



ANNO DECIMO

GEORGII IV. REGIS.

Cap. cvii.

An Act for making a Railway from *Chapel* in the Parish of *Cambusnethan* in the County of *Lanark*, by *Coltness* and *Gariongill*, to join the *Monkland and Kirkintilloch* Railway where the same passes through the Lands of *Coats* or *Garturk* in the Parish of *Old Monkland* and County of *Lanark*. [1st June 1829.]

WHEREAS the making and maintaining a Railway or Tramroad, with inclined Planes where the same may be necessary, for the Passage of Waggon or other Carriages from certain Coal and other Mines and Estates in the Parishes of *Cambusnethan*, *Carlisle*, *Dalziel*, *Hamilton*, *Bothwell*, and *Old Monkland*, to join the *Monkland and Kirkintilloch* Railway at or near the Lands of *Garturk* in the Parish of *Old Monkland* and County of *Lanark*, thereby connecting the said Mines and Mineral Fields with the *Monkland* and *Forth and Clyde* Canals and *Garnkirk* Railway, 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 Ironstone and other Minerals to the said Canals, 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 such Purposes cannot be attained

[Local.] 28 Q without

Subscribers
incorporated.

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, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable Lord *Belhaven and Stenton*, Sir *James Stewart Denham* of *Coltness* Baronet, Sir *Henry Steuart* of *Allanton* Baronet, Sir *John Hay* of *Smithfield* and *Hayston* Baronet, Sir *Archibald Campbell* of *Succoth* Baronet, *Archibald Spiers* of *Elderslie*, *James Steuart* of *Carfin*, General *Charles Pye*, *Kirkman Finlay* of *Castle Toward*, *William Dixon* of *Calder Iron Works*, *Robert Grahame*, *Charles Tennant*, *John Gourlay*, *Archibald Wallace*, *Robert Douglas Alston*, *William Paterson*, *David Leighton*, *Thomas Grahame*, *Dykes Alexander*, *Samuel Alexander*, *Laurence Hill*, and all and every other Person and Persons who is or shall hereafter become a Subscriber or Subscribers to the said Undertaking, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and are hereby united into a Company for making, completing, and maintaining the said Railway and other Works, according to the Rules, Orders, and Directions herein-after mentioned, and shall for that Purpose be one Body Corporate by the Name and Style of "The *Wishaw and Coltness Railway Company*," and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued; and the said Company of Proprietors shall have Power and Authority at all Times, from and after the passing of this Act, to purchase and hold Lands and Heritages to them and their Successors and Assigns, for the Use of the said Undertaking and Works, and also to sell or dispose of the said Lands and Heritages again, without incurring any Penalties, Forfeitures, or Disabilities.

Description
of Line of
Railway.

II. And be it further enacted, That the said Company shall be and are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Railway or Tramroad to be called "The *Wishaw and Coltness Railway*," passable for Waggon and other Carriages; the First or Main Branch of the said Railway beginning at or near the Collieries of *Chapel* and *Crawfoot* in the Parish of *Cambusnethan*, and passing through the said Parishes of *Dalziel*, *Hamilton*, *Bothwell*, and *Old Monkland*, by or near *Coltness*, *Overtown*, *Wishawtown*, *Motherwell*, and *Burnhouse*, to or near *Carnbroe* and *Rosehall*, to the *Monkland and Kirkintilloch* Railway at or near the Lands of *Coats* and *Garturk* in the said Parish of *Old Monkland*; with a Side Branch or Branches from the said Main Railway through the said Lands of *Garturk* to the Estate of *Rosehall*; and another Side Branch from the said Main Railway to the Collieries in the Estates of *Stevenson*, *Carfin*, and *Cleland*; and a Third Branch from the same to the Collieries in the Estate of *Law* in the Parish of *Carluke*; 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,

rate, 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, Engines, Wheels, Machinery, Depôts, 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, Depôts, 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 on, continuing, maintaining, or repairing the said Railway, Engines, Wheels, Depôts, and Wharfs, 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, and any Streams that may cross the Line of the said Railway, 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, and 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, Depôts, Wharfs, Bridges, 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 Provisoos and Restrictions as are herein-after mentioned and contained.

III. Pro-

Certain Lands
not to be
taken without
Consent.

III. Provided always, and be it further enacted, That the said Company of Proprietors shall not have Right or Liberty to enter upon or take possession of those Parts of the said Lands of *Garturk* necessary to enable them to make the Side Branch before mentioned to the Estate of *Rosehall*, without the Consent in Writing first obtained of *William Dixon*, his Heirs or Successors, Proprietors of the said Lands of *Garturk*, or of the Part thereof through which the said Branch Railway shall pass, or to enter in, upon, or take possession of any Part of the Estate of *Woodhall*, belonging to *Walter Frederick Campbell*, or any Land belonging to *William Hozier*, without first obtaining the Consent in Writing of the said *Walter Frederick Campbell* and *William Hozier* respectively, or their respective Heirs or Successors, Proprietors of the said Lands or Estates, or of the Parts thereof through which the said Railway or Branches may pass.

