ANNO SEXTO

GEORGII IV. REGIS.

Cap. clxix.

An Act for making and maintaining a Railway from the *Edinburgh* and *Glasgow* Union Canal, at or near *Ryal*, in the Parish of *Uphall*, to *Whitburn* and other Places, in the Counties of *Linlithgow* and *Lanark*. [22d *June* 1825.]

WHEREAS the making and maintaining a Railway or Tram-Road with Inclined Planes where the same may be necessary, for the Passage of Waggons or other Carriages from certain Coal and other Mines and Estates in the Parishes of *Shotts* in the County of *Lanark*, and *Whitburn*, *Bathgate*, *Livingstone*, and *Uphall*, in the County of *Linlithgow*, to *Ryal*, near to the Village of *Broxburn*, on the *Edinburgh* and *Glasgow* Union Canal; and the forming, making, and maintaining a Basin and Wharfs adjoining to and communicating with the said Canal, at or near *Ryal* aforesaid, will be of great local and public Utility, by opening an easy and cheap Means for the Conveyance of Coal, Lime, and Manure, in the Neighbourhood of such Railway, and of Coal and Iron Stone, and other Minerals, to the said Canal, from whence they may be carried to other Parts: And whereas the several Persons herein-after named are desirous, at their own Costs and Charges, to make and maintain the said Railway and other Works; but the same cannot be accomplished without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,

Subscribers incorporated.

poral, and Commons, in this present Parliament assembled, and by the Authority of the same, That Sir *William Baillie*, General *William Maxwell*, *Alexander Munro*, *Archibald Campbell*, Colonel *Robert Anstruther*, *William Henderson*, *John Taylor*, *George M'Callum*, *Claud Russell*, *Harry Davidson*, *Thomas Burns*, *James Gillespie Davidson*, Captain *Alexander Cheyne*, and all such other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is, are, or shall become a Subscriber or Subscribers to the said Undertaking, and their several and respective Successors, Executors, Administrators, and Assignees, shall be and are hereby united into a Company for carrying on, making, completing, and maintaining the said intended Railway and other Works, according to the Rules, Orders, and Directions herein-after mentioned, and shall for that Purpose be One Body Politic and Corporate, by the Name and Style of "The *West Lothian* Railway Company," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and also shall and may have Power and Authority to purchase and hold Lands, Tenements, and Heritages to them and their Successors and Assignees, for the Use of the said Railway, and for the several other Works hereby authorized to be made for the several Purposes herein mentioned, and also to sell any of the Lands, Tenements, or Heritages purchased for the Purposes aforesaid, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain, or any other Penalties, Forfeitures, and Disabilities.

Their Corporate Style.

Power to make the Railway, &c.

II. And be it further enacted, That the said Company shall be, and they are hereby authorized, by themselves, their Deputies, Agents, Officers, Workmen, Servants, and Assigns, to make, complete, and maintain a Railway or Tram Road, to be called "The *West Lothian* Railway," passable for Waggons and other Carriages, beginning on the Lands of *Wester Calder Head*, in the Parish of *Shotts*, leading to or passing through or by Coal Fields and Coal Works, Mines, and other Quarries, in the said Parishes of *Shotts* in the County of *Lanark*, and the Parishes of *Whitburn*, *Livingstone*, *Bathgate*, and *Uphall*, in the County of *Linlithgow*, to *Ryal* aforesaid, with Inclined Planes, Wharfs, and Depots where the same may be necessary; and for the Purposes aforesaid, the said Company of Proprietors, their Deputies, Servants, Agents, Surveyors, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of or belonging to any Person or Persons, Body or Bodies Politic, Corporate or Collegiate whatsoever, and to survey and take Levels of the same, or any Part thereof, and to set out, ascertain, and appropriate for the Purposes herein-before and herein-after mentioned such Parts thereof as they shall think necessary and proper for making the said Railway, Basin, Depots or Wharfs, with Roads of Communication as aforesaid, and all other Works, Tunnels, Matters, and Conveniences hereby authorized to be made; and also to bore, dig, cut, trench, get, remove, take, carry away, lay, use, and manufacture any Earth, Clay, Stone, Soil, Rubbish, Trees, (leaving such Trees for the Owner or Owners thereof,) Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the said Railway, Basin, Depots, Tunnel, or other Works, or out of the Lands or Grounds of or belonging to any Person or Persons, Bodies Politic, Corporate, or Collegiate, adjoining thereto, and which may be proper, requisite, or necessary for making, carrying

carrying on, continuing, maintaining, or repairing the said Railway, Basin, Depots and Wharfs, Tunnels, Roads of Communication, or other Works, or which may hinder, prevent, or obstruct the making, using, or completing, extending, or maintaining the same respectively according to the Intent and Meaning of this Act; also to make, build, alter, erect, widen, and set up, in, over, under, or upon the said Railway and other Works, the necessary Bridges over any Streams that may cross the Line of the said Railway, and such and so many Piers, Arches, Tunnels, and other Works, Posts, Ropes, and Chains, and Toll Houses, where and in such Manner as the said Company of Proprietors shall think necessary and convenient for the Purposes of the said Undertaking; and also to make, maintain, repair, and alter any Passages or Fences over, under, or through the said Railway; and also to make and set out proper Places for Waggons and other Carriages to turn, lie, or pass each other, as the said Company of Proprietors shall think convenient; and to construct, erect, alter, widen, and keep in repair any Piers, Arches, or other Works, in, upon, and across any Streams or Brooks, for the making, effecting, preserving, improving, completing, using, and maintaining and repairing of the said Railway and other Works, and to construct, erect, alter, make, and do all other Matters and Things which they shall think convenient or necessary for the making, effecting, altering, preserving, improving, completing, and using of the said Railway, Basin, Depots, Wharfs, Bridges, Tunnels, Roads of Communication, and other Works to be made or constructed in pursuance of and according to the true Intent and Meaning of this Act; they the said Company of Proprietors, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction in Manner herein-after mentioned to the Owners or Proprietors of, and all Persons interested in any Lands and other Heritages which shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisoes and Restrictions as herein-after mentioned and contained.

Ledges not to project above the Road.

III. Provided always, and be it further enacted, That where the said Railway shall cross or pass along any Turnpike Road or Public Path, or Highway, the Ledge or Flanch of such Railway shall be constructed so as not to project above the Surface of the Turnpike Road; nor shall the same be above Three-fourths of an Inch below the Level of such Road.

No House, Garden, &c. to be injured.

IV. Provided also, and be it enacted, That nothing herein contained shall authorize and empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage for the Purpose of the said Railway, or of the said Wharf, Depots, or other Works, or for any other the Purposes aforesaid, any House or other Building which was erected or built at or before the passing of this Act; or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Policies, Paddock, Planted Walk, or Avenue to a House, without the Consent in Writing of the Owners and Occupiers thereof, and Persons interested therein respectively.

V. Provided

In case of Injury to Roads.

V. Provided also, and be it further enacted, That in all Cases when in Exercise of the Powers hereby granted any Part of any Carriage or Horse Road, either Public or Private, shall be found necessary to be cut through, taken, or so much injured as to be impassable or inconvenient for Travellers or Carriages, or to the Persons entitled to the Use thereof, the said Company or their Successors shall, at their own Expence, before any such Road shall be cut through, taken, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road (as the Case may require) to be set out and made instead thereof, as convenient for Passengers and Carriages as the Road so to be cut through, taken, or injured as aforesaid, and as near thereto as may be, and shall cause the same to be put in good and substantial Order and Condition where the former Road cannot be more easily restored; and where the Road cut through or passed over shall be a Turnpike Road, the temporary Road shall be so made, and the principal Road restored within Twenty Days after the Commencement of the Operation; and the Railway where it shall cross such Turnpike Road shall be made and kept in Repair so as to prevent Inconvenience or Obstruction to the Passage along such Turnpike Road, all at the Sight and to the Satisfaction of the Trustees of such Road.

Map or Plan may be inspected.

VI. And whereas a Survey has been taken to ascertain the Practicability of making the said Railway or Tramroad; and a Map or Plan, with a Book of Reference thereto, containing Lists of the Names of the Owners or reputed Owners and Occupiers of the Lands through which the same is to be carried, has been deposited at the Office of the Clerks of the Peace for the Counties of *Lanark* and *Linlithgow* respectively; be it further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the respective Clerks of the Peace for the said Counties, to the End that all Persons shall have Liberty at all reasonable Times to resort to and examine or make Extracts from or Copies of the same as Occasion shall require, paying to the said Clerk of the Peace the Sum of Two Shillings and Sixpence for every such Inspection, and for Copies or Extracts from the said Books of Reference at the Rate of Sixpence for every Seventy-two Words; and the said Company, in making the said intended Railway or Tramroad, shall not deviate more than One hundred Yards from the Course and Direction delineated on the said Map or Plan, and set forth in the said Book of Reference.

Company not to deviate more than 100 Yards.

Lands of Persons omitted may be taken, if Omission proceeded from Mistake.

VII. Provided always, and be it further enacted, That the said Company of Proprietors may make the said Railway, Wharfs, Depots, and other Works, into, through, or across or over the Lands or Grounds of any Person or Persons who is, or are, or may be the Owner or Owners of Land over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more of the Justices of the Peace for the said Counties of *Lanark* or *Linlithgow*, to be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Breadth of Railway.

VIII. And be it further enacted, That the Lands and Grounds to be taken or used for the Purposes of this Act shall not exceed Fifteen Yards in Breadth, except in such Places where it shall be judged necessary for Waggons

Waggons or other Carriages to turn, lie, or pass each other, or for raising Embankments in crossing Vallies, or in deep Cuttings, and in those Places only such Breadth of Land as shall be absolutely necessary, or where any Warehouses, Cranes, or Weighbeams may be erected, or where any Places may be set out or appropriated for the Reception or Delivery of Minerals, Goods, and Commodities which shall be conveyed on the said Railway, and not above Sixty Yards in Breadth in any Place without the Consent in Writing of the Owners of the Lands or Heritages adjoining to the said Railway.

Incapacitated Persons and others may convey.

IX. And be it further enacted, That after any Lands, Grounds, or Heritages shall be set out and ascertained for making the said Railway or Wharfs, Depots, Roads of Communication, and other Works, or any Part or Parts thereof, and for providing and constructing the Wharfs and other Works and Conveniences herein-before authorized to be made, or any of them, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Heirs of Entail, Liferenters, Husbands, Tutors, and Curators, or other Guardians, Trustees for charitable and other Purposes, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of those for whom they are Guardians or Trustees, whether Infants, Minors, Issue unborn, Lunatics, Idiots, Married Women, or other Person or Persons, and to and for all Married Women who are or shall be seized, possessed of, or interested in their own Right, or entitled to Tierce or other Interest therein, and to and for all and every other Person or Persons whomsoever, who is or are or shall be seized, possessed of, or interested in any such Lands, Grounds, or Heritages, as last aforesaid, which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell and convey the same and every Part thereof to and in favour of the said Company of Proprietors; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in the Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever, so conveying as aforesaid, are hereby indemnified for what they shall respectively do by virtue or in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances so to be made as aforesaid shall be made at the Expence of the said Company of Proprietors, and shall be made according to the following Form; *videlicet*,

Form of Conveyance.

'I of in consideration of the Sum of to me paid 'by the Proprietors of the *West Lothian* Railway, do hereby grant and 'convey to the said Company of Proprietors all [*describing the Premises 'to be conveyed*], and all my Right, Title, and Interest in and to the 'same, and every Part thereof, to hold to the said Company of Proprietors and their Successors for ever, by virtue and according to the true 'Intent and Meaning of an Act passed in the Sixth Year of His 'present Majesty, intituled [*here set forth the Title of this Act*]; the said 'Premises to be holden blench of and under me, my Heirs and Successors, for the Payment of a Penny *Scots* if asked allenarly; and I 'consent to the Registration hereof in the Books of Council and Session, or others competent for Preservation, and thereto constitute 'my

‘ my Procurators. In
‘ witness whereof I have subscribed these Presents, written by
at this Day
‘ of before these Witnesses
‘ and ’

Which Conveyance being registered in Terms of the Clause of Registration therein contained, and recorded in the Register of Sasines of the County in which the Premises conveyed shall be situate, which the respective Keepers of the Registers in such Counties are hereby authorized and required to do, shall give and constitute a good and undoubted Right and Title to the said Company of Proprietors to the Premises therein described; any Law or Custom to the contrary notwithstanding.

Superiority not to be affected.

X. And be it further enacted, That the Rights and Titles to be granted in Manner above mentioned to the said Company of Proprietors to the Premises herein described shall not in any Measure affect or diminish the Right of Superiority of the same, but notwithstanding the said Conveyances the Rights of Superiority shall remain as before entire in the Persons granting the said Conveyances, and the Grounds so conveyed to the said Company of Proprietors shall not be liable for any Duties or Casualties to the Superiors.

Satisfaction to be made to Owners.

XI. And be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees, or other Person or Persons hereinbefore capacitated to sell or convey Lands or other Heritages, and any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Heritages through, in, or upon which the said Railway, Bridges, Roads of Communication, or other Works hereby authorized shall be made, may accept and receive Satisfaction for the Value of such Lands and Heritages, and for the Damages to be sustained by making and completing the said Works, in gross Sums; and in case the said Company of Proprietors and the Parties interested in such Lands or other Heritages cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled in such Manner, and subject to such Verdict of a Jury, if required, as herein-after directed.

