

ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

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town, Morningside, and Coltness Railway Company:" And whereas the Powers and Provisions of the said last-recited Act have been altered, amended, and enlarged by Three several Acts passed in the Ninth and Tenth Years of the Reign of Her said present Majesty, intituled respectively *An Act to enable the* Wilsontown, Morningside, and Coltness *Railway Company to make a Branch to the* Caledonian *Railway*, *An Act to enable the* Wilsontown, Morningside, and Coltness *Railway Company to improve their Line, and to make Branch Railways to* Shotts *and* Climpy, and *An Act to enable the* Wilsontown, Morningside, and Coltness *Railway Company to make a Branch Railway to the Town of* Bathgate: And whereas the said *Wilsontown, Morningside, and Coltness* Railway will communicate with the *Edinburgh and Glasgow* Railway by means of the *Edinburgh and Bathgate* Railway, which last-mentioned Railway is leased to and will be worked by the said *Edinburgh and Glasgow* Railway Company: And whereas the said Railways might, with Advantage to the Public and to the said several Companies, be worked and managed together, and it is expedient that the said Railways authorized by the said recited Acts relating to the said *Wilsontown, Morningside, and Coltness* Railway Company should be transferred to and vested in the said *Edinburgh and Glasgow* Railway Company; but this Object cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts relating to the said *Edinburgh and Glasgow* Railway Company, and the said recited Acts relating to the said *Wilsonstown, Morningside, and Coltness* Railway Company, in so far as not altered or repealed by this Act, and so much of the Companies Clauses Consolidation (*Scotland*) Act, 1845, the Lands Clauses Consolidation (*Scotland*) Act, 1845, and the Railways Clauses Consolidation (*Scotland*) Act, 1845, as is necessary for and applicable to the Purposes of this Act, and so far as the same are not inconsistent with, or altered, varied, or otherwise provided for by this Act or the Acts hereinbefore recited, shall be incorporated with and form Part of this Act.

9 & 10 Vict. c. 160.
9 & 10 Vict. c. 161.
9 & 10 Vict. c. 162.
Certain Provisions of recited Acts incorporated with this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Edinburgh and Glasgow* Railway (*Wilsontown, Morningside, and Coltness* Railway Transfer) Act, 1849."

Wilsontown, Morningside, and Coltness Railway vested in Edinburgh and Glasgow Railway Company.

III. And be it enacted, That from and after the passing of this Act, and on the Execution of a Deed of Conveyance, duly stamped, by the *Wilsontown, Morningside, and Coltness* Railway Company, under their Corporate Seal, in favour of the *Edinburgh and Glasgow* Railway Company, which Deed of Conveyance the said *Wilsontown, Morningside, and Coltness* Railway Company are hereby authorized and required, on the passing of this Act, to execute, and to get recorded in the Books of Council and Session at *Edinburgh*, all the Railways and Branch Railways and Works connected therewith, as also all Lands, Tenements, and Hereditaments, and all Engines, Waggons, Carriages, Goods, Debts, Chattels, Moneys, Books, Writings,

Maps, and Plans, and other Property and Effects whatsoever, Heritable and Moveable, Real and Personal, of, belonging to, or owing to the said *Wilsontown, Morningside, and Coltness* Railway Company, together with the Revenues arising from the said Railways and Branch Railways and other Property, and all the Rights, Privileges, Powers, and Authorities by the several Acts before recited, or any of them, relating to the Undertaking of the said *Wilsontown, Morningside, and Coltness* Railway Company, given to or vested in the said Company, shall, subject to the existing Debts, Liabilities, Engagements, Contracts, Obligations, and Incumbrances affecting the same, and subject also to the Consideration and Lien herein-after provided, and to the Conditions and Provisions herein-after contained, be transferred and belong to and be vested in the said *Edinburgh and Glasgow* Railway Company, and may be lawfully held, used, exercised, enforced, and enjoyed by and in the Name of such last-mentioned Company, in the same Manner and to the same Extent as if the said Undertakings authorized by the said several recited Acts relating to the said *Wilsontown, Morningside, and Coltness* Railway Company had been originally authorized to be made and maintained by the said *Edinburgh and Glasgow* Railway Company, or as if their Name had been inserted in the said several recited Acts relating to the Undertakings of the *Wilsontown, Morningside, and Coltness* Railway Company, in lieu of the Name of that Company.

Conveyances, &c. to remain valid.