Ledges not to
project above
the Road.

IV. Provided always, and be it 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 any such Ledge or Flanch be more than Three Quarters of an Inch below the Level of such Turnpike Road.

Width of
Railway.

V. And be it further enacted, That the Distance between the inside Edges of the said Railway shall be Four Feet Six Inches, and the Distance between the outside Edges of the said Railway shall be Four Feet Eleven Inches.

Regulations
as to Ascent
of Bridges
and Height
of adjoining
Fences.

VI. Provided always, and be it further enacted, That in all Places where it may be necessary to erect or build any Bridge or Bridges on any public Carriage Road, or to cut or bank, in order to allow the Passage of any of the said Railway or Branches thereof, under, above, across, or along such Road, the Ascent of every such Bridge, Cut, or Bank, for the Purpose of such Roads, shall not be more than One Foot in Thirteen Feet above the Plane of such Road or Roads; and that a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of the Bridge.

No House,
Garden, &c.
to be injured
without
Consent.

VII. 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, Depôts, 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 Mansion House, without the Consent in Writing of the Owners and Occupiers thereof, and Persons interested therein respectively, other than and except those specified in the Schedule hereunto annexed.

In case of In-
jury to Roads.

VIII. Provided also, and be it further enacted, That in all Cases when, in exercise of the Powers hereby granted, any Part of any Carriage

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.

IX. And whereas a Survey has been taken to ascertain the Practicability of making the said Railway or Tramroad, and a Map or Plan, showing the different Lines thereof, 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 each of the Offices of the Clerks of the Peace for the County of *Lanark* at *Lanark* and *Hamilton* respectively; be it further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerks of the Peace for the said County, 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 respective Clerks of the Peace the Sum of One Shilling for every such Inspection, and for Copies or Extracts from the said Book of Reference at the Rate of Sixpence for every One hundred Words; and the said Company, in making the said intended Railway or Tramroad, shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Map or Plan, and set forth in the said Book of Reference.

Map or Plan
may be in-
spected.

Company not
to deviate
more than
100 Yards.

X. Provided always, and be it further enacted, That the said Company of Proprietors may make the said Railway, Wharfs, Depôts, 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 erroneously set forth or 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 County of *Lanark*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Lands de-
scribed in
the Plan may
be taken,
although
Owners
Names are
not duly
set forth.

Railway not
to exceed
Fifteen Yards
in Breadth.

XI. 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 Waggon or other Carriages to turn, lie, or pass each other, or for raising Embankments for 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 Seventy-five 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.

XII. 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, Depôts, 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, Life-renters, 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 seised, possessed of, or interested in their own Right, or entitled to Terce or other Interest therein, and to and for all and every other Person or Persons whomsoever, who is or are or shall be seised, 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
‘ to me paid by the Proprietors of the *Wishaw*
‘ *and Coltness* Railway, do hereby grant and convey to the said Com-
‘ pany 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 Suc-
‘ cessors for ever, by virtue and according to the true Intent and
‘ Meaning

‘ Meaning of an Act passed in the Tenth Year of the Reign of His
 ‘ Majesty King *George* the Fourth, intituled [*here set forth the Title*
 ‘ *of this Act*]. In witness whereof I have hereunto set my Hand,
 ‘ the Day of in the Year of
 ‘ our Lord One thousand eight hundred and .’

And which said Conveyance shall be registered in the Register of Seisins for the County of *Lanark* within Twenty-one Days from and after the Date thereof, and upon being so registered 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.

XIII. 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 therein 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. Superiority not to be diminished.

XIV. And be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees, and other Person or Persons herein-before 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 said 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: But provided always, that notwithstanding of any thing herein contained it shall be lawful and competent to any Proprietor or Proprietors, whose Lands are hereby authorized to be taken, to reserve and except from the Bargain or Sale to the said Company the whole Minerals in the said Lands for and to his or her own proper Use and Behoof; and the said Company shall have no Right of Property of or in such Minerals which any Proprietor or Proprietors may desire to be reserved as aforesaid; but provided always, nevertheless, that it shall on no account be lawful to or in the Power of any such Proprietor to work, win, or away take any of the said Minerals, without giving previous good and sufficient Security to the said Company for all Damages, Interruption of Traffic, and other Injury which may thence in any way result to the said Undertaking or the said Company; and in the event of the said Company and any such Proprietor not agreeing in regard to the Extent or Sufficiency of such Security, then the Judge Ordinary of the Bounds shall regulate and determine thereupon as to him shall appear just. Satisfaction to be made to Owners for Lands taken or for Damages.

XV. And

In case of
Disagreement
as to the
Price, the
same to be
settled by
a Jury.