In case of Disagreement as to Price, &c. a Jury to be summoned.

XII. And be it further enacted, That in case of any Difference of Opinion between the said Company of Proprietors or their Agents and any Bodies Politic, Corporate, or Collegiate, Guardians, Trustees, or other Person or Persons interested or entitled to any Lands or Heritages, relative to the Price or Value, Damages or Recompence to be given for any Lands or Heritages to be taken or used for the Purposes of this Act; and in case such Price, Value, Damages, or Recompence cannot be settled, adjusted, and agreed for, by and between the said Company of Proprietors or their Agents, and such Proprietors of and Persons interested in the said Lands or Heritages; or if any such Bodies Politic, Corporate, or Collegiate, Guardians, Trustees, or any other Person or Persons interested or entitled as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money or such Recompence as shall be offered to be paid by such Company of Proprietors, or shall, upon Notice in Writing given to the Principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate, or to such Guardian or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her,

her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands or Heritages, for the Space of Fourteen Days next after such Notice neglect or refuse to treat, or shall not agree with the said Company of Proprietors, or by reason of Absence shall be prevented from treating, or through Disability cannot treat for themselves, or make such Agreement as shall be convenient for promoting the said Undertaking, or shall not produce and evince a clear Title to the Premises of which they are or shall be in Possession, or to the Interest which they claim therein, then and in every such Case the said Company of Proprietors, or the said Bodies Politic, Corporate, or Collegiate, Guardians, Trustees, or other Person or Persons interested in or entitled to such Lands or Heritages, shall be and they are hereby respectively empowered and required from Time to Time to make Application in Writing to the Sheriff Depute or Substitute of the said County, where the Lands or other Subjects in question shall lie, to proceed therein as hereinafter mentioned; and the said Sheriff Depute or Substitute is thereupon accordingly hereby required to impannel, summon, and return a Jury of Twenty-four Persons in the Manner in which Juries are impannelled, summoned, and returned in *Scotland*, to meet at such Time and Place as in the Warrant or Warrants to be issued in that Behalf shall be appointed, not being less than Nine nor more than Twenty Days after such Application or Applications shall be made to the said Sheriff Depute or Substitute; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, the said Sheriff Depute or Substitute shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend the Service, to make up the said Jury to the Number of Twelve; and all Persons concerned may have their lawful Challenges or Exceptions against any of the said Jurymen; and the said Sheriff Depute or Substitute are hereby empowered and obliged to summon and call before them all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matter in question by or before any Jury or Juries as aforesaid; and the said Sheriff Depute or Substitute may order and authorize the said Jury or any Three or more of them to view the Place or Places or Matters in controversy, which Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff Depute or Substitute is hereby empowered to administer,) shall enquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands and Heritages, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid, and shall assess separate Damages for the same, and the said Sheriff Depute or Substitute shall give Judgment for such Purchase Monies or Recompence to be assessed by such Juries; which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be signed by the said Sheriff Depute or Substitute, and shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever, without being subject to Reduction, Advocation, or Suspension, or to any Question or Review in any Way whatsoever.

Penalty on Sheriffs, &c. for Neglect.

XIII. And be it further enacted, That if such Sheriff Depute or Substitute shall make Default in the Premises, he shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds; and if any Person

Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to give in his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act; or if any Person so summoned to give Evidence, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, shall not appear, or appearing shall refuse to be sworn and examined to give Evidence, every Person so offending, having no reasonable Excuse to be allowed by the said Sheriff Depute or Substitute, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Expences of Jury how to be paid.

XIV. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have previously been offered for or on behalf of the said Company of Proprietors as a Recompence or Satisfaction for any such Lands, Tenements, or Heritages as aforesaid, or any such Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person or Persons as aforesaid, all the Costs and Charges incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Company of Proprietors out of the Monies to be raised by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Fourteen Days after Demand made thereof from the said Company of Proprietors, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Company of Proprietors, or of any Goods or Chattels of the Treasurer or Treasurers of the said Company of Proprietors, unless such Treasurer or Treasurers shall pay such Costs and Charges out of the Monies received by him by virtue of this Act, which he is hereby authorized to do, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said Counties of *Lanark* or *Linlithgow*, which Warrant any such Justice is hereby authorized and required to issue under his Hand and Seal on Application made to him for that Purpose by the Party or Person entitled to receive such Costs and Expences; and in every Case where a Verdict shall begiven by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Company of Proprietors as such Recompence or Satisfaction as aforesaid, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat or agree as before mentioned, and by the said Company of Proprietors; but in Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Company of Proprietors, the Costs and Charges so incurred shall be borne by the said Company of Proprietors in manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges, the same shall be settled and ascertained by any Justice of the Peace for the said Counties of *Lanark* or *Linlithgow*, not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where the Costs shall be payable by the Party or Parties having had such Disagreement or Dispute with the said Company of Proprietors as aforesaid, the Amount thereof, having been first paid by the said Company of Proprietors, may be deducted by them out of the Monies

Monies awarded to be paid to such Party or Parties, as so much Money advanced for his, her, or their Use, and the Payment or Tender of the Balance of such Money shall be deemed and taken to all Intents and Purposes whatsoever to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs and Charges be not paid upon Demand after being so ascertained as aforesaid, the same may be recovered by the said Company of Proprietors from the Party or Parties liable to the Payment thereof by Action in any competent Court in *Scotland*, together with full Costs of Suit.

Persons desiring a Jury to give Security.

XV. And be it further enacted, That all and every Person or Persons making Application for or requesting such Jury, shall enter into a Bond with sufficient Sureties to the Clerk or Treasurer for the Time being of the said Company of Proprietors, in the Penalty of One hundred Pounds, or in such other Penalty as the Sheriff of the County shall appoint, not exceeding the Sum of One hundred Pounds, to prosecute his, her, or their Application, and to bear and pay his, her, or their Proportion of the Costs and Expences of summoning such Jury and taking such Inquest, in the Proportion and Manner herein-before mentioned: Provided always, that the said Sheriff Depute or Substitute shall not be obliged by virtue of this Act to receive or take Notice of any Application or Applications to be made by any Person or Persons whomsoever, for any Damage or Injury by him or them sustained, or supposed to be sustained, in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing hath been or shall be given in relation thereto, by or on behalf of such Person or Persons, to the said Company of Proprietors or to their Clerk, within the Space of Six Calendar Months next after the Time such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Juries to distinguish between Value and Damage.

XVI. And be it further enacted, That the said Juries respectively shall award all Determinations and Verdicts which they shall respectively make and give in the Execution of the Powers hereby vested in them, concerning the Value of Lands or Heritages, separately and distinctly from the Consideration of any other Damages sustained or to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Lands and other Heritages, and the Money assessed or adjudged for such Damages, having Regard to any Damage that may be sustained by any Owner or Occupier of Land, by and through his or her being excluded from the Right of passing Cattle along the said Railway, the same being made through his or her Land as aforesaid, separately and apart from each other.

Persons giving false Evidence to be prosecuted.

XVII. And be it further enacted, That every such Jury and Juryman as aforesaid shall be under and subject to the same Regulations, Pains, and Penalties, as if such Jury or Juryman had been returned to pass upon any Justiciary Trial in *Scotland*; and that all and every Person and Persons who, in any Examination to be taken by virtue of this Act, shall wilfully and corruptly give false Evidence before any such Jury as aforesaid, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishments and Disqualifications as any Person or Persons can or may be subject to for wilful and corrupt Perjury

Perjury by the Laws or Statutes of that Part of the United Kingdom called *Scotland*.

Verdicts to be recorded.

XVIII. And be it further enacted, That all the Verdicts of the Juries, and the Judgments of the said Sheriff Depute or Substitute thereon as aforesaid, shall be transmitted to and kept by the Sheriff Clerk of the County in which such Verdict was given, and shall be deemed Records to all Intents and Purposes; and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for each Inspection the Sum of Two Shillings and Sixpence, and no more, and to take Copies thereof or Extracts therefrom, paying for every Copy or Extract after the Rate of Sixpence for every Seventy-two Words.

Lands, &c. vested in Company on Payment or Tender of Purchase Money.

XIX. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed for by a Jury, in the Manner herein-before provided, for the Purchase of any Lands or Heritages to be taken for the Purposes of this Act, or as a Recompence for the Yearly Produce or Profits thereof, or as a Compensation for Damages, as herein-before mentioned, within Three Calendar Months after the same shall have been contracted for, agreed for, or assessed, to the Proprietor or Proprietors of such Lands or Premises, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, at any Time within Ten Days after the same shall have been actually so agreed for, determined, or assessed; or if the Person or Persons so entitled or interested, or any of them, shall not be able to make a good Title thereto to the Satisfaction of the said Company, or cannot be found, or shall refuse to receive the same, or execute such Conveyances, then, upon the Payment of the said Sum or Sums of Money into the Bank of *Scotland*, the Royal Bank of *Scotland*, or the *British* Linen Company, as the Case may be, in the Manner by this Act directed, for the Use of such Person or Persons so interested or entitled as aforesaid, then and in all or any of the said Cases, as often as the same shall happen, it shall be lawful for the said Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon such Lands or Heritages respectively; and then and thereupon such Lands or Heritages, together with the Yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company of Proprietors and their Successors, to and for the Purpose of this Act for ever; and such Payment, Tender, Investment, or Deposit, shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Terce of the Wife of every such Person, and all Estates Entail, and other Estates of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, Investment, or Deposit aforesaid shall have been made, it shall not be lawful for the said Company of Proprietors, or any Persons acting under their Authority, to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment, for the Purpose of making the said Railway or other Works, without the Consent in Writing of such Person or Persons respectively.

XX. And

Application of Compensation Money, when exceeding 200*l.*

XX. And be it further enacted, That if any Monies shall be agreed or awarded to be paid for any Lands or Heritages purchased, taken, or used for the Purposes of this Act, which shall belong to any Corporation, Married Woman, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity, such Monies shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid under the Direction and by the Authority of the Court of Session, into the Bank of *Scotland*, Royal Bank of *Scotland*, or the *British* Linen Company, and without Fee or Reward, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Heritages, in the Purchase of the said Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorize to be paid, affecting the same Lands or Heritages, or affecting other Lands or Heritages standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands or Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made, the Interest or Annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Heritages so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where less than 200*l.* and not less than 20*l.*

XXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used, or of his, her, or their Guardian or Guardians in case of Infancy or Lunacy, to be signified in Writing under their respective Hands) be paid into one of the said Banks, and shall be ordered to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option and approved of by the said Company of Proprietors (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such principal Money and the Interest arising thereon may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

XXII. Pro-

Application when less than 20*l.*

XXII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person who would for the Time being have been entitled to the Rents and Profits of the Lands or Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Company of Proprietors shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, to and for the Use or Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, or if the Person entitled cannot be found, Purchase Money to be paid into Bank.

XXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands or Heritages to be purchased by virtue of this Act, for the Purposes aforesaid, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Company of Proprietors, or in case the Person or Persons to whom any such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Company of Proprietors, or any Three or more of them, to order the Sum and Sums of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, Royal Bank of *Scotland*, or *British* Linen Company respectively, as the Case may be, in Manner as respectively before directed, to the Credit of the Parties interested in the said Lands or Heritages (describing them, if they are known, and if they are not known, then generally to the Credit of the Parties interested in the said Lands or Heritages, without any Description of them), subject to the Order, Controul, and Disposition of the said Court of Session; which said Court, or either of the Divisions thereof, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof, by Petition, shall be and are hereby empowered, in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British* Linen Company respectively, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into such Bank or Banks as aforesaid.

Where Questions arise touching the Title to such Money.

XXIV. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into any such Bank as aforesaid in pursuance of this Act, for the Purchase of any Lands or Heritages, or of any Estate, Right, or Interest in any Lands or Heritages to be purchased in pursuance thereof, or to any Interest of such Money, the Person or Persons who shall have been in Possession of the Lands or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Heritages according to such Possession, until the contrary shall be shewn to the Satisfaction of the Court of Session; and the Interest of such Money, and also the principal Sums, shall be paid,

paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful one, and that some other Person or Persons was or were lawfully entitled to such Lands or Heritages, or to some Estate or Interest therein.

Court may order Payment of Expences.

XXV. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands or Heritages to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into any of the said Banks, and to be applied to the Purchase of other Lands or Heritages, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court of Session to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

For paying off Incumbrances on Lands taken by the Company.

XXVI. And be it further enacted, That in case any Lands or Heritages to be taken or used for the Purposes of this Act shall happen to be burthened with any heritable Debt to any Person or Persons, it shall be lawful for the said Company of Proprietors, upon Application made to them by such heritable Creditors, and the said Company of Proprietors are hereby authorized and required, to pay such Sum or Sums of Money agreed for and adjusted or assessed in Manner aforesaid, for such Lands burthened with heritable Debts, to such heritable Creditors, in Part of the Principal Money due on such heritable Debts: Provided always, that upon Receipt of such Sum or Sums such heritable Creditors shall acknowledge the Receipt of such Sum or Sums of Money, either by Indorsement to be made upon the Security for such heritable Debts, and signed by such heritable Creditor in the Presence of Two or more credible Witnesses, in Satisfaction of so much of the Principal Money due upon such heritable Debts, or otherwise by such other Receipt, Acknowledgement, or Discharge for such Payment as shall by the Law of *Scotland* be good and effectual to the Debtor.

