed or taken up, and One Half thereof shall have been paid up, the Company may from Time to Time borrow on Mortgage of their Undertaking or Bond any Sum not exceeding the Sum of Ten thousand Pounds, in addition to the Sums authorized to be borrowed by the recited Act, and may fund the said Debt, under the Powers and Provisions, with the Rights and Privileges, and subject to the Restrictions and Conditions which are contained in Sections XIX. to XXVIII., both inclusive, of the recited Act.

Company may raise Money by the Issue of Preference Shares in lieu of borrowing.

IX. If, in pursuance of the Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," the Company, instead of borrowing or continuing on Loan the Sums hereby authorized to be borrowed, shall resolve in lieu thereof to raise the same or Part thereof by creating new Shares, it shall be lawful for them to confer on such Shares a guaranteed and preferential Dividend out of the Profits of the Company, at such Rate, not exceeding Four Pounds *per Centum per Annum*, and payable at such Time as shall be fixed by any Special General Meeting of the Company.

Former Grants of Preference not to be affected.

X. No Guarantee or Preference to be conferred on any Shares under the Provisions of this Act shall prejudice or affect any Preference or Priority in the Payment of any Interest or Dividend on any other Shares or Stock which shall have been granted by the Company in pursuance of or which may have been confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting.

Application of Money to be raised.

XI. The whole Sums by this Act authorized to be raised by the Creation of Shares or by borrowing shall be applied for the Purposes of this Act, and for no other Purpose whatsoever.

Power to make Works according to deposited Plans.

XII. And whereas Plans and Sections, describing the Line, Situation, and Levels of the proposed Branches, and the Lands, Houses, and other Property intended to be taken for the Purposes thereof, and of the said Extension of the Station at *Cowlairs*, with a Book of Reference thereto, have been deposited with the Sheriff Clerk for the County of *Lanark* at *Glasgow*: Be it enacted, That the Company, subject to the Provisions and with the Powers contained in this Act and the Acts incorporated herewith, may make and maintain the said Branches in the Lines and Situations and on the Levels described on the said Plans and Sections, and may, for the Purposes thereof, and for the Purpose of extending their Station at *Cowlairs*, enter upon, take, and use the Lands, Houses, and other Property delineated on the said Plans and described in the said Book of Reference, or such of them as they may deem necessary.

XIII. The

Description of Branches.

XIII. The Branches by this Act authorized to be made shall be, —

First, a Branch diverging out of the Main Line of the *Edinburgh and Glasgow* Railway near the North End of the Station at *Cowlairs*, and terminating by a Junction with the Extension Line of the *Caledonian* Railway Company from the *Glasgow, Garnkirk, and Coatbridge* Railway to *Buchanan Street* of *Glasgow* near where such last-mentioned Line crosses the *Inchbelly* Turnpike Road:

Second, a Branch diverging out of the said Extension Line of the *Caledonian* Railway Company near where it crosses the Boundary between the Parishes of *Barony* of *Glasgow* and *Inner High Church* of *Glasgow*, and terminating by a Junction with the proposed Branch first above described near the House of *Petershill*:

Which Branches will be made in or will pass from, through, or into the Parishes of *Barony* of *Glasgow* and *Inner High Church* of *Glasgow*, and the City or Royal Burgh of *Glasgow*, or One of them.

Branches to be Part of Railways under recited Act.

XIV. The Branches to be made under the Provisions of this Act shall be and be considered as Part of the Railways included in or authorized to be made or maintained under the Provisions of the recited Act for all Purposes whatsoever.

Period for taking Land.

XV. The compulsory Powers of taking Land conferred by this Act shall not be exercised after the Lapse of Fifteen Months from its Date.

Period for completing Works.

XVI. The Branches by this Act authorized shall be completed within Three Years from the passing of this Act: Provided always, that after the Expiration of the said Period of Three Years from the passing of this Act the Payment of any Dividend on the ordinary and unguaranteed Capital of the Company shall be suspended until the Branches by this Act authorized to be made shall have been completed and opened for public Traffic.