IV. And be it enacted, That all Conveyances, Contracts, Agreements, Grants, Obligations, Debts, Mortgages, Bonds, Covenants, Liabilities, and Securities made, entered into, or incurred before the passing of this Act to, with, by, or for the said *Wilsontown, Morningside, and Coltness* Railway Company, shall be and remain as good, valid, and effectual for or against or with reference to the said *Edinburgh and Glasgow* Railway Company, to all Intents and Purposes, as the same would have remained in reference to the *Wilsontown, Morningside, and Coltness* Railway Company if that Company had not been dissolved or their Acts repealed in manner herein-after provided, or as if the said *Edinburgh and Glasgow* Railway Company had been Party to and had executed the same, or had been named or referred to therein, instead of the *Wilsontown, Morningside, and Coltness* Railway Company.

Saving of Rights.

V. And be it enacted, That all and every Purchase, Sale, Conveyance, Grant, Lease, Agreement, Security, Right, Liability, Privilege, Liberty, Power, Easement, Accommodation, Exemption, Arbitration, Award, Omission, Act, Matter, or Thing whatsoever, made, done, executed, granted, continued, reserved, incurred, obtained, omitted, transacted, commenced, or instituted before the passing of this Act, under or by virtue or in pursuance of the said several recited Acts relating to the said *Wilsontown, Morningside, and Coltness* Railway Company, or otherwise, by, to, for, or on behalf of, against, or in respect of, the *Wilsontown, Morningside, and Coltness* Railway Company, shall from and after the passing of this Act be as good, valid, and effectual, and of the same Condition and Quality, to all Intents and Purposes whatsoever, by, to, for, or on behalf of, against, or in respect of, the said *Edinburgh and Glasgow* Railway Company,

Company, as they respectively were immediately before the passing of this Act with reference to the *Wilsontown, Morningside, and Coltness* Railway Company, and shall and may be executed, done, and performed, enforced, continued, completed, and terminated by, to, for, on behalf of, against, or with respect to the *Edinburgh and Glasgow* Railway Company, under and subject to the Provisions and Regulations of the said recited Acts relating to the *Wilsontown, Morningside, and Coltness* Railway, as fully and effectually as the same could or might have been in the Name of the *Wilsontown, Morningside, and Coltness* Railway Company if that Company had not been dissolved, or their Acts repealed, in manner herein-after provided, or this Act had not been passed.

Actions not to abate.

VI. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever commenced either by or against the said *Wilsontown, Morningside, and Coltness* Railway Company previously to the passing of this Act shall abate or be discontinued or prejudicially affected by this Act, but the same shall continue and take effect, both in favour of and against the said *Edinburgh and Glasgow* Railway Company, in the same Manner in all respects as the same would have continued and taken effect in relation to the said *Wilsontown, Morningside, and Coltness* Railway Company if this Act had not been passed; and all Penalties incurred by any Offence against the Provisions of the said recited Acts of the *Wilsontown, Morningside, and Coltness* Railway Company previously to the passing of this Act shall and may be sued for, and all Offences which may have been committed before the passing of this Act against the Provisions of the said recited Acts may be prosecuted, in such or the like Manner, to all Intents and Purposes, as the same might have been sued for and prosecuted respectively if this Act had not been passed, the said *Edinburgh and Glasgow* Railway Company being in reference to the Matters aforesaid in all respects substituted in the Place of the said *Wilsontown, Morningside, and Coltness* Railway Company.

Penalties to be recovered.

Books, Maps, &c. to be Evidence.

VII. And be it enacted, That all Books, Maps, Plans, Sections, Books of Reference, and other Documents whatsoever by the said recited Acts relating to the said *Wilsontown, Morningside, and Coltness* Railway authorized or directed to be kept, and thereby made Evidence, shall be admitted as Evidence in all Courts of Law or elsewhere.

Railways not yet completed to be executed by Edinburgh and Glasgow Railway Company.

VIII. And be it enacted, That all the Railways and Branch Railways and Works which under the Provisions of the said recited Acts relating to the Undertaking of the said *Wilsontown, Morningside, and Coltness* Railway Company that Company were authorized to execute and complete, and which have not been already executed or completed, may be executed or completed, as the Case may be, by the said *Edinburgh and Glasgow* Railway Company, and by no other Party or Corporation whatever; and the *Edinburgh and Glasgow* Railway Company shall have and be entitled to all such Powers for executing and completing such Works as the *Wilsontown, Morningside, and Coltness* Railway Company were entitled to under the said recited

recited Acts, as fully as if the *Edinburgh and Glasgow* Railway Company had been originally authorized to execute and complete the said Works, instead of the said *Wilsontown, Morningside, and Coltness* Railway Company.

Addition to Capital of Edinburgh and Glasgow Railway Company.