The whole of Expence subscribed.

XXVII. And whereas the probable Expence of making the said Railway and other Works hereby authorized to be made will, according to an Estimate thereof, amount to the Sum of Thirty-six thousand five hundred and eighty-three Pounds Fifteen Shillings and Four-pence; and the Sum of Forty thousand seven hundred Pounds has been already subscribed for defraying such Expences, under a Contract, binding the Subscribers, their Heirs, Executors, and Administrators, for Payment of the several Sums of Money so subscribed by them respectively; be it therefore enacted, That it shall be lawful for the said Company of Proprietors to proceed in the Execution of this Act.

Application of the Money to be raised.

XXVIII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors to apply a competent Sum of Money for making and maintaining the said Railway, and other Works and Conveniences belonging or requisite thereto, not exceeding in the whole the said Sum of Forty thousand seven hundred Pounds, which said Sum of

Money shall be laid out and applied, in the first Place, in discharging the Charges and Expences of obtaining and passing this Act, and of making the Surveys, Plans, and Estimates, and doing and providing all Matters and Things preparatory and previous thereto; and then in making, completing, and maintaining the said Railway, and other requisite Works and Conveniences for putting this Act into Execution; and the said Sum of Forty thousand seven hundred Pounds, or so much thereof as shall be so raised and contributed, shall be divided into Shares of Fifty Pounds each, and the said Shares shall be and are hereby vested in the several Persons so raising and contributing the same, and their several and respective Executors, Administrators, Successors, and Assignees, to them and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute; and all Bodies Politic, Corporate, or Collegiate, and all Persons, and their several and respective Successors, Executors, Administrators, and Assignees, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Undertaking, shall be entitled to and receive, after the said Railway shall be completed, the entire and net Distribution of an equal and proportionable Part, according to the Money so by them respectively paid, of the Profits and Advantages which shall or may arise and accrue from the Rates and other Sums of Money to be raised, recovered, or received by the said Company by the Authority of this Act; and every Body Politic, Corporate, or Collegiate, Person and Persons, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same, in Manner herein directed and appointed.

No Person answerable for more than his Stock.

XXIX. Provided always, and be it enacted, That nothing herein contained shall extend to charge or make liable any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is, are, or shall be Proprietor or Proprietors of the Stock of the said Company, or Contributor or Contributors thereto, in his, her, or their Real or Personal Estate, with or for any Debt or Demand whatever due or to become due from or by the said Company, or in anyways relating to the said Undertaking, beyond the Extent of his, her, or their Stock, or Share or Shares in the Capital Stock of the said Company; any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

Shares to be Personal Estate.

XXX. And be it further enacted, That the Shares and Proportions of all Bodies Politic, Corporate, and Collegiate, and all other Persons, of and in the said Railway, or the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property.

Certificates of the Shares to be delivered to the Proprietors.

XXXI. And for the better securing of the several Proprietors of the said Undertaking their respective Shares therein, be it further enacted, That the said Company of Proprietors shall and they are hereby required, at the First or some subsequent General Assembly, to cause the Names and proper Additions of the several Persons who shall then be entitled to the Shares in the said Undertaking, with the Amount of all the Subscriptions which they are then entitled to hold, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company of Proprietors, and

and after such Entry is made, to cause their Common Seal to be affixed thereto, and to cause a Certificate or Instrument, with the Common Seal of the said Company of Proprietors affixed thereto, to be delivered to every such Subscriber upon Demand, specifying the Share or Shares to which he or she is entitled in the said Undertaking, every such Proprietor paying the Clerk Two Shillings and Sixpence and no more for every such Certificate or Instrument; and such Certificate or Instrument shall be admitted in all Courts whatever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified, but the Want of such Certificate or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof, and which said Certificate or Instrument may be in the Words or to the following Effect; *videlicet*,

'The *West Lothian* Railway Company.

'THESE are to certify, That is a Proprietor 'of Shares of the *West Lothian* Railway, subject to the 'Rules, Regulations, and Orders of the said Company of Proprietors; and 'the said his or her Executors, Administrators, [*or* Successors,] and Assigns, is and are entitled to the Profits 'and Advantages of such Share. Given under the Common Seal of the 'said Company the Day of in the Year 'of our Lord .' Form of Certificate.

XXXII. And be it further enacted, That all and every Body Politic, Corporate, or Collegiate, and every Person who shall by virtue of this Act have subscribed or undertaken for Four Shares in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, present at the General Assemblies of the said Company to be held as herein-after appointed, shall have One Vote for every Four Shares, but not exceeding Ten Votes in the whole, although possessed of more than Forty Shares in the said Undertaking; and every Body Politic, Corporate, or Collegiate, and every Person who shall by virtue of this Act have subscribed or undertaken for Four Shares in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, or Assigns, who cannot attend such General Meetings, shall have a Vote for every such Four Shares, but not exceeding Ten Votes in the whole, although possessed of more than Forty Shares in the said Undertaking, by their, his, or her Proxy, constituted under the Seal of such Body Politic, Corporate, or Collegiate, or under the Hand of such other Person, or in case of Infancy under the Hand or Hands of his, her, or their Guardian or Guardians; and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if such Principal had voted in Person, and being an Infant had been of full Age, such Proxy being entitled to vote in his own Right as a Proprietor in the said Undertaking; and every Question, Matter, or Thing which shall be proposed, discussed, or considered in any General Assembly of the said Company shall be determined by the Majority of Votes of Proprietors and Proxies then present, provided that no Person shall be Proxy for more than Ten absent Proprietors; the Appointment of which Proxies shall and may be made in the Words or to the Effect following, (varying the same so as to meet each particular Case); *videlicet*, Subscribers to have a Vote for every Four Shares, not exceeding Forty Shares.

'I *A. B.*

Form of Appointment of Proxies.

'I *A. B.* One of the Proprietors
'[*or*, we *A. B.* and *C. D.* Guardians of
'One of the Proprietors] of the *West Lothian* Railway Company, do
'hereby nominate, constitute, and appoint
'to be my [*or* his, *or* her] Proxy, in my [*or* his, *or* her]
'Absence to vote and give my [*or* his, *or* her] Assent or Dissent to any
'Business, Matter, or Thing relating to the said Undertaking which
'shall be mentioned or proposed at any Assembly of the Company of
'Proprietors of the said Undertaking, in such Manner as he the said
'shall think proper, according to his Opinion
'and Judgment, for the Benefit of the same, or any thing appertaining
'thereto. In witness whereof I [*or* we] have hereunto set my Hand [*or*
'our Hands] the Day of in the
'Year of our Lord .'

Proprietors may raise an additional Sum, if necessary, by Assignment of the Rates.

XXXIII. And be it further enacted, That in case the said Sum of Forty thousand seven hundred Pounds herein-before authorized to be raised shall be found insufficient for making, completing, and maintaining the said Railway and other Works hereby authorized to be made, and defraying all necessary Charges and Expences relating thereto, then and in such Case it shall and may be lawful to and for the said Company to borrow a further Sum, not exceeding Twenty thousand Pounds, on the Credit of the said Railway and other Works, and to assign the Property of the said Undertaking, and the Rates arising or to arise to the said Company by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rates,) as a Security for any Sum or Sums of Money so to be borrowed with Interest, to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance the same; all which said Assignments shall be made under the Common Seal of the said Company, signed by Three Members of the Committee of Management, and countersigned by the Clerk, in the following Form, or in other Words to the same Effect; (that is to say),

Form of Assignment.

'BY virtue of an Act passed in the Sixth Year of the Reign of King
'*George* the Fourth, intituled [*here insert the Title of this Act*], we the
'*West Lothian* Railway Company, incorporated by and under the said
'Act, and by Authority of a General Meeting held upon
'in consideration of the Sum of
'to us paid by do
'hereby assign unto the said his [*or* her]
'Executors, Administrators, and Assigns, the said Undertaking, and all
'and singular the Rates arising by virtue of the said Act, and all our
'Estate, Right, Title, and Interest of and in the same, to hold unto the
'said his [*or* her] Executors, Administrators,
'and Assigns, until the said Sum of with Interest
'for the same after the Rate of for every
'for a Year, shall be fully paid and satisfied. In witness whereof these
'Presents (written by) are sealed with the Com-
'pany's Seal, subscribed by Three Members of the Committee of
'Management, and countersigned by the Clerk of the said Company, at
'*Edinburgh*, the Day of before
'these Witnesses .'

XXXIV. And

Assignees to be entitled equally.

XXXIV. And be it further enacted, That all Persons to whom any such Assignment shall be made shall be equally entitled one with the other to their Proportions of the said Rates and Premises, according to the respective Sums in such Assignment mentioned to be advanced, without any Preference by reason of Priority of any such Assignment, or on any other Account; and a Memorial of every such Assignment, containing the Date thereof, the Name or Names and Addition or Additions of the Person or Persons to whom made, the Sum of Money borrowed, and the Rate of Interest payable thereby, shall, within Thirty Days of the Date of every such Assignment, be entered in One or more Book or Books to be kept by the Clerk of the said Company; which Book or Books shall and may be perused at all seasonable Times by any of the Proprietors of the said Company, and any other Persons interested in such Assignments, without Fee or Reward; and the Person or Persons to whom such Assignments shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may, from Time to Time, transfer his, her, or their Right or Interest therein to any Person or Persons by Writing under his, her, or their Hand or Hands, in the following Form, or in Words to the same Effect; *videlicet*,

Form of Transfer of Assignment.

'I [*or* We] in Consideration of
'the Sum of paid to me
'by , do hereby transfer a
'certain Assignment made by the *West Lothian* Railway Company to
' , bearing Date the
'Day of , for securing the Sum of
' and Interest, and all my [*or* our] Right and
'Property therein, to the said his
'[*or* her] Executors, Administrators, and Assigns. In witness whereof
'I [*or* we] have subscribed these Presents, (written by)
'at the Day
'of , before these Witnesses .'

And every such Transfer shall, within Thirty Days after the Date thereof, be produced to the Clerk of the said Company, who shall cause a Memorial to be made thereof in like Manner as of the original Assignment or Security, (for which he shall be paid the Sum of Two Shillings and Sixpence and no more); and every such Entry made of such Transfer shall from thenceforth entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Security or Assignment, and to the Money thereby secured; and the Interest of the Money which shall be borrowed or raised as aforesaid shall be provided for and paid Half-yearly, to the several Persons entitled thereto, before any Yearly or other Interest or Dividends to the Proprietors of the said Company or any of them shall be paid, made, or divided: Provided always, that no Person to whom any such Security or Assignment shall be made or transferred as aforesaid, shall be deemed a Proprietor of any Share, or shall be capable of acting or voting as such, either as Principal or by Proxy, at any Meeting of the said Company of Proprietors, for or on account of his or her having lent or advanced any Sum or Sums on the Credit of such Security or Assignment.

Creditors not to vote.

First and other General Assemblies.

XXXV. And be it further enacted, That the First General Assembly of the said Company for putting this Act into Execution shall be held in

in the City of *Edinburgh* upon the First *Tuesday* in the Month of *August* One thousand eight hundred and twenty-five; and General Assemblies of the said Company shall be held on the First *Tuesday* in the Month of *April* in every Year in the said City; of all which Annual General Assemblies, after the First, Twenty Days previous Notice at the least shall be given by public Advertisement, inserted at least Twice in One of the *Edinburgh* and One of the *Glasgow* Newspapers; and the said Company at the said First and all Annual Special or adjourned General Assemblies may adjourn the same from Time to Time, to such Time and Place within the said City as they shall think fit, and shall at all such General Assemblies appoint a Proprietor present, possessed of at least Ten Shares in the said Undertaking, to be Chairman, and such Chairman shall not only be entitled to vote as a Proprietor and Proxy (if he shall hold any Proxy), but in case of an Equality of Votes, shall have the decisive or casting Vote; and if upon any Election of a Chairman, Two or more Persons shall be proposed to fill that Office, and shall have an equal Number of Votes, then the Persons so proposed shall draw Lots for the same: Provided that no Person or Persons, or Body Politic or Corporate, shall be entitled to vote at any such General Assembly in Person or by Proxy, or to be elected a Member of the Committee of Management to be appointed in Manner hereinafter mentioned, unless he, she, or they shall have paid all the Calls on his, her, or their Subscription made and payable previous to such General Assembly.

General Assemblies to consist of Proprietors, or Proxies of Proprietors, holding 300 Shares.

XXXVI. Provided always, and be it further enacted, That if at such First or any Annual, Special, or adjourned General Assembly, there shall not be Persons present as Principals and Proxies who shall be possessed of or entitled to Three hundred Shares in the said Undertaking, no Business shall be done at any such General Assembly; but the same shall be adjourned, and there shall be another General Assembly of the said Company upon that Day Fortnight, and so from Time to Time until there be Persons present at such General Assembly having as Principals and Proxies such Number of Shares as aforesaid; and of every such adjourned General Assembly Ten Days Notice shall be given by Advertisement at least Twice in one of the *Edinburgh* and *Glasgow* Newspapers.

Special General Assemblies may be convened.