XV. 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 or 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, 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 of *Lanark*, to proceed therein as herein-after mentioned; and the said Sheriff Depute or Substitute is thereupon accordingly hereby required to impanel, summon, and return a Jury of Twenty-four Persons, in the Manner in which Juries are impanelled, 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 Parties concerned may have their lawful Challenges or Exceptions against any of the said Jurymen; and the said Sheriff Depute or Substitute is hereby empowered and obliged to summon and call before him 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 inquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands or 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; and 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 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, or 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 Ten Pounds.

XVI. And be it further enacted, That in all Cases where a Verdict shall be given for more Monies as a Recompence or Satisfaction for any Lands or Heritages of any Person or Persons whomsoever, or for any Damage to be done to any Lands or Heritages of any Person or Persons, than had been previously offered by or on behalf of the said Company of Proprietors, then all the Expences of summoning such Jury and taking such Inquest shall be defrayed by the said Company of Proprietors; and such Expences shall and may be recoverable from and out of the Effects of the said Company, or of their Treasurer, by Distress and Sale, and by the like summary Process by which the said Company are authorized to recover Damages or Penalties by this Act; but if any Verdict shall be given or made for the same, or for a less Sum than had been previously offered by or on behalf of the said Company of Proprietors, or in case no Damage shall be given by the Verdict, where the Dispute is for Damages only, then and in every such Case the Costs and Expences of summoning such Jury and taking Inquest shall be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have such Controversy or Dispute and the said Company of Proprietors, in Moieties; which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged, where the same shall exceed such Costs and Expences, as so much Money advanced to and for the Use of such Person or

Expences of
Jury how to
be borne.

Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so adjudged or assessed; or otherwise such Costs and Expences, in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Company of Proprietors, in and by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that whenever any Person or Persons shall, by reason of Absence or otherwise, have been prevented from treating with the said Company of Proprietors, such Costs, Charges, and Expences shall be borne and defrayed by the said Company of Proprietors in manner aforesaid.

Persons desiring a Jury to give Security.

XVII. 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 said County shall appoint, not exceeding the Sum of One hundred Pounds, to prosecute such 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, her, 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 Damages.

XVIII. 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, but taking into their Consideration in such Assessment of Damages the additional Value given to the Minerals in the said Lands by the making and constructing of the said Railway.

XIX. And

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

Regulations
as to Juries.

Persons giving false Evidence to be prosecuted.

XX. 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 be kept by the Sheriff Clerk of the County of *Lanark*, 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 One Shilling, and no more, and to take Copies thereof or Extracts therefrom, paying for every Copy or Extract after the Rate of Sixpence for every One hundred Words.

Verdicts to
be recorded.

XXI. 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 Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein-before mentioned, 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 Thirty 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 Conveyance, 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 Purposes 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,

Upon legal
Tender,
Works not to
be impeded.

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 Tail 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 Person 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.

Application
of Compen-
sation Money
when exceed-
ing 200*l*.

XXII. 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 Money 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*, or 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 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 amount-
ing to 20*l*.

XXIII. 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.

XXIV. 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 and Benefit of such Person or Persons so entitled respectively.

Application
where less
than 20*l*.

XXV. 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*, or 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

In case of
not making
out Titles.

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 any Money.

XXVI. 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 said Court of Session; and the Interest of such Money, and also the Principal Sums, shall be 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 of Purchases in certain Cases.

XXVII. 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 in 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.

XXVIII. 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 Creditors 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, Acknowledgment, or Discharge for such Payment, as shall by the Law of *Scotland* be good and effectual to the Debtor.

XXIX. And whereas the probable Expence of making the said Railway will, according to an Estimate made thereof, amount to the respective Sums following; *videlicet*, the Sum of Fifty-three thousand Pounds for the Main Line thereof, the Sum of Five hundred Pounds for the Branch to *Rosehall*, the Sum of Six thousand Pounds for the Branch to *Carphin* and *Cleland*, and the Sum of Five hundred Pounds for the Branch to the Estate of *Law*, amounting in all to the Sum of Sixty thousand Pounds; and upwards of Four Fifth Parts of such aggregate Expences have been already subscribed for defraying such Expences, under a Contract, binding the Subscribers, their Heirs, Executors, Administrators, and Assignees, for Payment of the several Sums of Money so subscribed by them respectively; be it enacted, That the Main Line of the said Railway shall not be commenced till the whole of the said Sum of Fifty-three thousand Pounds shall be subscribed; the Branch to *Rosehall*, till the said Sum of Five hundred Pounds be subscribed; the Branch to *Carphin* and *Cleland*, till the said Sum of Six thousand Pounds be subscribed; and the said Branch to the Estate of *Law*, till the said Sum of Five hundred Pounds be subscribed; all in Manner as aforesaid.

Whole Money
required to
be subscribed
before the Act
be executed.