IX. And whereas the Capital which the said *Wilsontown, Morningside, and Coltness* Railway Company were by the said recited Acts relating to their Undertaking authorized to raise by the Creation of Shares or Stock for the Purposes of the said Acts amounts to the Sum of Three hundred and five thousand Pounds: Be it enacted, That the Capital of the said *Edinburgh and Glasgow* Railway Company shall from and after the passing of this Act, and on the Execution and recording of the aforesaid Deed of Conveyance, be increased by the Addition thereto of the Sum of Three hundred and five thousand Pounds, being the Amount which the said *Wilsontown, Morningside, and Coltness* Railway Company were authorized to raise by the Creation of Shares or Stock as aforesaid.

Apportionment of Shares among Proprietors of Wilsontown, Morningside, and Coltness Railway.

X. And whereas the said *Wilsontown, Morningside, and Coltness* Railway Company have already created Part of the said Stock in their Undertaking to the Amount of One hundred and seventy-five thousand Pounds, which has been divided into Shares of Fifty Pounds each: Be it enacted, That each and every Person or Corporation who at the Date of the passing of this Act shall be the Proprietor of One or more such Shares in the Capital Stock of the said *Wilsontown, Morningside, and Coltness* Railway Company already created shall from and after the passing of this Act be and be deemed to be the Owner of Stock of equal Amount in the *Edinburgh and Glasgow* Railway Company, with the Rights and subject to the Restrictions and Provisions herein-after contained, and such Stock is accordingly hereby vested in such Persons or Corporations accordingly.

Guaranteed Dividends to be paid thereon.

XI. And be it enacted, That from and after the passing of this Act every Proprietor of One or more Shares of the Stock of One hundred and forty thousand Pounds (Part of the aforesaid Capital Stock of One hundred and seventy-five thousand Pounds) created by the said *Wilsontown, Morningside, and Coltness* Railway Company prior to the Fourteenth Day of *September* One thousand eight hundred and forty-seven, shall receive, payable half-yearly on the Second Day of *February* and on the Second Day of *August* in every Year, a Dividend out of the Profits of the *Edinburgh and Glasgow* Railway, which shall be calculated from the Date of the passing of this Act, at the fixed Rate of Eight Pounds *per Centum per Annum* on the Amount paid up by and belonging to every such Proprietor; and every Proprietor of One or more Shares of the Stock of Thirty-five thousand Pounds (the Remainder of the aforesaid Capital Stock of One hundred and seventy-five thousand Pounds) created subsequently to the said Fourteenth Day of *September* One thousand eight hundred and forty-seven, and prior to the passing of this Act, shall receive, payable as aforesaid, a Dividend out of the said Profits of the *Edinburgh and Glasgow* Railway, which shall be calculated as aforesaid at the fixed Rate of Five Pounds *per Centum per Annum* on the Amount paid up by and belonging to every such Proprietor; and that so long

as the said Capital Stock of One hundred and seventy-five thousand Pounds shall be and remain unredeemed by virtue of the Powers herein-after contained, and which several Dividends shall be paid by the *Edinburgh and Glasgow* Railway Company preferably to the Dividends in respect of any of the ordinary Shares in that Company.

Saving prior Mortgages, Dividends, and Rents.

XII. Provided always, and be it enacted, That all Mortgages, or Guarantees of Interest or Guarantees of Dividends on Shares or Stock, made or granted by the *Edinburgh and Glasgow* Railway Company, and all Rents and Considerations for which the said Railway Company are liable under any former Act, and which shall be in force at the Time of the passing of this Act, shall have Priority and Preference on the Funds and Property of the said *Edinburgh and Glasgow* Railway Company over any Dividends, Interest, or other Consideration to be made, granted, or paid in virtue of this Act.

Separate Register to be kept.

XIII. And be it enacted, That the said Shares shall be denominated respectively "*Edinburgh and Glasgow* (*Wilsontown, Morningside, and Coltness*) Railway guaranteed (Eight *per Cent.*) Shares," and "*Edinburgh and Glasgow* (*Wilsontown, Morningside, and Coltness*) Railway guaranteed (Five *per Cent.*) Shares," and shall be kept by the *Edinburgh and Glasgow* Railway Company as separate Stocks; and the Certificates thereof shall be separately numbered, and shall, with the Transfers thereof, be recorded in a separate Register.

Certificate of guaranteed Shares.