XXXVII. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act into Execution a Special General Assembly of the said Company is necessary to be holden, it shall and may be lawful to and for any Number of the said Proprietors who shall be possessed of or entitled to Two hundred Shares in the said Undertaking, by a Writing under their Hands, specifying the Purpose thereof, to call such Special General Assembly, by giving Three Weeks Notice thereof by Advertisement, to be inserted at least Twice in One of the *Edinburgh* and *Glasgow* Newspapers, or in such other Manner as the said Company shall at any General Assembly direct or appoint, specifying in such Notice the Reason and Purpose of calling such Special General Assembly, and the Time when and Place within the City of *Edinburgh* where the same shall be holden; and the said Proprietors are hereby authorized to meet pursuant to such Notice; and such of them as shall be present personally or by Proxy, provided that they shall be possessed of Three hundred Shares, shall proceed to the Execution of the Powers by this Act given to the said Company, with respect

respect to the Matter so specified only; and all such Acts of the Proprietors, or of the major Part of them, voting according to the Number of Shares before specified, met together at such Special General Assembly, shall be as valid, with respect to the Matter specified in such Notice, as if the same had been done by any General Assembly appointed by this Act.

General Assemblies to make Bye Laws.

XXXVIII. And be it further enacted, That the said Company shall also have full Power and Authority from Time to Time, at any General Assembly to be held as aforesaid, to make such Rules, Orders, and Bye Laws as to them shall seem meet and proper for the good Government of the said Company of Proprietors, their Agents and Workmen, for making, maintaining, and using the said Railway or other Works, and all other Conveniences, Matters, and Things that shall be made for the same, and also for and concerning all such Carriages, Minerals, Goods, and Commodities as shall be conveyed thereon, and also for the well-governing of all Persons who shall be employed in the conveying of any Minerals, Goods, and Commodities, and other Articles and Things, upon any Part of the said Railway or other Works, and from Time to Time to alter and repeal, and again to renew such Bye Laws, Orders, and Regulations, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same as to the major Part of such General Meetings shall seem meet, not exceeding the Sum of Five Pounds for any One Offence; such Fines and Forfeitures to be levied and recovered by such Ways and Means as herein-after mentioned; which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company of Proprietors, shall be distinctly and legibly printed upon Boards, and affixed upon the several Toll Houses to be erected upon the said Railway and Wharfs, and shall, when worn out, defaced, or obliterated, be from Time to Time repainted and renewed; and such Bye Laws shall be binding upon, and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided they be not repugnant to the Laws of *Scotland*, or any Directions in this Act contained.

Penalty on defacing Boards.

XXXIX. And be it further enacted, That if any Person or Persons shall wilfully or maliciously pull down, deface, or destroy any Board whereon such Rules or Bye Laws shall be painted, he, she, or they shall upon Conviction for each Offence forfeit and pay to the said Company a Sum not exceeding Five Pounds, to be levied and applied as other Penalties are by this Act directed to be levied and applied.

Committee may call Special General Assemblies.

XL. And be it further enacted, That if it shall at any Time appear to the Committee of Management to be appointed in Manner herein-after mentioned, to be necessary or expedient to call a Special General Assembly of Proprietors for the more effectually putting this Act into Execution, or in order to take their Opinion or Directions respecting any Matter or Thing to be done in or about the said Undertaking, it shall be lawful for the said Committee of Management, by their Chairman, pursuant to an Order or Resolution for that Purpose to be made at any Meeting of the said Committee, to call such Special General Assembly of the Proprietors by Public Advertisement in One of the *Edinburgh* and *Glasgow* Newspapers, specifying the Cause of calling such Special General Assembly of

of the Proprietors, and the Time and Place within the City of *Edinburgh* when and where the same shall be held, the Time not being less than Twenty-one Days after such Notice shall be given; and the said Company are hereby authorized and required to meet pursuant to such Notice, and to take into Consideration the Matters to be submitted to them by the Committee of Management and specified in such Notice; and the Decision and Determination of the Proprietors present at such Special General Assembly constituted in Manner foresaid, or the major Part of them, according to the Number of Votes they shall have a Right to give as Principals and Proxies respecting such Matters, shall be binding and conclusive upon the Rest of the Proprietors to all Intents and Purposes, and shall be observed and acted upon accordingly.

Committee of Management to be appointed.

XLI. And be it further enacted, That the said Company of Proprietors at their First General Assembly, and at their subsequent Annual General Assemblies, together with such Proxies as shall be then present, shall choose and elect out of such of the said Proprietors as at the Time of such Election shall respectively be possessed in their own Right of Stock to the Amount of Ten Shares at the least in the said Undertaking, a Committee to manage the Affairs of the said Company of Proprietors as herein directed, and to consist of Seven or more Persons, Three of whom shall at all Meetings of the Committee be a Quorum; and the said Company of Proprietors shall have Power and Authority at their Second or any subsequent General Meeting to remove and displace any Person or Persons who shall have been chosen a Member or Members of the said Committee, or any Officer or Officers under them, and to choose and elect others in case of Death or other Vacancy: Provided always, that no Person holding any Place, Office, Employment, or Contract under the said Company shall be capable of being One of the said Committee while he holds such Place, Office, Employment, or Contract; and in case there shall not be present at any such General Assembly Proprietors and Proxies possessed of Three hundred Shares in the said Undertaking as aforesaid, no Choice of a Committee, nor any Removal or Appointment of a Person or Persons in the Room of such of the Members of the said Committee who shall die, or decline or become incapable to act, shall be made at the Time; but in such Case there shall be another Meeting of the said Company of Proprietors at the same Place upon that Day Fortnight; and if a sufficient Number of Proprietors as Principals or by Proxies shall not then attend, the said General Meeting shall stand adjourned to the same Place on that Day Se'night next following, and such Choice, Removal, or New Appointment of any Member of any such Committee shall then take place, and not before, and such Committee so before appointed shall continue to act and have the same Powers as they had and were possessed of until a new Committee shall be appointed.

First and other Meetings of the Committee.

XLII. And be it further enacted, That the said Committee of Management shall, until the next General Assembly to be holden in Manner as aforesaid, meet at such Times and in such Places, and from Time to Time adjourn themselves to such other Time or Times as they shall think fit; and at all Meetings of the said Committee, One of the Members present shall be appointed President or Chairman; and all Questions, Matters, and Things proposed, discussed, or considered at such

Meetings

Meetings, shall be finally determined by the Majority of Members then present, but no Member shall have more than One Vote at any such Meetings, save and except that in case of an Equality of Votes, the President or Chairman shall, besides his deliberative Vote, have a casting Vote.

Committee to appoint Officers;

XLIII. And be it further enacted, That it shall and may be lawful for the Committee of Management at any such Meeting as aforesaid, and they are hereby authorized and required, from Time to Time, by Writing under the Hands of any Four of them, to nominate and appoint during Pleasure a Clerk and Engineer, and all other Officers and Servants as the said Committee shall think proper and expedient for the better carrying the Purposes of this Act into Execution; the said Committee always taking good and sufficient Security from the Collectors of Tolls and other Officers who shall have the Care or Custody of any Money to be raised or received by virtue of this Act, for the faithful Discharge of the Trust reposed in them; and also from Time to Time to discharge and dismiss any such Collectors, Assistant, Engineers, Surveyors, or other Officers and Servants, and appoint others in their Stead, as there shall be Occasion; and all such Assistant, Engineers, Surveyors, Collectors, and other Officers of the said Company, who shall at any Time quit or be dismissed from the Service of the said Company, and the respective Executors or Administrators of those who may happen to die, shall immediately thereupon produce and deliver to the said Committee of Management, or to such Person or Persons as they shall direct, all Books, Accounts, Writings, and Papers whatsoever, which shall be in the Custody or Power of such Collectors, Engineers, Surveyors, and other Officers, Executors or Administrators respectively, belonging to the said Company, and in anywise relating to the said Undertaking; and the said Committee of Management shall at the General Assembly to be held on the First *Tuesday* in the Month of *August* One thousand eight hundred and twenty-five, and at every subsequent Annual General Assembly to be held as herein-before directed, produce all Books, Accounts, and other Writings relating to the Company's Affairs and Transactions, so that the Proprietors attending the said General Assembly may have an Opportunity of inspecting the same; and the said Committee shall also at the said Meeting call for, audit, and settle all Accounts of Money received, paid, laid out, and disbursed to that Time for or on account of said Company, by the Clerk, Collectors, and other Officers to be appointed as aforesaid, or by any other Person or Persons to be employed in behalf of the said Company, in or about the said intended Undertaking: Provided always, that it shall be lawful for the Committee to call for, audit, and settle such Accounts, or any of them, oftener than once a Year, if they shall deem it proper and expedient.

and take Security from Collectors and other Officers.

Officers quitting and discharged, and Executors of those dying, to deliver up Books.

Clerk and Treasurer not to be the same Person.

XLIV. Provided also, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint any Person or Persons who may be appointed the Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or of his Partner, to be the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the

Clerk or other Person in the Service or Employ of any such Treasurer, or of his Partner, to be the Clerk to the said Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons, being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk, or of his Partner, shall accept the Office of Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Trustees other than that of Treasurer, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds Sterling to any Person or Persons who shall sue and prosecute for the same, to be recovered with Expences by summary Action in the Court of Session.

Committee may make Calls for Money from Subscribers;

XLV. And be it further enacted, That the Committee of Management shall also have full Power and Authority from Time to Time at any of their Meetings to make such Call or Calls for Money from the several Subscribers to and Proprietors of the said Undertaking, in order to pay the Expences of carrying on the same, as they shall from Time to Time find necessary and wanting, so that no Sum shall exceed the Sum of Ten Pounds for or in respect of each Share in the said Undertaking, and so that no such Call be made but at the Distance of One Calendar Month at least from each other; which Money to be so called for shall be paid to such Person or Persons, and in such Manner as the said Committee shall from Time to Time order and direct, for the Use of the said Undertaking; and the said Committee of Management shall also have full Power and Authority at every such Meeting as aforesaid, on behalf of the said Company, to contract for and purchase all such Lands, Tenements, or Heritages as the said Company are hereby authorized to purchase, and all such Materials and other Things as shall or may be wanted for the said Railway and other Works hereby authorized to be made, and to treat and agree with any Person or Persons whomsoever touching the Compensation to be made for any Damages to be done in exercise of the Powers hereby given, and to enter into and make such Contracts and Agreements with any Contractors, Agents, Workmen, Servants, or other Person, in and about or for carrying on the said Railway or other Works or any Part thereof, as shall be thought expedient, and to enter into and make such other Contracts, Bargains, and Agreements whatsoever touching or in anywise concerning the said Undertaking as they may think proper, and to order and direct how the several Works shall from Time to Time be carried on, and generally to direct and manage all and singular the Affairs of the said Company, and to do, execute, and perform all Acts, Matters, and Things which the said Company are by this Act authorized and empowered to do, save and except such only as are hereby expressly directed to be done by the Proprietors at any General Meeting to be held as herein-before or herein-after mentioned.

may contract and purchase Lands, &c.;

and may generally manage the Business of the Company.

Proceedings of Committee subject to Controul of

XLVI. Provided always, and be it enacted, That all the Proceedings of the said Committee of Management shall be subject to the Examination and Controul of the Annual and other General Assemblies of the said Proprietors, and that they shall pay due Obedience to all such Orders and Directions

Directions as they shall from Time to Time receive from the said Proprietors at any such Annual or other General Assembly relating to the Execution of this Act, such Orders and Directions not being contrary to any express Direction or Provision herein contained. General Assemblies.

XLVII. And be it further enacted, That the several Persons who have already subscribed or shall hereafter subscribe any Money for or towards making and maintaining the said Railway and other Works shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Committee of Management under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Company or by the said Committee of Management; and in case any Person or Persons shall refuse or neglect to pay the same at the Time and in the Manner required for that Purpose, it shall and may be lawful for the said Company to sue for and recover the same in Manner herein directed for Recovery of Calls on Shares. Compelling Payment of Subscriptions.

XLVIII. And be it enacted, That every Proprietor of the said Company shall and may at all convenient Times have recourse to, peruse, and inspect the Books of the said Company, and may demand and have Copies thereof, provided such Copies be made at the Expence of the Party or Parties applying for the same; and if the said Clerk shall refuse to permit any Proprietor to inspect and peruse any such Book or Books, or refuse to make and deliver any Copy or Copies thereof, to be paid for as aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds. Proprietors may inspect the Books.

XLIX. And be it further enacted, That every Proprietor of any Share or Shares in the said Undertaking shall from Time to Time pay his or her Proportion of the Money so to be called for as herein-before is mentioned, and of which such Notice shall be given as herein-before directed; and if any Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money to be called for as aforesaid, at the Time and Place appointed for that Purpose, it shall be lawful for the said Company, in case they shall think fit, to sue for and recover the same, with Interest at the Rate of Ten Pounds *per Centum per Annum* from the Time appointed for Payment thereof, as the Case may be, in any competent Court in *Scotland*, or in any of His Majesty's Courts of Record at *Westminster* or *Dublin*, by Action of Debt or on the Case; and the Body Politic or Corporate, or the Person or Persons so refusing or neglecting to pay such his, her, or their proportionable Part of such Money as aforesaid, shall forfeit to the said Company the Sum of Ten Pounds for every Share which he, she, or they shall have or possess in the said Undertaking; and in case any such Body Politic or Corporate, Person or Persons, shall neglect or refuse to pay his, her, or their proportionable Part of the Money to be called for as aforesaid for the Space of Three Calendar Months after the Time so to be appointed, and the same shall not have been sued for by the said Company as aforesaid, or if sued for shall not have been recovered by them, then and in such Case the Body Politic or Corporate, or Person or Persons so neglecting or refusing, shall, in the Option of the Committee of Management, absolutely forfeit all his, her, or their Share, Part, or Interest whatsoever Company may sue for Calls not paid at the Time appointed. Defaulter to forfeit 10*l.* for every Share; and if Calls be not paid in Three Months, Shares to be forfeited.

whatsoever in the said Undertaking, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her, or them on account thereof, to and for the Use and Benefit of the other Proprietors of the said Undertaking; and all Shares which shall or may be so forfeited shall be vested in the said Committee of Management for the Time being in Trust for and for the Benefit of all the Rest of the said Proprietors, in proportion to their respective Interests in the said Undertaking, or shall by Direction of the Committee of Management be sold by Auction for the most Money which can be obtained for the same, and the Produce thereof applied to and for the Use and Behoof of the said Company: Provided always, that no more Shares shall be sold than shall be sufficient, as nearly as can be computed, to answer the Amount of the Calls which shall be so unpaid; and that the Overplus, if any, of the Price of such Shares beyond the Amount of such unpaid Calls shall be paid to the Owner of such Share or Shares.