XXX. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute among themselves, in such Proportions as they shall think proper, a competent Sum of Money for making and completing the said Wharfs, Depôts, Railways, Roads of Communication, Works, and Conveniences belonging or requisite thereto, not exceeding in the Whole the said Sum of Sixty thousand Pounds, and the same shall be divided into One thousand two hundred Shares of Fifty Pounds each; and such respective Shares shall be numbered in regular Progression, and every such Share shall always be distinguished by the Number to be applied to the same; and no Person subscribing thereto, or becoming a Proprietor in such Undertaking, shall be or become a Proprietor of less than One; 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 Successors, Executors, Administrators, and Assigns, 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 Assigns, 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, and other the Purposes of the said Subscription, shall be entitled to and receive, at such Time and Times as the said Company of Proprietors shall, at a General or Special Meeting, to be convened for that Purpose as directed on other Occasions, direct and appoint, the entire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the Profits and Advantages that shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by

Proprietors
may raise
Money for
making the
Railway.

by the said Company of Proprietors by the Authority of this Act ; and every Body Politic, Corporate, and Collegiate, Person or 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 ; and all and every the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and all other Person or Persons, of and in the Undertaking, or the Joint Stock Fund of the said Company of Proprietors, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property.

No Person
answerable
for more than
his Share
in the Stock.

XXXI. 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, personally, or 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 anywise 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.

Application
of the Money
to be raised.

XXXII. And be it further enacted, That all the Money to be raised by the said Company of Proprietors by virtue of this Act is hereby directed and appointed to be laid out and applied, in the first place, for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expences in applying for, obtaining, and passing this Act, and all the necessary Expences preparatory and relating thereto ; and all the Residue and Remainder of such Money for and towards making, completing, and maintaining the said Railway, Bridges, Depôts, Ways, Wharfs, Steam Engines, and other Works, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

Certificates
of Shares to
be delivered
to the Pro-
prietors.

XXXIII. And for the better securing to 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 be then entitled to the Shares in the said Undertaking, with the Number of the Shares, or the Amount of all the Subscriptions which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company of Proprietors ; and after such Entry 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, she, or they is or are 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 what-
soever.

soever 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 such Shares from selling or disposing thereof; and such Certificate or Instrument may be in the Words or to the Effect following; *videlicet*,

‘ The *Wishaw and Coltness* Railway Company.

‘ Number
‘ THESE are to certify, That of Form of
‘ is a Proprietor of the Share or Number being Certificate.
‘ Share of the *Wishaw and Coltness* Railway, subject
‘ to the Rules, Regulations, and Orders of the said Company of Proprietors; and that 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 .’

XXXIV. And be it further enacted, That all and every Body or Bodies Politic or Corporate, or other Person or Persons, and his, her, or their Successors, Executors, Administrators, or Assigns, who shall have subscribed for or shall become entitled to and be in the actual Possession of Four or more Share or Shares in the said Undertaking, shall be deemed a Proprietor for every such Share, and shall have a Vote only for and in respect of every Four such Shares (subject to the Restrictions herein-after mentioned) in the General or Special Assemblies of the said Company of Proprietors, to be held as herein directed for carrying on the said Undertaking or relative thereto; which Vote shall and may be given by him or them, or by his, her, or their Proxy or Proxies (such Proxy or Proxies being a Proprietor or Proprietors of Four or more Shares in the said Undertaking), duly constituted under his, her, or their Hand or Hands, or Common Seal of a Corporation, or in Cases 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 valid to all Intents and Purposes as if such Principal or Principals had voted in Person, and, being an Infant, had been of full Age; the Appointment of which Proxy shall and may be made in the Words or to the Effect following (varying the same so as to meet each particular Case); *videlicet*,

‘ I One of the Proprietors [or we, A. B. and Form of
‘ C. D., Guardians of One of the Proprie- Proxy.
‘ tors] of the *Wishaw and Coltness* Railway, 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 and Dissent to any Business, Matter, and
‘ Thing relating to the said Undertaking which shall be mentioned
‘ or proposed at any Meeting of the Proprietors of the said Railway
‘ or any of them, in such Manner as he the said
‘ shall think proper, according to his Opinion and Judgment, for the
‘ Benefit of the said Undertaking, or any thing appertaining thereto.
‘ [Local.] 28 U In

‘ In witness whereof I [or we] have hereunto set my Hand [or our
 ‘ Hands], the Day of in the Year
 ‘ of our Lord

Majority of
 Votes to de-
 termine.

And every Election of Committees and Officers, and every Question, Matter, and Thing whatsoever, which shall be proposed, considered, or discussed in any General or Special Assembly of the said Company of Proprietors to be held by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote to every Four Shares as aforesaid; and at every such Assembly One of the Proprietors present shall be appointed President or Chairman, who shall not only have such Vote or Votes as a Proprietor as aforesaid, but shall also, in case of an equal Division, have the decisive or casting Vote: Provided always, that no Person shall have more than Ten Votes in his or her own Right, or more than Forty other Votes in right of any Proxy or Proxies.

Company
 may borrow,
 and assign
 the Property
 and Rates in
 Security.