XIV. And be it enacted, That, on Demand of any Person or Corporation entitled to any of the aforesaid guaranteed Shares, and who shall deliver up a Certificate of any Share held by him in the said *Wilsontown, Morningside, and Coltness* Railway Company, for the Purpose of the same being cancelled, or who shall prove to the Satisfaction of the Directors of the *Edinburgh and Glasgow* Railway Company, or, in case of Difference, to the Satisfaction of the Sheriff of the County of *Lanark* or his Substitute, that such Certificate had never been issued, or that, having been issued, it had been worn out, lost, or destroyed, it shall be lawful for the *Edinburgh and Glasgow* Railway Company and they are hereby required to cause a Certificate of the Proprietorship of such guaranteed Share to be delivered to such Person or Corporation, and such Certificate shall state that the same has reference to a guaranteed Share of the Capital Stock of the said *Edinburgh and Glasgow* Railway Company, and shall in other respects be in conformity with the Provisions and Regulations in regard to Certificates of Shares contained in the before-recited Acts of the *Edinburgh and Glasgow* Railway Company.

Proprietors of guaranteed Shares to have a Lien over the Wilsontown, Morningside, and Coltness Railway.

XV. And be it enacted, That the Holders of the aforesaid guaranteed Shares shall have a Lien over the said *Wilsontown, Morningside, and Coltness* Railway, and the Branches thereof and Works connected therewith, hereby transferred to the *Edinburgh and Glasgow* Railway Company, and whole Revenues thereof, for Payment to them of the aforesaid fixed Dividends on the said guaranteed Shares; but such Lien shall be postponed to any Security, Mortgage, or Bond already granted by the *Wilsontown, Morningside, and Coltness* Railway Company, or which may be granted by the *Edinburgh and Glasgow*

Glasgow Railway Company under the Powers herein contained, and shall not prejudice or affect the Rights of Parties holding Securities or Mortgages already granted by the *Wilsontown, Morningside, and Coltness* Railway Company, or the Right of the *Edinburgh and Glasgow* Railway Company to grant Securities or Mortgages under the Powers herein contained, or the Rights of Parties holding such Securities or Mortgages.

Payment of fixed Dividends may be enforced by Appointment of a Judicial Factor.

XVI. And be it enacted, That it shall be lawful for the Holders of the aforesaid guaranteed Shares to enforce Payment of the aforesaid fixed Dividends thereon by the Appointment of a Judicial Factor upon the said *Wilsontown, Morningside, and Coltness* Railway, and Branches and Works, hereby transferred to the *Edinburgh and Glasgow* Railway Company, in the Manner, or as nearly as may be in the Manner, provided by the Companies Clauses Consolidation (*Scotland*) Act, 1845, for enforcing the Payment of Arrears of Interest upon Mortgages granted by Joint Stock Companies; and in order to authorize the Appointment of such Judicial Factor the Number of guaranteed Shares held by the Parties applying for such Appointment, and the Dividends on which shall be in arrear, shall not be less than Two hundred, and the Period during which such Dividend shall be in arrear shall not be less than Three Months.

Proprietors of guaranteed Shares not entitled to participate further in Funds, &c. of Edinburgh and Glasgow Railway.

XVII. And be it enacted, That the Proprietors of the aforesaid guaranteed Shares shall not be entitled in respect thereof to participate in the Funds or Profits of the *Edinburgh and Glasgow* Railway Company to any greater Extent than the said fixed Dividends hereinbefore provided respectively, nor be liable for any of the Obligations of the said Company, nor shall the Possession of such Shares qualify the Proprietors thereof, or any of them, to be Directors of the said *Edinburgh and Glasgow* Railway Company, or to act or vote at any Meeting of the said Company; and it shall not be necessary for the said *Edinburgh and Glasgow* Railway Company, or for the Directors thereof, to offer to the Proprietors of such Shares any Portion of the Shares or Stock representing the Capital which they are or may be authorized to raise under the Powers of the Acts relating to the *Edinburgh and Glasgow* Railway, or of any Acts which may be passed in the present or any future Session of Parliament relating to such Railway, or of any Acts relating to any other Undertaking which has been or shall be acquired by or has been or shall be united or incorporated with the *Edinburgh and Glasgow* Railway.

Providing as to calling up of Capital of guaranteed Shares not yet fully paid.