Shares not to be forfeited without Notice.

L. Provided also nevertheless, That no such Forfeiture of any Share or Shares in the said Undertaking shall be made until the Expiration of Twenty-one Days after personal Notice shall be given by the Clerk, or by such Person as shall be appointed by the Committee of Management, to the Owner or Owners thereof, or until the Expiration of Twenty-one Days after Notice in Writing, signed by any such Clerk or Person so appointed, shall be left at his, her, or their usual last Place or Places of Abode; nor unless the same shall be declared to be forfeited at a Meeting of the Committee of Management; and that every such Forfeiture, after the same shall be declared as aforesaid, shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors so forfeiting against all Actions, Suits, and Prosecutions, for any Breach of Contract or other Agreement between such Proprietor or Proprietors so forfeiting and the said Company, with regard to the future carrying on and Management of the said Undertaking; but no such Share or Shares shall be forfeited if the Owner or Owners thereof shall, before the Expiration of the said Twenty-one Days, pay what shall be due thereon, together with legal Interest for the same, and all Expences incurred for Recovery thereof.

Forfeiture of Shares to be an Indemnity to Person forfeiting.

Directing the Proceedings in Actions for Calls.

LI. And be it further enacted, That in Actions brought by the said Company against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants, or Defender or Defenders, being a Proprietor or Proprietors of such or so many Shares in the said Railway, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount unto, for such or so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants, Defender or Defenders, (as the Case may happen to be,) whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and in such Action it shall only be necessary to prove that the Defendant or Defendants at the Time of making such Call or Calls was or were Proprietor or Proprietors of some Share or Shares in the said Railway, and that such Call or Calls was

or

or were in Fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls, or any other Matters whatsoever, and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded the Sum of Ten Pounds for every Share of Fifty Pounds, or was made within the Distance of One Calendar Month from the last preceding Call, or without Notice given as aforesaid.

Shares may be sold.

LII. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, his, her, or their respective Executors, Administrators, and Assigns, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned; the Transfer of which Shares shall be made in the following Form, or in Words to the same Effect; *videlicet*,

Form of Transfer.

'I in Consideration of do hereby bargain, sell, paid to me by the Sum of assign, and transfer to the said Capital Stock of the *West Lothian* Railway Company, being One Share (*or so many, as the Case may be*) in the said Undertaking, to hold to him the said his Executors, Administrators, and Assigns, subject to the same Rules, Orders, and Restrictions, and on the same Conditions that I held the same immediately before the Execution hereof; and I the said do hereby agree to take and accept of the said Capital Stock or Share, subject to the same Rules, Orders, Restrictions, and Conditions, consenting to the Registration hereof in the Books of Council and Session, or others competent for Preservation, and thereto constituting our Procurators. In witness whereof we the said Parties have subscribed these Presents (written by) at the Day of before these Witnesses ,'

And on every such Sale the said Transfer, executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares, shall be kept by the Clerk of the said Company, who shall deliver an attested Copy thereof to such Purchaser or Purchasers, at his, her, or their Expence, when required, and shall enter in a proper Book or Books, to be kept for that Purpose, a Memorial of such Transfer and Sale, to be kept for the Use of the said Company of Proprietors, and testify and indorse the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than One Shilling shall be paid; and the said Clerk is hereby required to make such Entry or Memorial accordingly; and until such Extract shall have been delivered, and such Entry or Memorial made thereof, and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share or Shares paid to him, her, or them, nor any Vote in respect thereof, as a Proprietor or Proprietors of the said Undertaking: Provided always, that the Executors or Administrators of any of the said Proprietors shall not transfer any Share or Shares, or be entitled to receive any Interest or Dividends thereupon, until an Extract of the Will or confirmed Testament, or a Particle thereof, or a Probate of the Will, or Letters of Administration of the deceased, be

Proviso.

delivered to the Clerk, and an Entry or Memorial of so much of the said Will or Testament, or of such Probate, as relates to the said Shares, or of such Letters of Administration, be made in a Book or Books to be kept by the said Clerk for that Purpose, for which Five Shillings and no more shall be paid to him.

No Shares shall be sold after a Call, till the Money be paid.

LIII. And be it further enacted, That after any Call of such Money shall have been made by the said Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, on pain of forfeiting his, her, or their respective Share or Shares therein to the said Committee of Management for the Time being, in Trust for the Benefit of all the said Proprietors, until he, she, or they shall have paid to the Clerk of the said Company the whole and entire Sum of Money which shall have been called for upon each Share subscribed by or belonging to him, her, or them; such Forfeiture nevertheless to be notified and declared in Manner herein-before directed with respect to the Forfeiture of Shares for not answering the Calls to be made thereon as aforesaid.

Company may enforce Payment of Subscriptions by any other legal Measures.

LIV. Provided always, That it shall at all Times be lawful to and for the said Company, their Successors and Assigns, to take all other Measures competent in Law for compelling every Person or Persons or Body Politic or Corporate, who has or have already subscribed or shall hereafter subscribe to the said Undertaking, or his or their Representatives or Assigns, to pay such Sum or Sums of Money as may be so respectively subscribed, with Damages for Delay and Costs of Suit; and that the Person or Persons, or Body Politic or Corporate, making such Payment and Satisfaction, shall be entitled to a proportional Share corresponding thereto of the Capital Stock of the said Company.

The Persons whose Names stand in the Books, to be deemed Proprietors.

LV. And be it further enacted, That all Bodies Politic and Corporate, and all and every Person or Persons, whose Name or Names shall at any Time hereafter stand in the said Book or List of Proprietors of the said Company, either as a Proprietor or Proprietors of One or more Share or Shares in the said Undertaking, whether as Subscribers, or as Successors, Executors, Administrators, or Assigns of Subscribers, shall be deemed and taken to be the Proprietors of the several Shares standing in the said Book in their respective Names, and shall be subject and liable to the Payment of all and every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures, and Penalties to which original Proprietors of Shares in the said Undertaking are made subject and liable by this Act; and that all Notices hereby required to be given previous to the Forfeitures of Shares to the Proprietors thereof, shall, if given to the Persons appearing by the said Book of the said Company to be such Proprietor or Proprietors, or their Representatives, or left at his, her, or their last or most usual Place of Abode, be in all Respects good, sufficient, and conclusive; and all Payments of Interest and Dividends due and to grow due on any such Shares, shall be made to such Persons as by the said Book shall appear to be Proprietors thereof; and no Assignment, Transfer, Bargain, or Sale of any Share or Shares, or other Instrument giving Title to any such Share or Shares, which shall not have been registered and entered as directed by this Act, shall be given and admitted as Evidence, either to defeat any Action or Suit brought or to be brought by the said

said Company to recover the said Calls, or to entitle any Person or Persons to recover any Share or Shares forfeited to the said Company, or to make the said Company liable to the Payment of Dividends to any other Person or Persons, or Body or Bodies Politic or Corporate, than such as appear upon the said Book to be Proprietors of the said Shares; but that in all such Cases the said Book shall be considered as sufficient and conclusive Evidence of the Proprietorship of the said Shares.

Company to pay Dividends on Stock.

LVI. And be it further enacted, That when the said Railway shall be completed, or as soon after as a competent Judgment can be formed of the Profits which may accrue therefrom, the said Company shall and they are hereby empowered and directed to make and declare such Dividend or Dividends on the Stock of the said Company, to be paid out of the Profits of the said Railway, as shall be settled and approved by any General Meeting of the said Company.

Rates of Tonnage.

LVII. And in consideration of the great Charge and Expence which the said Company of Proprietors must incur and sustain in making and maintaining the said Railway or Tram Road, and other Works hereby authorized to be made and maintained, be it further enacted, That it shall and may be lawful for the said Company of Proprietors, from Time to Time, and at all Times hereafter, to ask, demand, take, recover, and receive, to and for the Use and Benefit of said Company of Proprietors, for the Tonnage of all Goods, Wares, and Merchandize, and other Things which shall be carried or conveyed upon the said Railway or Tram Road, or upon any Part thereof, the Rates, Tolls, and Duties herein-after mentioned; that is to say, such Sum as the said Company of Proprietors shall from Time to Time direct and appoint, not exceeding the Sum of Three-pence *per* Ton *per* Mile, and so in proportion for any less Distance than a Mile.

Toll Collectors to put up their Names, &c.

LVIII. And be it further enacted, That every Toll Collector shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in Front or some other conspicuous Part of the Toll House or Toll Gate immediately on his coming on Duty; each of the Letters of such Name or Names to be at least Two Inches in Length, and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of the said Tolls shall not place such Board as aforesaid, and keep the same during the Time he shall be such Collector as aforesaid, or shall demand or take a greater or less Rate of Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the said Orders and Resolutions of the said Company made in pursuance thereof, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading the Inscriptions on the Boards to be affixed and placed as aforesaid, or either of them, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same, on having paid the said Rates or Tolls, or any of them, or shall in Answer to such Demand give a false Name or Names, or upon the legal Rate or Toll being paid or tendered, shall unnecessarily detain or wilfully obstruct, hinder, or prevent any Person or Persons from passing through any Toll Gate; or shall make

use

use of any scurrilous or abusive Language to any Treasurer, Clerk, Surveyor, or other Officer, or any Person or Persons attending any Cart, Waggon, or Carriage, or otherwise legally passing along the said Railway, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Ten Pounds.

Table of Tolls.

LIX. And be it further enacted, That after any Toll Gate shall be erected by virtue of this Act, the said Company or their said Committee shall, and they are hereby required to put up or cause to be put up, and afterwards to be continued at every such Toll Gate, a Table painted in distinct and legible Black Letters on a Board with a White Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up; and also a List of all the Rates of Tonnage payable at every such Gate, distinguishing the several Rates to be paid by virtue of this Act, and to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated: Provided always, that it shall not be lawful for the said Company to demand or take or cause to be demanded or taken any Rates for or in respect of any Goods, Wares, or Merchandize or other Things, but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Toll Gate.

Fractional Parts how to be computed.

LX. Provided always, and be it enacted, That in all Cases where there shall be a Fraction of a Ton, a Proportion of the same Rates shall be demanded and taken for such Fraction, according to the Number of Hundred Weights contained in such Fraction; and in all Cases (except as herein-after provided) where there shall be a Fraction of a Quarter of a Mile in the Distance which any Waggon, Cart, or other Carriage shall pass upon the said Railway or Tram Road, such Fraction shall be deemed and considered as a whole Quarter of a Mile; and any such Waggon, Cart, or Carriage travelling such Fraction of a Quarter of a Mile, shall be charged with Tonnage Duty for One whole Quarter of a Mile; and in order to ascertain and calculate with greater Precision and Facility, the Distance for which Tonnage shall be demanded and taken upon the said Railway, the said Company of Proprietors shall cause the said Railway to be measured, not only from End to End, but from and between such Points thereon as there may be great Intercourse, and Stones or other conspicuous Marks, with proper Inscriptions, to be set up and for ever maintained, on the Sides of the same, at the Distance of One Quarter of a Mile from each other; and although any Waggon shall have passed only a Part or Fraction of a Quarter of a Mile on the said Railway or Tram Road, such Waggon shall be deemed to have passed a whole Quarter of a Mile along the said Railway, and Tonnage for such Distance shall be due and payable, although the Distance actually travelled shall be less than is thus computed: Provided always, that any Waggon, Cart, or other Carriage travelling a less Distance than One Half Mile along the said Railway, shall be deemed to have passed One full Half Mile thereon, and Tonnage for One Half Mile shall and may be demanded and taken for and in respect of the same, although the Distance actually travelled shall be less than One Half Mile.

Rates may be reduced

LXI. Provided always, and be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and their Successors, for the

the Encouragement of the Trade on said Railway, from Time to Time at any General Assembly or Meeting of the said Company, to be held as herein-before directed, with Consent of the Majority of the said Company of Proprietors assembled at such Meeting, to lessen or reduce all or any of the Rates, Tolls and Duties herein-before granted, on all or any Sort of Goods or other Articles passing upon the Whole or any Part of the said Railway, and afterwards from Time to Time at any General Meeting or Assembly called as aforesaid, to advance all or any of the said Rates, Tolls and Duties, so lessened, to any Sum or Sums not exceeding the Rates or Duties before mentioned. partially or generally.