XXXV. Provided always, That in case the said Company of Proprietors shall be desirous of raising a farther or additional Sum on the Credit of the said Undertaking, it shall be lawful for the said Company of Proprietors, by an Order of any General Assembly of the said Company of Proprietors, to borrow and take up at Interest such Sum, not exceeding in the whole Twenty thousand Pounds, on the Credit of the said Undertaking, as to them shall seem meet and convenient; and the said Company of Proprietors, or the Committee of the said Company of Proprietors, upon an Order of any General Assembly to that Effect, are hereby authorized and empowered to assign the Property of the said Undertaking, and the Rates arising or to arise 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 such Sum or Sums of Money to be borrowed as aforesaid, with Interest, to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance the same; all which said Securities or Assignments shall be made under the Common Seal of the said Company of Proprietors in the Words or to the Effect following; (that is to say,)

Form of
 Assignment.

‘ Number
 ‘ BY virtue of an Act made in the Tenth Year of the Reign of
 ‘ His Majesty King *George* the Fourth, intituled [*here set forth*
 ‘ *the Title of this Act*], we, the *Wishaw and Coltness* Railway Com-
 ‘ pany, incorporated by and under the said Act, in consideration of
 ‘ the Sum of to us in hand paid by of
 ‘ , do 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 the Estate, Right, and Interest of and in the same, to hold
 ‘ unto the said his [or her] Executors,
 ‘ Administrators, and Assigns, until the said Sum of
 ‘ together with Interest for the same after the Rate of
 ‘ for every for a Year, shall be fully paid and
 ‘ satisfied. Given under our Common Seal, this Day of
 ‘ in the Year of our Lord

And

And all and every Person or Persons to whom such Security or Assignment shall be made shall be equally entitled, one with the other, to his, her, or their Proportion or Proportions of the said Rates and Premises, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority of any such Assignments, or any other Account whatsoever; and a Memorial of every such Assignment, containing the Date, Name or Names of the Person or Persons to whom made, the Sum of Money borrowed, and the Rate of Interest, shall be entered in a Book or Books to be kept by the Clerk to the said Company of Proprietors; which said Book or Books shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all and every Person or Persons to whom any such Security or Securities, Assignment or 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 whomsoever; which Transfer shall and may be in the Words or to the Effect following; (that is to say,)

‘ I [or we] of , Form of
 ‘ in consideration of the Sum of Transfer.
 ‘ paid by of , do hereby transfer a certain
 ‘ Security, Number , made by the *Wishaw and Coltness* 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. Dated this Day of in
 ‘ the Year of our Lord .’

And every such Transfer shall within Twenty-eight Days after the Date thereof be produced to the Clerk of the said Company of Proprietors, who shall cause a Memorial to be made thereof in like Manner as of the original Security, for which the said Clerk shall be paid such Sum as the said Company of Proprietors shall appoint, not exceeding Two Shillings and Sixpence; and after such Entry made every Transfer shall entitle such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or any Sum or Sums of Money thereon due or thereby secured, or any Part thereof.

XXXVI. And be it further enacted, That the Interest of the Money which shall be borrowed as aforesaid shall be paid half-yearly to the Persons severally entitled thereto, in preference to any Interest or Dividends due and payable by virtue of this Act to the said Company of Proprietors, or any of them, and shall from Time to Time be fully paid and discharged or provided for before the yearly or other Interest or Dividends due to the said Company of Proprietors, or to any of them, shall be paid, made, or divided; and in case the same or any Part thereof shall be behind and unpaid by the Space of
 Thirty

Interest to
 be paid in
 Preference
 to Dividends.

Thirty Days next after the same shall become due and payable as aforesaid, and after Demand made, the same shall and may be sued for and recovered, with Costs, from the said Company of Proprietors, by Action in the Court of Session in *Scotland*.

Creditors not
to vote.

XXXVII. 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.

First General
Meeting.

XXXVIII. And be it further enacted, That the First General Meeting of the said Company of Proprietors for putting this Act into Execution shall be held at *Glasgow*, within the *Black Bull Inn*, on the Third *Tuesday* next after the passing of this Act, at the Hour of Twelve o'Clock Noon; and the Second and every other General Meeting shall be held on such Day, and at such Place, as the said Proprietors at the next preceding General Meeting shall appoint, all such Meetings being at the Hour of Twelve of the Clock; and the said Company of Proprietors at such respective General Meetings, 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 Five 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 any such 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, and to revoke, alter, amend, or change any of the Rules or Directions which may have been prescribed and laid down by virtue of this Act, with regard to their Proceedings amongst themselves, as they shall think proper, (the Method of calling General or Special Meetings, and their Time and Place of meeting and voting, and appointing Committees, only excepted,) and shall also have Power and Authority to make such new Rules, Bye Laws, and Orders 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 painted upon Boards, and affixed upon the several Toll Houses to be erected on 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; and every such General Meeting shall have Power to call for, audit, and settle all Accounts of Money received, laid out, and disbursed on account of the said Undertaking, by the Treasurers, Receivers, or Collectors of the Rates, and other Officers by them appointed, or by any other Person or Persons whomsoever, employed by or concerned for or under them in and about the said Railway, and the Works thereto belonging; but no Vote or Votes by Proxy shall be given or have any Power in or as to the Audit and Settlement of Accounts; and the said Company of Proprietors shall have Power to adjourn themselves from Time to Time to such Place or Places within the said City of *Glasgow* as shall at any such General Meetings be thought proper and convenient.