XVIII. And whereas a Part only of the said Capital Stock of One hundred and seventy-five thousand Pounds already created has been called up and paid: Be it enacted, That it shall be lawful for the said *Edinburgh and Glasgow* Railway Company and they are hereby required to receive, realize, call up, and make payable the Part of the said Capital Stock as yet unpaid, and they shall have and possess the same Powers and Privileges in respect of the said unpaid Stock, and the calling up and receiving Payment of the Calls, as if their Name had been inserted in the Acts relating to the *Wilsontown, Morningside, and Coltness* Railway Company, in place and stead of that

that Company: Providing always, that nothing herein contained shall import or infer an Obligation on the *Edinburgh and Glasgow* Railway Company to call up the said Capital Stock of One hundred and seventy-five thousand Pounds, in so far as not called up previous to the passing of this Act, at earlier Dates than by quarterly Instalments of Ten *per Cent.* from the passing of this Act, nor, on the other hand, shall it be in the Power of the said *Edinburgh and Glasgow* Railway Company to postpone calling up the said Stock to later Dates, or to make the Instalments of smaller Amounts than Ten *per Cent.* each; with Power nevertheless to any Shareholder to pay up every or any Call in advance and before the Dates aforesaid, in which Case he will be entitled to Five *per Cent.* Interest, but not more, during the Period of Advance, at the Time when such Dividends become payable; and in no Case shall any Shareholder be entitled to the aforesaid Dividends, except upon and in proportion to the Amount of Calls actually paid by him.

Power to redeem guaranteed Shares.

XIX. And be it enacted, That it shall be lawful for the *Edinburgh and Glasgow* Railway Company at any Time after the passing of this Act to purchase up and redeem from the Proprietors thereof all or any of the Shares forming the said Portion of Capital Stock of One hundred and forty thousand Pounds, upon Payment to the Proprietors of such Shares of the Sum of Seventy-five Pounds for each such Share on which the Sum of Fifty Pounds has been fully paid up, and also to purchase up and redeem from the Proprietors thereof all or any of the Shares forming the said Portion of Capital Stock of Thirty-five thousand Pounds, upon Payment to the Proprietors of such Shares of the Sum of Fifty Pounds for each such Share on which that Amount has been fully paid up, with a Proportion of the Dividend due on such Shares respectively up to the Date of Redemption thereof, and upon Payment of such Prices respectively, or lawful Tender of the Amount thereof, and Consignment of the Amount in Bank by the said *Edinburgh and Glasgow* Railway Company, in the Name of the Proprietor of each such Shares respectively, the said Shares shall be cancelled and extinguished, and the Proprietors thereof shall have no further Right or Claim to any Dividend thereon; and for the Purposes aforesaid it shall be lawful for the *Edinburgh and Glasgow* Railway Company to raise Funds by the Creation of new Shares or Stock, or by borrowing, in the same Manner as is hereinafter provided.

Power to create further Shares.

XX. And whereas the uncreated Capital authorized to be raised by the said recited Acts relating to the said *Wilsontown, Morningside, and Coltness* Railway Company amounts to the Sum of One hundred and thirty thousand Pounds: Be it enacted, That it shall be lawful for the *Edinburgh and Glasgow* Railway Company from Time to Time to raise (in addition to the Sums which they are authorized to raise by any Act already passed, or which they may be authorized to raise by any other Act to be passed in the present Session of Parliament, and in addition to the aforesaid guaranteed Shares, and the Sums which they are herein-before authorized to raise,) any further Sum or Sums of Money not exceeding in the whole the Sum of One hundred and thirty thousand Pounds, by

the Creation of new Shares or Stock, upon such Terms, in such Manner, with the like Powers, and subject to the like Restrictions and Conditions as are contained in the before-recited Act relating to the *Edinburgh and Glasgow* Railway Company passed in the Seventh and Eighth Years of the Reign of Her present Majesty with respect to the raising of Money thereby authorized to be raised by Shares: Providing always, that it shall not be lawful for the *Edinburgh and Glasgow* Railway Company to call up the said Capital Stock of One hundred and thirty thousand Pounds at earlier Dates than by quarterly Instalments of Ten *per Cent.* each, nor in the Creation of such new Shares or Stock to guarantee Interest or give any Preference in the Receipt of Dividends upon or in respect thereof.

Limiting Amount of Shares to be created.

XXI. And be it enacted, That it shall not be lawful for the *Edinburgh and Glasgow* Railway Company, under any of the Powers of this Act, to raise in the whole a greater Amount of Capital than is authorized to be raised by the said recited Acts relating to the *Wilsontown, Morningside, and Coltness* Railway Company.

Power to borrow Money on Mortgage.