Tolls on Branches.

XVII. The Company may demand, for the Use of the said Branches, any Tolls and Charges not exceeding the Tolls and Charges by the recited Act authorized to be levied on their Main Line between *Edinburgh* and *Glasgow*.

Regulating Junctions between the Branch Railways and the Caledonian Railway.

XVIII. The Junctions hereby authorized to be made between the Branches first and secondly before described and the said Extension Line of the *Caledonian* Railway Company shall be made and completed at the Sight and to the Satisfaction of the Engineer for the Time being of the *Caledonian* Railway, and according to a Plan to be approved of by him previously to the Commencement of the Works connected with such Junction.

XIX. It

Lands and Works of the Caledonian Railway Company not to be taken or interfered with, nor the Line or Stations of that Company used, without Consent.

XIX. It shall not be lawful for the Company, without the previous Consent in Writing of the *Caledonian* Railway Company under their Common Seal, or under the Hand of their Chairman of Directors for the Time being, to enter upon, purchase, or take any Lands belonging to the last-mentioned Company, nor to alter or vary the Line or Levels of the said Extension Line, nor by means of the Access afforded by the said Branch Railways or either of them to use the said Extension Line or any Part thereof, with Engines or Carriages of any kind, nor any of the Stations of the said Company, nor to interfere with the said Extension Line, except for the Purpose of making and maintaining the Junctions before mentioned in the Manner herein provided, nor in any Manner to interrupt or interfere with the Traffic passing on the said Extension Line; and the Company shall bear all the Expenses of effecting such Junctions as aforesaid, and of maintaining, watching, and working the same, and of the necessary Works for preventing Danger, Inconvenience, or Interruption to the Traffic on the said Extension Line, and shall also, at their own sole Costs and Charges, construct and for ever after maintain such and so many Switches, Turntables, Sidings, and other Works and Conveniences as may be necessary or convenient, in connexion with the said Junctions, and for preventing any such Danger, Interruption, or Inconvenience to the Traffic of the said Extension Line: Provided always, that if any Difference shall arise between the said Two Companies as to the Nature or Necessity of any such Works as aforesaid, the same shall be referred to Arbitration or to the Decision of the Board of Trade, at the Option of the *Caledonian* Railway Company.

Saving Rights of the Caledonian Railway Company.

XX. Nothing herein contained shall alter, vary, prejudice, or diminish any of the Rights, Powers, or Authorities vested in the *Caledonian* Railway Company by virtue of the Acts relating to such Company or any of them.

Interest not to be paid on Calls paid up.

XXI. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay any Interest or Dividend 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 contained shall be deemed to prevent the 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

XXII. It shall not be lawful for the Company, out of any Money by this Act or any other Acts relating to the Company authorized to be raised

not to be paid out of Capital.

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 in force for the Time being, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any Railway or execute any other Work or Undertaking.

Railways and Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

XXIII. Nothing in this Act contained shall be held to exempt the Branch Railways by this Act authorized or the Company from the Provisions of the several Acts herein-after mentioned respectively; (that is to say,) an Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railways*; another Act passed in the Third and Fourth Years of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; another Act passed in the Fifth and Sixth Years of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; another Act passed in the Seventh and Eighth Years 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*; another Act passed in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act passed in the Fourteenth and Fifteenth Years of the Reign of Her said Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways*; but such Provisions shall be in force in respect to the said Branch Railways and the Company, so far as the same shall be applicable thereto, and not otherwise specially provided for by this Act.

Railways to be subject to Provisions of future General Acts.

XXIV. Nothing in this Act contained shall be deemed or construed to exempt the Railways by this or the recited Act authorized to be made from the Provisions of any General Act relating to such Acts, or of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges or of the Rates for small Parcels authorized by this Act or by the recited Act.

Costs of Act.

XXV. All the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the Company.

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