LXII. Provided further, and be it enacted, That the same Rate of Tonnage, which shall be levied for or in respect of every Ton Weight carried any Distance not exceeding Three Miles along any Part of the said Railway, shall also be levied on every Ton Weight carried any Distance not exceeding Three Miles along any other Part of the said Railway; but in case any Articles shall be carried a Distance exceeding Three Miles along the said Railway, it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered to reduce the Rates of Tonnage hereby granted for the Remainder of the Distance which such Articles shall be carried along the said Railway, to such Part of the said Rates as they shall think proper: Provided further, that whenever any such Reduction or any Increase shall be made upon the Ton Weight of any Article carried a certain Distance along one Part of the said Railway, a like Reduction or Increase shall be made upon the same Weight carried a like Distance along any other Part of the said Railway: Provided nevertheless, that for or in respect of any such Articles carried a Distance exceeding Three Miles along any Part of the said Railway, there shall never be levied less than Sixpence of Tonnage Duty for the whole Distance that such Articles shall be carried along the said Railway including the said Three Miles; but provided, that on Lime for Agricultural Purposes, and on Dung or other Manure, the said Company of Proprietors may make such Abatements of the Rates as they think proper, such Abatements being made equal on all Parts of the said Railway. Regulation of Rates as to Distances.

LXIII. And be it further enacted, That if any Person or Persons shall fraudulently carry or convey any Articles or Things whatsoever on the said Railway or Tram Road, on Payment of a lower Rate, Toll, or Duty than that to which such Articles or Things are hereby subject or liable, and shall be thereof convicted before any Justice of the Peace for the County in which such Offence shall be committed, every such Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors, or their Successors, any Sum not exceeding Twenty Shillings *per* Ton over and above the Rate, Toll, or Duty to which such Articles or Things are liable; to be levied and recovered in the same Manner as any other Penalty or Forfeiture under this Act can or may be levied and recovered. Evasion of Rates.

LXIV. And for the better ascertaining the Tonnage of Timber, Goods, and other Things to be charged with the Payment of such Rate as aforesaid; be it further enacted, That One hundred and twelve Pounds Weight shall, Weight ascertained.

shall, for the Purposes of this Act, be deemed, rated, or estimated as for One hundred weight, any Usage to the contrary notwithstanding.

Company may establish Carriages for Passengers;

LXV. And be it further enacted, That it shall and may be lawful to the said Company of Proprietors to provide and establish any Carriage or Carriages fit for the Carrying and Accommodation of Passengers and Parcels upon the said Railway, and to demand and receive such Rate for the Carriages of Passengers or Parcels thereon, not exceeding Two-pence *per* Mile for each Passenger carried in such Carriage, and One Farthing *per* Pound Weight *per* Mile for Parcels, as the said Company of Proprietors shall think fit; and it shall and may be lawful to the said Company of Proprietors to lease to any Person or Persons the Right of establishing and running such Carriage or Carriages, and to grant Licences to Persons willing to establish and run the same, such Carriage or Carriages being properly constructed for travelling on the said Railway at such Annual Sum or Rent as may be mutually agreed on by the said Company and such Person or Persons.

and may lease the same.

Power to make and use loco-motive or moveable Engines on the Railway.

LXVI. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, or any Person or Persons authorized or permitted by them, from and after the passing of this Act, to make and erect such and so many loco-motive or moveable or other Engines as the said Company of Proprietors shall from Time to Time think proper and expedient, and to use and employ the same in and upon the said Railway for the Purpose of facilitating the Transport, Conveyance, and Carriage of Goods, Merchandize, and other Articles and Things upon and along the same, and for the Conveyance of Passengers upon and along the same.

On Payment of Rate a Ticket to be delivered.

LXVII. And be it further enacted, That upon the Payment of the Rates granted by this Act at any Gate erected by virtue hereof, the Collector or Receiver thereof respectively shall, and he is hereby required to deliver *gratis* to the Person paying such Rate, a Note or Ticket denoting such Payment, and stating the Weight paid for, and which Note or Ticket shall be provided by the said Company, and there shall be printed and specified thereon the Name of the Gate or Gates freed by such Payment.

Rates, how to be levied.

LXVIII. And be it further enacted, That the Rates herein authorised to be taken and demanded shall be paid to such Person or Persons at such Place or Places at or near the said Railway, in such Manner and under such Regulations as the said Company of Proprietors at some General or Special Assembly or Assemblies shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rates, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company of Proprietors may sue for the same by Action in any Court competent in *Scotland;* or the Person or Persons to whom the Rates ought to have been paid may, and he or they is and are hereby authorized to seize the Goods, Beasts, or other Things, for or in respect whereof any such Rates ought to have been paid or any Part thereof, and the Waggon or other Carriage laden with such Goods or other Things, and retain the same until such Payment shall be made, and also until Payment

ment of all Arrears of any Rate which may be due from the Owner or Owners of such Waggon or other Carriage, as the Case may be, to the said Company of Proprietors, together with the reasonable Charges for such Seizure and Detention; and if such Beasts or Goods shall not be redeemed within Three Days next after the taking thereof, the same shall be distrained, appraised, and sold, returning the Overplus (if any there be) upon Demand to the Owners thereof, after such Rates and the reasonable Charges of distraining, keeping, and selling the same shall be deducted and paid; and the said Company of Proprietors shall have full Power, from Time to Time, at any General Assembly, to lower or reduce all or any of the said Rates, and again to raise the same as they shall think proper, not exceeding the Rates before mentioned, as often as shall be deemed necessary.

For settling Disputes.

LXIX. And be it further enacted, That if any Dispute shall happen about the Amount of the Rates granted by this Act, or the Charges of making, keeping, or selling any Distress, it shall and may be lawful for the Collector, or the Person so distraining, to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Rates due, and the Charges of the Distress and Sale and of keeping the Distress be ascertained by some Justice of the Peace for the County or Place wherein such Dispute shall happen to arise, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties, or other Witness or Witnesses, (which Oath such Justice is hereby authorized to administer), shall determine the Amount of the Rates due, and shall award such Costs and Charges to either Party, as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in Cases of Non-payment thereof forthwith, by Warrant under the Hand of such Justice, rendering the Overplus (if any) upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Effects shall have been distrained and sold.

Rates may be leased.

LXX. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorised and empowered at any of their General Assemblies, by Writing under their Common Seal, or to authorize the said Committee of Management, at any Time or Times, to let to farm the Rates hereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Railway, unto any Person or Persons for any Term or Time they shall think proper, not exceeding Five Years from the Commencement of any Lease, and every Lease shall be valid and effectual; and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates so let, shall during the Continuance of every such Lease be deemed Collectors of the Rates so let, but for the proper Use of such Lessee or Lessees, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company of Proprietors; provided public Notice of the Intention to let the said Rates or any Part thereof be given in Writing by the said Committee or any one or more of them, or the Clerk to the said Company of Proprietors, by Advertisement published in such Newspaper, or by Notice to such Proprietors as aforesaid, at least Twenty-one Days prior to any such

such General Assembly at which the said Rates or any Part thereof are proposed to be let as aforesaid.

Account of the Lading of Waggons to be given.

LXXI. And for the better ascertaining and more easily collecting the said Rates, be it further enacted, That the Owner or Owners, Person or Persons having the Care of any Waggon or other Carriage passing upon the said Railway, or any Part thereof respectively, shall give an exact and true Account in Writing, signed by him or them to the Collectors of the said Rates, at the Place or Places where they shall attend for that Purpose, of what Quantity of Goods or other Things as aforesaid shall be in such Waggon or other Carriage, and from whence brought, and where the same are intended to be unloaded or left; and in case any Person shall neglect or refuse to give such Account, or to produce his Bill of Lading to any such Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading or Goods at any other Place or Places than what is or are mentioned in such Account, with Intent to avoid Payment of the said Rates, or any Part of them, he shall forfeit and pay any Sum not exceeding Twenty Shillings for every Ton of Goods and other Things, and also in proportion for any less Quantity than a Ton, which shall be in any such Waggon or other Carriage, of which such Account shall be so refused to be given, or which shall be fraudulently delivered out as aforesaid, as the Case shall happen to be, over and above the respective Rates directed by this Act to be paid for the same.

Waggons may be measured or weighed.

LXXII. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and Owner or any Person having the Charge of any Waggon or other Carriage, or the Owner of any Goods or other Things, it shall be lawful for any such Collector to stop and detain any such Waggon or other Carriage, and to weigh, measure, or gauge such Waggon or other Carriage, and all such Goods or other Things as shall be therein contained respectively; and in case the same shall upon such weighing, measuring, or gauging appear to be of greater Weight or Quantity than what is set forth and contained in the Account given thereof as aforesaid, then the Owner or Person giving in such Account shall pay the Costs and Charges of such weighing, measuring, and gauging; all which said Costs and Charges upon Refusal or Payment thereof on Demand shall and may be recovered and levied by such Ways and Means, and in such Manner as the said Rates are hereby appointed to be levied and recovered; but if such Goods or other Things shall appear to be of the same or less Weight or Quantity than the same shall by such Account appear to be of, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and also pay to such Owner or Person, or to the Owner or Owners of such Goods or other Things, such Damages as shall appear to have arisen from such Detention; and in Default of immediate Payment thereof by the Collector, the same shall be recovered from the said Company of Proprietors, or from their Collector, by Distress and Sale of the Goods and Chattels of the said Company, or of such Collector, and by the like summary Process by which the said Company are empowered to recover any Fines or Penalties by virtue of this Act.

Railway, on Payment of

LXXIII. And be it further enacted, That all Persons whomsoever shall have free Liberty to pass upon and use the said Railway with Waggons or other

other Carriages properly constructed as herein-after mentioned, and to use the Wharfs and Depots hereby authorized to be made, upon Payment only of such Rates as are authorized to be received by this Act. Rates to be free.

LXXIV. And provided always, and be it further enacted, That no Waggon or other Carriage shall be allowed to pass along the said Railway, unless the same be constructed in such a Manner as to be fitted to the said Railway, and so as no Damage shall be done by the same, or by its Loading, to the said Railway; and if any Person or Persons shall pass on any Part of the said Railway with any Cart, Waggon, or other Carriage not so constructed, he, she, or they so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds to the said Company of Proprietors, besides paying any Damage done to the said Railway; and the said Company of Proprietors shall be entitled to stop such Waggon or other Carriage from passing along the said Railway. Waggons to be properly constructed.

LXXV. Provided always, and be it enacted, That it shall be lawful for the Owners or Occupiers of the respective Lands or Grounds through which the said Railway shall be made, and his, her, and their Servants and Workmen, Cattle and Carriages, at all Times to pass and repass over and across such Part of the said Railway as shall be made in and upon the said Lands and Grounds respectively, not damaging or wilfully obstructing the same or the Passage thereof, without Payment of any Toll or Tonnage for the same: Provided also, that it shall be lawful for the Occupier or Occupiers of the respective Lands or Grounds through which the said Railway shall be made, and his, her, and their Servants, to ride, lead, or drive any Horse, Mule, or Ass, Cow, or other Neat Cattle, Sheep, Swine, or other Beast or Carriage which will not injure the said Railway, along the said Railway, as far only as the Lands in his, her, or their Occupation shall extend, for the Purpose of occupying the same Lands, such Person or Persons not damaging or wilfully obstructing the said Railway or Passage thereof. Owners and Occupiers to pass across Railway without Payment of Toll.

LXXVI. And for the better Regulation of the Owners of Waggons and other Carriages, and others employed by or under them respectively, and for the more easy Detection of any Thing by them done contrary to the Directions of this Act, be it further enacted, That every Owner of any Waggon or other Carriage passing along the said Railway, shall cause his or her Name and Place of Abode, and the Number, enumerated progressively, of his or her Waggon or other Carriage, to be painted in large White Letters and Figures on a Black Ground, Four Inches high at the least, and a proportional Breadth, on some conspicuous Part of the Outside of every such Waggon or other Carriage; and shall permit and suffer every such Waggon or other Carriage to be gauged or measured at the Expence of the said Company of Proprietors, whenever it shall be required by them, or any Person or Persons appointed by them for that Purpose; provided that no such Waggon or other Carriage shall be gauged or measured more than Six Times in any one Year; and every Owner of any Waggon or other Carriage which shall pass on any Part of the said Railway without having such Name and Figures thereon as before directed, and every Person who shall alter, erase, or destroy the same, or any Part thereof, or who shall refuse to permit and suffer the same to be gauged and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds. Names of the Owners of Waggons to be painted on them.

Owners of Waggons to be liable for Damage done.

LXXVII. And be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing upon the said Railway, or of the Horse or Horses or Cattle drawing the same, shall be and is and hereby are made answerable for any Damage or Mischief that shall be done by his, her, or their Waggon or other Carriage, or any of his, her, or their Waggoners or other Persons belonging to or employed by him, her, or them, in or about the same respectively, to the Railway or other Works to be made by virtue of this Act; or by loading or unloading any Waggon or other Carriage; and for any Trespass or Damage that shall or may be done to the Owners or Occupiers of any Buildings, Lands, Tenements, or other Property adjoining or lying near to the same, or any of them, or any other Trespass whatsoever; and the said Owner or Owners of such Waggon or other Carriage shall, for every such Damage, upon Conviction of such Person or Persons before any Justice of the Peace, either by the Confession of the Party or Parties offending, or upon Oath of One or more credible Witness or Witnesses (which Oath or Oaths such Justice is empowered and required to administer), pay to the Person or Persons injured the Damages, to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Five Pounds; and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Ten Shillings, and all Costs, Charges, and Expences attending such Conviction; which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Effects of the Owner or Owners of such Waggon or other Carriage, by Warrant or Warrants under the Hands of such Justice, and the Overplus (if any), after such Penalty, Damages, and Costs, and Charges of such Distress and Sale are deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Effects; or if the said Damages shall exceed the Sum of Five Pounds, then and in such Case the Owner or Owners of such Waggon or other Carriage shall and may be prosecuted for the same in any Court competent in *Scotland*; and if Judgment be given against him or her, the Pursuer in such Case shall recover his Damages thereby sustained, with full Costs of Suit.