XXII. And be it enacted, That after the whole of the said Capital Stock of Three hundred and five thousand Pounds shall have been subscribed for, and One Half thereof, and of the Capital authorized to be raised by the said recited Acts relating to the *Edinburgh and Glasgow* Railway Company, shall have been paid up, it shall be lawful for the said *Edinburgh and Glasgow* Railway Company from Time to Time to borrow on Mortgage or Bond, and if paid up again to borrow, any Sum or Sums of Money not exceeding in the whole the Sum of One hundred and one thousand six hundred and sixty-six Pounds (inclusive of any Sums already borrowed and now owing by the *Wilsontown, Morningside, and Coltness* Railway Company in virtue of the said recited Acts relating to that Company, or any of them), in addition to the Amount which they are authorized to raise by any Act already passed, or which they may be authorized to raise by any other Act to be passed in the present Session of Parliament: Provided always, that nothing in this Act contained or to be done in virtue hereof shall prejudice or affect any Mortgage or Bond for Money heretofore borrowed under the Authority of the said recited Acts relating to the *Wilsontown, Morningside, and Coltness* Railway, or any of them, all which, and the Rights of the Holders thereof, are hereby saved and reserved entire.

Power to convert Loan into Capital.

XXIII. And be it enacted, That it shall be lawful for the said *Edinburgh and Glasgow* Railway Company, if they shall so think fit, to raise the Sums which they are authorized to borrow on Mortgage by this Act, or any Part thereof, by creating new Shares in the said *Edinburgh and Glasgow* Railway 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 by creating new Shares in 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 said *Edinburgh and Glasgow* Railway Company called for the Purpose.

Money to be raised to be applicable only to Purposes of Act.

XXIV. Provided always, and be it enacted, That the Money herein-before authorized to be raised, either by the Creation of Shares or Stock or by borrowing, shall be applicable only to the Objects and Purposes by this Act authorized.

Wilsontown, Morningside, and Coltness Railway Company dissolved.

XXV. And be it enacted, That from and after the passing of this Act, and subject to the Fulfilment and Performance of the Conditions and Provisions herein contained, the said *Wilsontown, Morningside, and Coltness* Railway Company shall be and the same is hereby dissolved, save and except so far as may be necessary for the Purposes of this Act; and the Tolls, Rates, and Duties granted by the said recited Acts relating to the *Wilsontown, Morningside, and Coltness* Railway Company, and so much of the other Provisions of the said Acts as are inconsistent with or otherwise provided for by this Act, shall be and the same are hereby repealed.

Tolls.

XXVI. And be it enacted, That it shall be lawful for the *Edinburgh and Glasgow* Railway Company to demand and recover any Tolls for the Use of the Railways and Branch Railways and Works authorized by the said recited Acts relating to the *Wilsontown, Morningside, and Coltness* Railway Company, not exceeding the following; (that is to say,)

Tonnage on Articles of Merchandize.

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

For all Coals, Coke, Culm, Charcoal, or Cinders, Stones for building, pitching, or paving, Limestone, Lime, Bricks, Slates, Tiles, Clay, Sand, Ironstone, calcined or raw, or Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, or any other similar Description of Wrought Iron or Iron Castings not manufactured into Utensils, *per* Ton *per* Mile One Penny; and if conveyed in Carriages, Waggons, or Trucks belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

For all Dung, Compost, and all Sorts of Manure, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile Two-pence; and if conveyed in Carriages, Waggons, or Trucks belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

For Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Three-pence; and if conveyed in Carriages, Waggons, or Trucks belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny:

For all Cotton and other Wools, Sugars, Drugs, manufactured Goods, and all other Wares, Merchandize, Fish, Articles, Matters, or Things, *per* Ton *per* Mile Four-pence; and if conveyed in Carriages, Waggons, or Trucks belonging to the Company, an additional Sum *per* Ton *per* Mile of One Penny Halfpenny:

For every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile Sixpence, and a Sum of Sixpence *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile of Four-pence for every Ton and Quarter of a Ton respectively which any such Carriage may weigh:

And for the Trouble occasioned by stopping or loading or unloading, or for the Use of any Wharf, Basin, Loading Place, or Station, excepting as after mentioned, such reasonable Sum as to the Company shall seem fit.

Tolls for Passengers and Cattle.

2. In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows:

For every Person conveyed in or upon any such Carriage, *per* Mile Two-pence; and if conveyed in any Carriage belonging to the Company, an additional Sum *per* Mile of One Penny:

For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any such Carriage, *per* Mile Four-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile of Two-pence:

For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile Two-pence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile of One Penny:

For every Calf, Pig, Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, *per* Mile One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per* Mile of One Halfpenny.

Tolls for propelling Power.

XXVII. And be it enacted, That the Tolls which the *Edinburgh and Glasgow* Railway Company may demand for the Use of Engines for drawing or propelling Carriages, Waggons, or Trucks shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods, Minerals, or other Articles of any Kind whatever, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Limiting Charge for Conveyance of Passengers.