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, Orders, 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.

Penalty on
Persons de-
facing
Boards.

XL. Provided always, and be it further enacted, That if at any such General Meeting there shall not be Persons present who shall be possessed of or entitled unto at least Two hundred Shares, or Subscriptions of Fifty Pounds or upwards, in the said Undertaking, either as Principals or Proxies, 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 the *Monday* se'nnight 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 as aforesaid.

Committee
not to be
chosen
unless a cer-
tain Num-
ber of Per-
sons present.

Special
Meetings
may be
called.

XLI. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act in execution a Special General Meeting of the said Company of Proprietors is necessary to be held, it shall be lawful for any Five or more of the said Proprietors, who may each of them be possessed of or entitled to not less than Four Shares or Subscriptions of Fifty Pounds or upwards at the least in the said Undertaking, to cause Fourteen Days Notice at the least to be given in any Two Newspapers usually published in *Glasgow*, and in One of the *Edinburgh* Newspapers, or by giving to each Proprietor, or leaving at his or her usual Place of Abode, a Notice in Writing, signed by such Proprietors, or by the Clerk to the said Company of Proprietors for the Time being, or in such other Manner as the said Company of Proprietors shall at any General Meeting direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special General Meeting, and the Time when and Place where the same shall be held; and the said Proprietors are hereby authorized to meet pursuant thereto, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company of Proprietors with respect to the Matters so specified only; and all such Acts of the Proprietors or the major Part of them met together at every such Special General Meeting shall be as valid with respect to the Matters specified in such Notice as if the same had been done at a General Meeting at the Time herein-before appointed for holding the same.

Company
may appoint
Officers.

XLII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, at any General Meeting assembled, and they are hereby required, from Time to Time to nominate and appoint a Treasurer and Clerk, and such other Officers as they shall think proper; and the said Company shall take sufficient Security from every such Treasurer and other Officer having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of his Office, as the said Company of Proprietors shall think proper; and it shall be lawful for the said Company from Time to Time to remove and again to replace any such Treasurer, Clerk, and other Officers, or any of them; and such Clerk shall attend the General Meetings and Assemblies of the said Company of Proprietors, and the Meetings of the said Committee, and shall, in a proper Book or Books to be provided for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors or entitled to any Share or Shares therein, and of all the Acts, Proceedings, and Transactions of the said Company of Proprietors and of the said Committee, by virtue of and under the Authority of this Act; and every Proprietor of the said Undertaking shall and may at all convenient Times have recourse to and peruse and inspect the same *gratis*, and may demand and have Copies thereof or any Part thereof, paying Sixpence for every Hundred Words so to be copied; and if any such Clerk shall refuse to permit any of the said Proprietors to inspect or peruse any such Books, at all convenient Times and Seasons, or refuse to make any such Copy or Copies in a reasonable Time,

Time, at the Rate aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, for the Benefit of the said Undertaking; and whenever such Treasurer or Clerk shall die, or be removed from or quit the Service of the said Company of Proprietors, it shall be lawful for the Committee of such Proprietors for the Time being, or a Majority of them, to appoint some other fit Person or Persons to be Treasurer or Clerk in the Place of him or them so dying, being removed, or quitting the said Service, until the then next General Meeting of the said Company of Proprietors, when such Appointments shall be confirmed, or another Treasurer or Clerk shall be nominated and appointed in his or their Stead.

XLIII. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person or Persons who may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to appoint any Person or Persons who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, the Clerk or Clerks to the said Company; 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 or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer or Treasurers, or in any Manner officiate for such Treasurer or Treasurers, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer or Treasurers shall hold or accept any Place or Office of Trust or Profit under the said Company other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in the same Way in which any of the Penalties by this Act imposed may be sued for and recovered.

Same Person
not to be
Clerk and
Treasurer.

XLIV. And be it further enacted, That the said Committee shall, until the next General Assembly to be holden in manner as aforesaid, meet at such Times and at 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 which shall be proposed, discussed, or considered at such Meetings shall be finally determined by a Majority of Votes; but no Member of such Committee, although he may be a Proprietor

Powers of
Committee.

of

of many Shares in the said Undertaking, shall have more than One Vote in the said Committee, except the President or Chairman, who, in case of an equal Division, shall always have a second or casting Vote; and the said Committee shall have Power and Authority to direct and manage all the Affairs of the said Company, as well in buying and purchasing Lands and Heritages, and Materials for the Use of the said Undertaking and Works, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing Under Officers, Clerks, Servants, Agents, and Workmen, and in making all Contracts and Bargains touching the said Undertaking, so that no Purchase, Bargain, or other Matter be done or transacted without the Concurrence of a Majority of the said Committee as aforesaid then assembled.