Servants liable to repay their Masters.

LXXVIII. Provided always, That in case the Owner or Owners of any Waggon or other Carriage, or Horses or Cattle as aforesaid, shall be compelled to pay any Penalty, or make Satisfaction for any Damage by reason of any wilful Neglect or Default done or committed by his, her, or their Servant, such Servant or Servants shall be liable to repay such Penalty or Satisfaction to such Owner or Owners; and in case of Non-payment upon Demand thereof, and Oath made by such Owner or Owners of the Payment by him, her, or them of such Penalty or Satisfaction, and that the same hath not been paid to him, her, or them by such Servant or Servants, although demanded (such Oath to be made before any Justice of the Peace), the same Penalty and Satisfaction shall be levied, by Warrant of such Justice of Peace, by Distress and Sale of the Goods and Effects of such Servant, together with all Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction when recovered shall be paid to such Owner or Owners in Discharge of such Penalty and Satisfaction so paid by him for the wilful Act or Default of such Servant or Servants as aforesaid; and in case no sufficient Distress can be had, such Justice of the Peace shall, and is hereby required to commit such Servant to the Common Gaol or House of Correction for the County where the Offender shall be found, there to remain for any Time not exceeding Six Calendar Months.

LXXIX. And

Railway not to be used as a Passage for Horses or Cattle.

LXXIX. And be it further enacted, That if any Person or Persons (save and except the said Proprietors and the Agents and Servants employed by them) shall ride, lead, or drive, or cause to be ridden, led, or driven thereon, any Horse, Cow, or other Neat Cattle, Sheep, Swine, or other Beast or Animal, except only in directly crossing the same at a Place to be appointed for that Purpose, and for the necessary Occupation of the respective Farms through which the said Railway may be laid, he, she, or they shall forfeit and pay to the said Company of Proprietors any Sum not exceeding Forty Shillings: Provided always, that nothing herein contained shall extend or be construed to extend to subject any Person or Persons having any Goods or Merchandize hauled along the said Railway, to any Penalty for passing along the same for the *bonâ fide* Purpose of superintending the Carriage and Delivery of such Goods.

Penalty on Waggons remaining on Railway.

LXXX. And be it further enacted, That if any Waggon or other Carriage shall be placed or suffered to remain on any Part of the said Railway, Bridges, Tunnel, or other Works, so as to obstruct the Passage thereof, and the Person having the Care of such Waggon or other Carriage shall not immediately, upon Request made, remove such Waggon or other Carriage, he shall forfeit for every such Offence any Sum not exceeding Forty Shillings, and for every Hour such Obstruction shall continue after the making of such Request any Sum not exceeding Forty Shillings; and it shall be lawful for any Agent or Officer to the said Company of Proprietors, to cause any such Waggon or other Carriage to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction, and detain such Waggon or other Carriage and the Loading thereof, until the Charges occasioned by such Removal shall be paid; and if such Payment shall not be made within the Space of Three Days, then it shall be lawful for the said Company of Proprietors to sell and dispose of such Waggon or other Carriage, with the Loading thereof, in such Manner as before directed with regard to Distress, rendering to the former Owner of such Waggon or other Carriage the Overplus, after such Expences and the Charges of such Sale shall be deducted.

Penalty on Obstructions on Railway.

LXXXI. And be it further enacted, That if any Person shall suffer the Loading of any Waggon or Carriage using the said Railway to lie over the Sides of such Waggon or other Carriage, or shall overload any such Waggon or other Carriage so as to obstruct the passing of any other Waggon or other Carriage, and shall not, immediately upon Notice to him given for that Purpose, remove such Obstruction, or if any Person shall throw, or in any way lay or spill any Gravel, Stones, Rubbish, or other Matter or Thing into or upon any Part of the said Railway or other Works to be made by virtue of this Act, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Penalty for damaging the Works.

LXXXII. And be it further enacted, That if any Person shall carelessly, wilfully, or maliciously, and to the Prejudice of the said Undertaking, break, throw down, derange, or destroy any Part of the said Railway or other Works to be erected and made by virtue of this Act; every Person so offending and being thereof lawfully convicted, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds over and above the full Amount of Damages thereby done to the said Railway and other Works.

LXXXIII. And

Gates to be placed, &c.

LXXXIII. And be it further enacted, That the said Company of Proprietors shall, at their own proper Costs and Charges, within Six Months next after any Part of the said Railway shall be laid out and formed, make, erect, and set up, and from Time to Time maintain and support such and so many convenient Gates in and upon the said Railway, and also all Bridges, Arches, Culverts, Ditches, Drains, and Passages over and by the Side of the said Railway, of such Dimension and in such Manner as the said Company of Proprietors shall, at any of their Meetings, from Time to Time judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands and Grounds through which such Railway shall be made, or for protecting the said Lands and Grounds from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof from straying or escaping thereout by reason of such Railway, or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, Bridges, Arches, Ditches, Drains, and Passages, so to be made as aforesaid, shall, from Time to Time, and at all Times thereafter, be supported, maintained, and kept in sufficient Repair and Condition by the said Company of Proprietors; and in case the said Company of Proprietors shall refuse or neglect to make, erect, and set up such Gates, Bridges, Arches, Ditches, Drains, and Passages as herein-before directed, or to maintain or support the same or any of them when erected, set up, and made in manner as aforesaid, for the Space of Three Calendar Months next after being thereto required by the Owners and Occupiers of the contiguous Lands and Grounds, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said Lands and Heritages, who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal, to make, erect, and set up all such Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages, and to maintain, repair, and support the same, from Time to Time, as Occasion shall require, so that in making and maintaining such Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages as aforesaid, the said Railway and other Things hereby authorized to be made or erected by the said Company of Proprietors, shall not be obstructed or injured for any longer Space of Time, or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof shall be repaid to the respective Owners or Occupiers of the said Lands or Heritages who shall have so erected and made, repaired or maintained such Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages as aforesaid, by the said Company of Proprietors, within the Space of Ten Days next after the same shall have been so completed or repaired, and an Account and Demand in Writing shall have been delivered and made thereof, to and from the said Company of Proprietors, by Delivery of such Accounts on Demand to the Treasurer or Clerk of the said Company of Proprietors for the Time being; and in Default of Payment of the said Costs and Charges within the Time aforesaid, any One Justice of the Peace for the Counties of *Lanark* or *Linlithgow* shall be, and he is hereby required, upon the Application of such Owner or Occupier, by Warrant under his Hand, to levy the said Costs and Charges by Distress and Sale of the Goods and Effects of the said Company of Proprietors, for the Use of such Person or Persons who shall have so incurred such Costs and Charges, rendering to the said Company of Proprietors the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, to be settled by such Justice; and every or any of the said Owners or Occupiers, upon Refusal or Neglect of the said Company of Proprietors to pay the said Costs and Charges as aforesaid, shall

and

and may also have such and the like Remedy against them, or any of them, for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act directed.

Gates, &c. to be maintained by the Owners of Land.

LXXXIV. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or Heritages through which the said Railway shall be made in the Case aforesaid, do or shall at any Time or Times hereafter apprehend that any of the Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages respectively made by the said Company of Proprietors are insufficient, either in their Number or Situation, for the commodious Use and Occupation of the respective Lands or Heritages through which the said Railway shall pass, then and so often or in any such Case it shall be lawful for any such Owners or Occupiers, with the Consent and Approbation of the said Company of Proprietors, upon Request made to them or their Clerk for the Time being, or in case of their Refusal for the Space of Ten Days next after such Request made, then to make, fix, and erect at their own Costs and Charges any such other Gates, Bridges, Arches, Culverts, Ditches, Drains, or Passages in, upon, or near to the said Railway, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands or Heritages, and to repair or support the same at their own like Costs and Charges as Occasion shall require, so that the Passage through or along the said Railway be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been, if such Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages had been made or erected by the said Company of Proprietors.

Company to erect Fences.

LXXXV. Provided also, and be it further enacted, That the said Company of Proprietors shall and they are hereby empowered and required at their own proper Charges, after any Land shall be taken for the Use of the said Railway, to divide and separate, and keep constantly divided and separated, the same from the Lands or Grounds adjoining to such Railway, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, and at their own proper Costs and Charges from Time to Time to maintain and support the said Posts, Rails, Hedges, Ditches, Mounds, or other Fences so to be made as aforesaid, in case the Owners or Owner of such Lands and Grounds adjoining to such Railway or any of them respectively shall at any Time desire the same to be fenced off, or in case the said Company of Proprietors shall think proper to fence off the same, instead of the Gates being erected as aforesaid; and the said Company of Proprietors shall also make and maintain all necessary Gates in all such Fences to be made as aforesaid, all such Gates being made to open toward such Lands and Grounds; then and in every such Case the Powers, Provisions, Directions, and Regulations herein-before contained, with respect to the Gates and other Works as aforesaid, shall extend and apply to, and be applicable to the making and maintaining of such Fences, as fully and effectually to all Intents and Purposes as if the said Powers, Provisions, Directions, and Regulations were now repeated and re-enacted with respect to such Fences.

The Fences to be made on the

LXXXVI. Provided also, and be it enacted, That where Fences shall be made by the said Company of Proprietors, the same shall be made on the Lands

Owner's Lands.

Lands of the adjacent Owners of Lands, and not upon the Space allowed for the Breadth of the said Railway and other Works.

Company to pay Owners for fencing their Lands.

LXXXVII. And be it further enacted, That if the Owners of enclosed Lands or Grounds taken for the Use of the said Railway shall so require it, the said Company of Proprietors are hereby required, over and above the Value of the Land occupied by the said Railway, to pay to the respective Owners of such enclosed Lands as aforesaid such Sums of Money as the said Company of Proprietors shall judge reasonable, for the Purpose of making and erecting proper and sufficient Fences, and keeping the same in repair on the Side of the said Railway for the whole Length of the enclosed Lands or Grounds of such Owners, over and along which the said Railway shall be made; and if the Sum offered by the said Company of Proprietors shall not be deemed sufficient, or be refused to be accepted by such Owner or Owners of enclosed Lands or Grounds, then and in that Case the Amount of the Sum or Sums to be paid to such Owner or Owners shall be ascertained by a Jury, in the Manner and with the like Effect as is herein-before directed in case of the Disagreement of the said Company of Proprietors and the Owners of Lands taken for the Purposes of this Act, touching the Price or Value of such Land: Provided also, that in case of the Money being so paid for erecting Fences to such Owners of enclosed Lands or Grounds, such Owners shall, and they are hereby required to make and erect such Fences in a good and sufficient Manner, within Twelve Months after such Money shall have been paid to them by said Company of Proprietors, and thereafter to keep and maintain the same in proper and sufficient Repair; and if such Fences shall not be so made within such Time, or if the same be thereafter allowed to fall into disrepair, it shall and may be lawful for the said Company of Proprietors to make and erect and repair such Fences at the Expence of such Owner or Owners to whom such Money shall have been so paid, to be levied and recovered from such Owner or Owners and their Successors in the said Lands in the same Manner as is herein-after directed with regard to the Recovery of Penalties and Forfeitures.

Gates to be shut.

LXXXVIII. And be it further enacted, That every Person opening any Gate set up across the said Railway shall, and he or she is hereby directed and required to shut and fasten the same, so soon as he or she and the Waggon or other Carriage, Waggon or Carriages driven by such Person shall have passed through the same; and every Person neglecting so to do shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds, to be levied and recovered as herein-after mentioned; and the Money arising by such Forfeiture or Forfeitures shall be applied in the Manner following; (that is to say,) One Half thereof shall be paid to the Informer, and the other Half to the Poor of the Parish where such Offence shall be committed; any thing herein contained to the contrary notwithstanding.

Proprietors of Land may make Railways to join the Railway.

LXXXIX. And be it further enacted, That after Ten Days Notice given in Writing to the Proprietors of the said Railway, it shall and may be lawful for any Body Politic, Corporate, and Collegiate, or any other Owner of any Grounds adjoining the said Railway, to lay down a Branch or Branches from his or her Lands or Grounds to communicate with the said Railway, and to make, at his, her, or their own Expence, such Openings into

into the Ledges or Flanches of the said Railway, not injuring the same, as may be necessary and convenient for effecting such Communication or Crossing without the said Company being entitled to receive Tonnage Rates for the passing of Minerals, Goods, or other Things along such Branch or Branches, but without Prejudice nevertheless to their receiving such Tonnage Rates for the passing of such Minerals, Goods, or other Things along the said Railway.

Owners of Lands may make Railways to cross the Railway.

XC. And be it further enacted, That nothing herein contained shall be construed to prevent any Owner or Occupier of any Ground, through which the said Railway may pass from carrying, at his or their own Expence, any Railway or other Road, or any Cut or Canal which such Owner or Occupiers is authorized to make in his or her Lands or Grounds, across the said main Railway: Provided always, that no Injury or Obstruction shall be thereby done or caused to the said main Railway; and that in case any Cut or Canal shall be made across the said Railway, the Owner or Occupier making the same shall erect and provide at his or her Expence such sufficient and commodious Bridge or Bridges as may be necessary for the said Railway.