XXVIII. And be it enacted, That it shall not be lawful for the *Edinburgh and Glasgow* Railway Company to demand or receive any greater Sum in respect of the Carriage of Passengers conveyed on the said Railway and Branches thereof than Three-pence *per* Passenger *per* Mile in respect of any Passenger travelling in a First-class Carriage, Two-pence *per* Passenger *per* Mile in respect of any Passenger travelling in a Second-class Carriage, and One Penny *per* Passenger *per* Mile in respect of any Passenger travelling in a Third-class Carriage, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance, unless in the Case of Passengers travelling by Special Trains.

XXIX. And

Passengers Luggage.

XXIX. And be it enacted, That every Passenger travelling upon the said Railway or Branches thereof may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, and Sixty Pounds in Weight for Second and Third Class Passengers, without any Charge being made for the Carriage thereof.

Limiting Charges for Conveyance of certain Goods, and for Cattle.

XXX. And be it enacted, That it shall not be lawful for the *Edinburgh and Glasgow* Railway Company to charge, in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals, hereafter mentioned, conveyed on the said Railway or Branches thereof, any greater Sum, including the Charges for the Use of Carriages, Waggons, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance (except a reasonable Charge for the Expense of stopping, or for loading or unloading, where such Service is performed by the Company,) than the several Sums hereafter mentioned; (that is to say,)

For Dung, and other Articles, Matters, and Things herein-before classed therewith, *per* Ton *per* Mile Two-pence:

For Grain, and other Articles, Matters, and Things herein-before classed therewith, *per* Ton *per* Mile Three-pence:

For Cotton, and other Articles, Matters, and Things herein-before classed therewith, *per* Ton *per* Mile Four-pence:

For every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile Seven-pence, and a Sum of Seven-pence *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, *per* Mile Five-pence:

For every Ox, Cow, Bull, or Neat Cattle, *per* Mile Three-pence:

For every Calf, Pig, Sheep, Lamb, or other small Animal, *per* Mile One Penny Halfpenny.

Limiting Charges for Conveyance of Coal, &c.

XXXI. And be it enacted, That it shall not be lawful for the *Edinburgh and Glasgow* Railway Company to charge in respect of Coals, and the several Articles, Matters, and Things herein-before classed therewith, conveyed on the said *Wilsontown, Morningside, and Coltness* Railway or Branches thereof, any greater Sum, including the Tolls and Charges for the Use of the Railway and Branches, and for the Use of Carriages, Waggons, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance, than the several Sums herein-after mentioned; (that is to say,)

If carried a less Distance than Eight Miles, Two-pence Halfpenny *per* Ton *per* Mile; and if carried Eight Miles or any greater Distance, Two-pence *per* Ton *per* Mile.

Providing for certain Charge on Coals, &c.

XXXII. And be it enacted, That for Coals, and the several Articles, Matters, and Things herein-before classed therewith, conveyed on the said *Wilsontown, Morningside, and Coltness* Railway or Branches thereof for a less Distance than One Mile, the Company may demand Tolls and Charges as for an entire Mile, and for Fractions of a Mile

beyond One Mile or any greater Number of Miles the Company may demand Tolls for such Fractions in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; but no Charge shall be made in respect of such Articles for the Expense of stopping to load or unload, nor for loading or unloading, when such Service is not required to be performed by the said Company, whatever Distance may be travelled, nor for the Use of any Wharf, Basin, Loading Place, or Station for the Purpose of loading or unloading, anything to the contrary in the recited Acts or any of them or this Act notwithstanding.

Regulations as to the Tolls.

XXXIII. And be it enacted, That, excepting as herein-before specially provided, the following Provisions and Regulations shall be applicable to the fixing of the Tolls, Rates, and Charges hereby granted; (that is to say,)

For Persons, Animals, or Goods, excepting Coals, and the several Articles, Matters, and Things herein-before classed therewith, conveyed on the Railway for a less Distance than Six Miles, the Company may demand and receive Tolls as for Six entire Miles:

For Fractions of a Mile beyond Six Miles or any greater Number of Miles the Company may demand Tolls for such Fractions in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers every Fraction of a Mile beyond an integral Number of Miles shall be deemed One Mile:

For Fractions of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles the Weight shall be determined according to the usual Avoirdupois Weight.

Tolls for small Parcels and Articles of great Weight.

XXXIV. And with respect to small Packages, and single Articles of great Weight, be it enacted, That the Company may lawfully demand the following Tolls; (that is to say,)

For the Carriage of small Parcels (that is to say, Parcels not exceeding Five hundred Pounds in Weight each,) the Company may demand any Sum which they think fit: Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages, and to Parcels not being aggregate Quantities of the same Description of Articles sent in the same Package:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Five Tons, but shall not exceed Seven Tons, the Company may demand such Sum as they think fit, not exceeding One Shilling *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Seven Tons, the Company may demand such Sum as they think fit.