Committee
may make
Calls.

XLV. And be it further enacted, That the Committee for the Time being of the said Company of Proprietors shall have Power from Time to Time to make such Call or Calls for Money from the Proprietors of the said Undertaking, to defray the Expences of and to carry on the same, as they shall from Time to Time find necessary for those Purposes, so that no such Call do exceed the Sum of Ten *per Centum* upon each Share, and so as no Calls be made but at the Distance of One Calendar Month at the least from each other; which Monies so called for shall be paid to such Person or Persons and in such Manner as the said Committee shall from Time to Time appoint and direct, for the Use of the said Undertaking; and every Owner of One or more Share or Shares in the said Undertaking shall pay his, her, or their Shares or Proportions of the Money to be called for as aforesaid, not exceeding the Sum aforesaid for every Share, at such Time and Place as aforesaid, of which One Calendar Month's Notice at the least shall be given, by publishing the same in some One such Newspaper as aforesaid, or by giving Notice in Writing to such Proprietor, or leaving the same at his or her usual or last Place of Abode, or in such other Manner as the said Company of Proprietors shall at any General Assembly direct or appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for at the Time and Place appointed as aforesaid, it shall be lawful for the said Company of Proprietors, if such Person or Persons shall reside within *England* or *Ireland*, to sue for and recover the same in any of His Majesty's Courts of Record at *Westminster* or *Dublin*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Impar lance, shall be allowed; and if such Person or Persons shall reside within *Scotland*, by Action in the Court of Session or any other competent Court; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for, after the first Call as aforesaid, at the Time and Place so appointed as aforesaid, he, she, or they so neglecting or refusing shall forfeit any Sum not exceeding the Rate of Two Pounds Ten Shillings for every One hundred Pounds of his, her, or their respective Share or Shares in the said Undertaking; and in case such Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid,

In case Persons neglect to pay Calls, the Committee

said, for the Space of Three Calendar Months after the Time appointed for Payment thereof as aforesaid, and at the Place so to be appointed for Payment thereof as aforesaid, then he, she, or they so neglecting or refusing shall forfeit his, her, or their respective Share or Shares in the said Undertaking, and all the Profit and Benefit thereof, and all Money advanced by him, her, or them; and all such Forfeitures shall be sold at a public Sale by the said Company of Proprietors for the most Money that they can get for the same, and the Produce shall be applied and disposed of in manner by this Act directed: Provided always, that no Advantage shall be taken of the Forfeiture of any Share or Shares in the said Undertaking, until Notice shall be given by the Clerk or Treasurer of the said Company of Proprietors to the Owner or Owners thereof, or Notice in Writing left at his, her, or their usual or last Place of Abode, nor unless the same shall be declared to be forfeited at some General Assembly of the said Company of Proprietors which shall be held after the End of Two Calendar Months after the Forfeiture shall happen to be made; and every such Forfeiture shall be an Indemnification and Discharge to and for every Proprietor or Proprietors so forfeiting, after such Share or Shares shall have been declared to be forfeited by a General Assembly, but not before, against all Actions, Suits, or Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract or other Agreement between such Proprietor or Proprietors so forfeiting and the rest of the Proprietors with regard to carrying on the said Undertaking: Provided always, that it shall be lawful to and in the Power of the said Company of Proprietors, at such General Assembly as aforesaid, instead of declaring any Share or Shares to be forfeited, to sue for and recover the Sum or Sums of Money subscribed by any Person or Persons, and called for as aforesaid, in any Court of Law or Equity.

tee may declare the Shares forfeited, or may sue for the Amount.

XLVI. Provided also, and be it further enacted, That in case the Money produced by the Sale of any Share or Shares shall be more than sufficient to pay all such Arrears of Call as aforesaid, and lawful Interest thereon, with the Expences attending such Sale or Sales, the Surplus of such Money shall be paid, on Demand, to the Person or Persons to whom such Share or Shares shall have belonged, but the said Company shall not sell or transfer, or direct to be sold or transferred, any more of such Shares of such Proprietor or Proprietors so forfeiting as aforesaid than shall be sufficient, as near as may be, at the Time of such Sale, to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after the Payment of all such Calls, and the Interest and Expences as aforesaid, any Share or Shares so vested in such Company as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Person or Persons to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

If Purchase Money of Shares shall be more than sufficient to pay the Arrears, Surplus to be paid to Owner.

XLVII. And be it further enacted, That in any Action brought by the said Company of Proprietors against any Owner or Owners of any Share

Proceedings in Actions for Calls.