Penalty on Officers shewing Partiality.

XCI. And be it further enacted, That if any Wharfinger or other Servant belonging to the said Company of Proprietors shall give any Preference or show any Partiality to any Person or Persons in loading or unloading any Minerals, Goods, or Commodities at any of the Wharfs, Warehouses, Weigh-Beams, Cranes, and other Machines belonging to the said Company of Proprietors, and shall be thereof convicted before One of His Majesty's Justices of the Peace, every Person so offending shall forfeit and pay for every Offence any Sum not exceeding the Sum of Five Pounds.

Owners of Land may erect Wharfs.

XCII. And be it further enacted, That it shall be lawful for the Owner or Owners of any Lands or Grounds near to, through, or by which the said Railway shall be made, to erect and use any Wharfs or Depots, Cranes, Weigh-Beams, or Warehouses in or upon his, her, or their respective Lands or Grounds adjoining or near to the said Railway, and to unload any Goods or other Things upon Wharfs or Depots, or upon the Banks and Grounds lying between the same and the said Railway; and also to make and use proper and convenient Places for Waggons, Carts, and other Carriages to lie and turn in and pass each other, so that the making or using thereof do not obstruct or prejudice the Passage of the said Railway; and all Rates or Tolls which shall be paid for the Use of such Wharfs or Depots, Cranes, Weigh-Beams, and Warehouses respectively, shall be and the same are hereby accordingly vested in the Owner or Owners of such Lands or Grounds who shall make and erect the same as aforesaid, and his, her, and their Representatives, so that the Rates and Powers herein granted to the said Company of Proprietors, be not thereby reduced, altered, or infringed.

Company may make Wharfs, &c. if Owners refuse to do so on Notice.

XCIII. And be it further enacted, That if any such Owner or Owners shall not within the Space of Six Calendar Months next after the Notice given in Writing to him, her, or them, or left at his, her, or their usual Place or Places of Abode, by or on behalf of the said Company of Proprietors, that any Part of such Lands or Grounds is necessary and proper to be used by them for the Purpose of erecting

and

and making Wharfs, Depots, Warehouses, and Buildings for the Use of the said Railway, make, erect, and lay out, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Depots, Warehouses, and Buildings for the Use of the said Railway on the respective Part or Parts of the Lands and Grounds described in such Notice, then and in every such Case the said Company of Proprietors shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Lands or Grounds, (not being the Ground whereon any House or other Building stands, or on any Garden, Orchard, Yard, Policies, Paddock, planted Walk, or an Avenue to a House,) for erecting and building proper and sufficient Wharfs, Depots, Warehouses, and Buildings respectively, agreeably to such Notice as aforesaid, they the said Company of Proprietors first making Satisfaction for the same in such Manner as is herein-before directed with respect to any other Lands or Grounds which shall be taken or used by the said Company of Proprietors for the Purposes of this Act; and then and in such Case all Rates or Tolls which shall be paid for the Use and Benefit of such last-mentioned Wharfs, Depots, Cranes, Weighbeams, and Warehouses respectively shall be and the same are hereby accordingly vested in the said Company of Proprietors and their Successors.

Penalty on Evasion at Wharfs, &c.

XCIV. And be it further enacted, That if any Person or Persons working or employed in working any Waggon or other Carriage upon the said Railway shall load, unload, or take into any such Waggon or other Carriage any Minerals, Goods, or Commodities whatsoever, liable to pay any of the Tolls, Rates, or Duties herein-before mentioned, for the Purpose of evading the said Tolls, Rates, or Duties, or any of them, at any other Place or Places than at the Wharfs or Quays hereby authorised to be made, such Person or Persons shall forfeit a Sum not exceeding Five Pounds.

Rules of Wharfage.

XCV. And be it further enacted, That no more than the Sum of One Halfpenny *per* Ton shall be demanded or taken by any such Land Owner or Owners, who shall make, erect, or build any such Wharfs or Depots, in pursuance of the Notice to be given by or on behalf of the said Company of Proprietors to such Owner or Owners for that Purpose as aforesaid, or by the said Company of Proprietors under the Power herein-before for that Purpose contained (as the Case may be), for the Wharfage of any Coal, Culm, Lime, Limestone, Clay, Ironstone, Stone, Bricks, Gravel, Hay, Straw, Corn in the Straw or Manure; nor more than One Penny *per* Ton for the Wharfage of any Iron, Lead Ore, or any other Ore, Tin, Timber, Tiles, and Slates; nor more than Two Pence *per* Ton for the Wharfage of any other Goods, Wares, Merchandize, or Things whatsoever, where the same shall be respectively placed and remain upon any such Wharfs or Depots, and shall not continue thereupon for a longer Space of Time than Six Months: Provided nevertheless, that in case any of the said Articles shall be left and remain in and upon any such Wharfs for the Space of Six Days over and above the said Six Months, then the Owner or Owners of such Articles shall pay the Proprietors of such Wharfs the following Rates of Wharfage *per* Month, and so in proportion for more or less than a Month, for the Time which the same shall remain on the Wharf after the Expiration of the said Six Months; *videlicet*,

videlicet, for any Coals, Culm, Lime, Limestone, Clay, Ironstone, Stone, Bricks, Gravel, Hay, Straw, Corn in the Straw, or Manure, One Farthing *per* Ton; and for Iron, Lead Ore, or any other Ore, Tin, Timber, Tiles, and Slates, One Halfpenny *per* Ton; and for any other Goods, Wares, Merchandize, or Things, One Penny *per* Ton: Provided always, that it shall be lawful for the said Company of Proprietors to erect, repair, and use any Cranes or Weighing Machines upon any such Wharfs last mentioned, for the more convenient loading and unloading and weighing of any such Minerals or other Goods, Wares, Merchandize, or Commodities, in case the Proprietors of such Wharfs shall neglect or refuse to make and erect the same for the Space of Six Calendar Months after they shall have received Notice in Writing for that Purpose from the said Company of Proprietors; or when so erected, neglect or refuse to keep the same in Repair; any thing in this Act contained to the contrary thereof notwithstanding.

Company not entitled to use private Wharfs.

XCVI. And be it further enacted, That nothing herein contained shall authorize and empower the said Company of Proprietors, or any other Person or Persons, to make use of any Wharfs, Cranes, Weighbeams, or Warehouses which shall be set out, erected, or made by the Owner or Owners of any Lands or Grounds adjoining or near to the said Railway for his, her, or their own private Use only; or to set up, erect, or use any Crane or Weighing Machine in or upon any such Wharfs without the Consent of any such Owner or Owners, unless such private Wharfs shall be by the said Company of Proprietors deemed necessary for the Purposes of the said Undertaking; in which Case the same shall or may be used in the same Manner as if the same had been set out, erected, or made in pursuance and for the general Purposes of this Act.

How Damages not provided for, to be recovered.

XCVII. And be it further enacted, That if at any Time or Times hereafter any Person shall sustain any Damage in his, her, or their Lands, Tenements, Heritages, or Property by reason of the Execution of any of the Powers hereby given, and for which no Remedy is herein-before provided, then and in every such Case the Recompence or Satisfaction for such Damage shall from Time to Time be settled and ascertained in such Manner as herein-before directed in respect of any other Recompence or Satisfaction herein-before mentioned.

Ascent to Bridges.

XCVIII. Provided also, and be it enacted, That the Ascent to every Bridge to be made over the said Railway, for the Purpose of any Public or Private Road, shall not be more than One Foot in Thirteen Feet; and that the Fence on each Side of such Bridge shall not be less than Four Feet above the Surface of the Bridge.

Notices, how to be served on the Company.

XCIX. And be it further enacted, That in all Cases where it may be requisite or necessary for any Person or Persons, or Party or Parties to serve any Notice or Notices upon the said Company, or any Citation or Summons, or other legal Proceedings, the Service upon any Member of the the said Company, or left at his last or usual Place of Abode, or upon the Clerk of the said Company, or at the Office of the said Clerk, or left at his last or usual Place of Abode, or at the Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any Agent or other Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Costs may be recovered from Treasurer.

C. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Lands, Houses, Materials, or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made from the Clerk to the said Company or their Treasurer, in which Demand the Order of the Sheriff or Justice making the same shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by any such Sheriff or Justice under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Lands, Houses, Materials, Costs, Damages, Spoil, or Injury, as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale; then and in such Case such Overplus shall be returned on Demand to the said Company or to their Treasurer for the Time being, as the Case may be: Provided always, that it shall and may be lawful for such Treasurer to retain out of the Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

Penalties how to be recovered.

CI. And be it further enacted, That all Penalties or Forfeitures for Offences against this Act, or any Rule, Bye Law, or Order to be made by the said Company of Proprietors or Committee as aforesaid, shall, upon Proof of the Offences respectively, before any Justice of the Peace for the County where the Matter of Complaint may arise, either by the Confession of the Party or Parties, or by the Oath of any credible Witness, be levied or recovered by Distress and Sale of the Goods and Effects of the Party or Parties offending, by Warrant under the Hand of such Justice (which Warrant such Justice is hereby empowered and required to grant); and the Overplus, after such Penalties or Forfeitures, and the Charge of such Distress and Sale are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Effects; and in case such Penalties or Forfeitures and Charges shall not be forthwith paid upon Conviction, then it shall be lawful for any Justice to order the Offender so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Distress Warrant; and if upon Return of such Warrant, or if by the Confession of the Offender, or other legal Evidence, it shall appear that no sufficient Goods and Effects can be found, or that he has no Goods, then it shall be lawful for such Justice, by Warrant under his Hand, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the said County where the Matter of Complaint may arise, there to remain without Bail for such Time as such Justice shall direct, not exceeding Three Calendar Months, unless such Penalties or For-

Forfeitures, and all reasonable Charges attending the Recovery thereof shall be sooner paid and satisfied; and such Penalties or Forfeitures, the Application whereof is not herein-before particularly directed, shall go and belong to the said Company of Proprietors, and be applied for the Purposes of this Act.

Distress not to be deemed unlawful for Want of Form.

CII. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or Poinding or other Proceedings relative thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damages in an Action to be brought for that special Purpose.

Proceedings not to be quashed for Want of Form.

CIII. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Suspension or Advocation into, or be subject to Reduction in any Court in *Scotland*, any Law or Statute to the contrary notwithstanding.

Form of Conviction.

CIV. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form to the same Effect, as the Case shall happen; *videlicet*,

'County of } BE it remembered, That on the Day of
'to wit. } in the Year of our Lord
'is convicted before me
'One of His Majesty's Justices of the Peace for the said
'County, [*where the Matter of Complaint may arise, specifying the Offence*
'*and Time and Place when and where the same was committed.*] Given
'under my Hand the Day and Year aforesaid.'

Appeal.

CV. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace, may, within Two Calendar Months after such Order or Determination shall have been made or given, appeal to the Justices of the Peace at any Quarter Sessions to be held for the County or Place where such Cause of Appeal shall happen to arise, first giving Fourteen Days Notice at the least in Writing of such Intention to appeal, to the Parties interested in such Complaint; and the said Justices shall in a summary Way hear and determine the said Appeal at such Sessions, or if they think proper may adjourn the hearing thereof to the next General Court of Quarter Sessions of the Peace to be held in the said County or Place; and if they see Cause may mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Deter-

Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing, as they in their Judgment shall think just and reasonable.

Limitation of Actions.

CVI. And be it further enacted, That no Action, Suit, or Complaint shall be brought, commenced, or prosecuted against any Person or Persons for any Thing done or to be done in pursuance of this Act, or in Execution of any of the Powers or Authorities, or any of the Orders made, given, or directed in, by, or under this Act, unless One Month's previous Notice in Writing shall be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Complaint to the said Company of Proprietors, or to their Clerk for the Time being; or unless such Action, Suit, or Complaint shall be brought and commenced within Three Calendar Months next after the Fact committed; or in case there shall be a Continuation of Damage, then within Three Calendar Months next after the doing or committing such Damages shall cease, and not afterwards; and the Defender or Defenders in such Action, Suit, or Complaint, shall and may give this Act, and the Special Matter, in Evidence at any Proceedings to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if such Action, Suit, or Complaint shall have been brought or commenced before or after the respective Times so limited for bringing or commencing the same; then and in every such Case, Judgment shall be given for the Defender or Defenders; and if any such Action, Suit, or Complaint shall be dismissed or found irrelevant, or if the same shall be suffered to fall asleep, or if Judgment shall be given against the Pursuer or Pursuers, the Defender or Defenders shall have Treble Costs or Expences, and shall have such Remedy for the same as any Defender hath for Costs of Suit in any other Case by Law.

Act to be null as to any Part of the Works not executed within Four Years.

CVII. And whereas the whole of the said Railway may be completed, if not prevented by inevitable Accident, within the Space of Four Years from the passing of this Act, according to an Estimate of the probable Time within which the same may be completed; be it therefore enacted, That if the said Railway shall not have been completed so as to answer the Objects of this Act within the Space of Four Years from and after the passing of this Act, all the Powers given by this Act shall from thenceforth cease and become void; save only as to so much of the said Railway as shall have been completed within the Space of Four Years.

Public Act.

CVIII. And be it further 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, without being specially pleaded.

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