Limiting Weights to be carried on Railway.

XXXV. And be it enacted, That no Carriage shall carry or bear at any One Time upon the Railway, excluding the Weight of such Carriage, more than the Weight of Five Tons, except any One Boiler, Cylinder, Bob, or Piece of Machinery, or any One Piece of Timber or Stone, or any other single Article; and no such excepted Article the Weight of which, including the Carriage, shall exceed Seven Tons, shall be carried upon the Railway without the special Licence of the Company.

Company to provide Engine and Waggons to convey Coals, &c., when required.

XXXVI. And be it enacted, That the *Edinburgh and Glasgow* Railway Company shall be bound, when required in Writing, to provide, within a reasonable Time, such sufficient Number of Locomotive Engines, Waggons, and Trucks, or Locomotive Engines alone, as may be required to convey the Coals, and several Articles, Matters, and Things herein-before classed therewith, at Rates not exceeding the maximum Rates herein-before mentioned in relation to such Coals, and other Articles classed therewith, as aforesaid; and in the event of any Dispute as to the Length of previous Notice which it may be reasonable to give to the said Company on behalf of any Party requiring such Locomotive Engines, Waggons, or Trucks, or the Sufficiency thereof for the Conveyance of such Traffic, the same shall be settled in the Manner provided by the Railways Clauses Consolidation (*Scotland*) Act, 1845, with respect to the Settlement of Disputes by Arbitration: Provided, however, that the Company shall not be bound to provide a Locomotive Engine and Waggons or Trucks for any Load less than Forty Tons.

As to the Use of Railway and Stations, &c. to Engines not belonging to the Company.

XXXVII. And whereas by the said Act passed in the Fourth and Fifth Years of the Reign of Her present Majesty, relating to the *Wilsontown, Morningside, and Coltness* Railway, certain Provisions are made in regard to Locomotive Engines and Waggons not belonging to the Railway Company being used upon the said *Wilsontown, Morningside, and Coltness* Railway: And whereas it is necessary to make additional Provisions for such Use of the said Railway and Branches thereof: Be it enacted, That all Parties, whether Companies or Individuals, using the said Railway and Branches, shall be entitled to use the same, with their or his own Engines and Waggons, upon Payment only of the Toll for the Use of the Line herein-before limited, such Engines and Waggons being always properly constructed; and in case of Difference between the *Edinburgh and Glasgow* Railway Company and the Owner of such Engines or Waggons on the Subject of the Construction or State of Repair thereof, the same shall be settled by Arbitration in the Manner provided by the Railways Clauses Consolidation (*Scotland*) Act, 1845, with respect to the Settlement of Disputes by Arbitration; and the said Company, besides giving the Use of the Line in respect of the Toll before mentioned, shall give the Use of the Stations, Sidings, Tanks, and Watering Places connected therewith, and shall afford every Accommodation to

Engines and Waggons belonging to other Companies or Persons which they shall for the Time afford to their own Engines and Waggons while in use on the Line; and in the event of any Dispute as to such Use of Stations, Sidings, Tanks, and Watering Places, or such Accommodation, the same shall be settled by Arbitration in manner aforesaid.

Interest not to be paid on Calls paid up.

XXXVIII. 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 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-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 Capital.

XXXIX. And be it enacted, That it shall not be lawful for the *Edinburgh and Glasgow* Railway Company, out of any Money by any Act or Acts relating to the said Company 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.

Railway 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., and 9 & 10 Vict. cc. 57. 105.

XL. And whereas an Act was 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*; and another Act was passed in the Third and Fourth Years of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was 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*; and another Act was 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*; and Two other Acts were passed in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the said Railways or the said *Edinburgh and Glasgow* Railway 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 Company so far as the same shall be applicable thereto, and not otherwise specially provided for by this Act.

XLI. And

Railways to be subject to Provisions of any future general Acts.

XLI. 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 the said *Edinburgh and Glasgow* Railway Company from the Provisions of any general Act relating to this and the said recited 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 authorized by this Act or by the said recited Acts.

Expenses of Act.

XLII. And be it enacted, That all the Costs, Charges, and Expenses of obtaining and passing this Act, or in any way incident thereto, shall be paid and defrayed by the *Edinburgh and Glasgow* Railway Company out of the Money already raised and received, or out of the first Monies to be raised and received by them, and in preference to any other Payment whatsoever.

Public Act.

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

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