[*Local.*]

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Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due or payable to the said Company of Proprietors for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company of Proprietors to declare and allege that the Defendant or Defendants, or Defender or Defenders, being a Proprietor or Proprietors of such and so many Share or Shares in the said Undertaking, is or are indebted to the said Company of Proprietors in such Sum or Sums of Money as the Call or Calls in arrear shall amount to, 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, or Defender or Defenders, (as the Case may happen to be,) whereby an Action hath accrued to the said Company of Proprietors by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant or Defendants, or Defender or Defenders, at the Time of making such Call or Calls, was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was 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 Matter whatsoever; and the said Company of Proprietors 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 Sum of One hundred Pounds, or was made within the Distance of One Calendar Month from the last preceding Call, or without Notice given as aforesaid.

Committees
to report to
General
Meetings.

XLVIII. And be it further enacted, That the Committee for the Time being shall from Time to Time make Reports of their Proceedings to and be subject to the Examination and Control of the said General and Special Assemblies of the said Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions in and about the Premises as shall from Time to Time be made by the said Proprietors at any such General or Special Assembly, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Books to be
kept.

XLIX. And be it further enacted, That proper Books of Accounts and other Matters relating to the said Undertaking shall be kept, and that all such Books and other Matters shall be deposited and kept, under the Direction of the Committee for the Time being, at such Place or Places as the said Company of Proprietors shall from Time to Time direct; and every Proprietor at all seasonable Times shall have free Access to the same, for his, her, or their Inspection, without Fee or Reward.

Accounts to
be kept.

L. And be it further enacted, That the said Company shall direct a Book to be provided and kept by their Treasurer for the Time being, in which Book such Treasurer shall enter true and regular Accounts of all Sums of Money received and expended on account of the said Undertaking, and of the several Articles, Matters, and Things for which Sums of Money shall have been disbursed, and which Book shall at all seasonable Times be open to the Inspection

tion of the several Members of the said Company, or any Creditor on the Tolls collected and taken on the said Railway respectively; and the said Company and Creditors, or any of them, may take Copies of the said Book or any Part thereof without the said Company or Creditor paying any thing for the same; and in case the said Treasurer shall not permit or shall refuse to permit any Member of the said Company or Creditor to inspect any such Book, or to take such Copies as aforesaid, or in case such Treasurer shall refuse or neglect to produce such Book at any Meeting of the said Company, when required, such Treasurer shall forfeit and pay any Sum of Money not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are hereby directed to be recovered and levied.

LI. And be it further enacted, That every Officer and other Person who shall be appointed by virtue of this Act shall from Time to Time, when thereunto required by the said Company, by Notice in Writing to him or them respectively given, or left at his or their usual Place of Abode, or within Seven Days next afterwards, make out and deliver to the said Company, or to such Person or Persons as they shall appoint to inspect and examine the same, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof had been disposed of, together with the Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Accounts shall appear to be owing from him or her to the said Company, to such Person or Persons as the said Company shall appoint to receive the same; and if any Officer or Person shall neglect or refuse to render or deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof, when thereunto required, in manner and within the Time aforesaid, or shall neglect or refuse, on such Requisition as aforesaid, to deliver up to the said Company, or to such Person or Persons as they shall appoint, all Books, Papers, Writings, Matters, and Things in his or their Custody or Power relating to the Execution of this Act, or which they shall have disposed of without the Consent of the said Company, then and in every such Case, Complaint being made by the said Company where such Neglect or Refusal shall happen, or by any other Person or Persons on their Behalf, of any Neglect or Refusal, to any Justice of the Peace for the County where the Officer or Person so neglecting or refusing shall live or reside, such Justice is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Company might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath or Oaths of any Witness or Witnesses, or upon the said Account, if produced, it shall appear to such Justice, that any of the Monies which shall have been collected or received shall

shall be in the Hands of or owing from such Officer or Person to the said Company, the said Justice may and he is hereby authorized, upon Nonpayment thereof within such Time as such Justice shall direct, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of taking, making, keeping, and selling such Distress, or if such Officer or Person shall not appear (without having sufficient Excuse) before the said Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up to him all such Books, Papers, Writings, Matters, and Things as aforesaid, to be by him delivered over to the said Company, then and in any of the Cases aforesaid the said Justice is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or other Person to the Common Gaol or House of Correction for the County, Burgh, or Place where he or she shall live or reside, there to remain without Bail until he or she shall have delivered in and settled such Account as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Monies that shall appear to be in the Hands of or owing from him or her to the said Company, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Company for such Money and Charges, and pay the Composition Money to the said Company, or to such Person or Persons as they shall appoint to receive the same, and which Composition the said Company are hereby empowered to make, and shall have delivered up as aforesaid such Books, Papers, Writings, Tools, Matters, and Things as aforesaid, or have given to the said Company Satisfaction in respect thereof: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Time than Six Calendar Months.

**Shares may
be sold.**

LII. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, and his, her, or their respective Heirs, Executors, or Administrators, from and after Payment made of the Sum of Twenty-five Pounds *per Centum* by him, her, or them, upon his, her, or their Share or Shares in the said Subscription, but not before, 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; and provided that the Form of Conveyance for such Sales shall be in the following Words, or to the like Effect (varying the Names and Descriptions of the contracting Parties as the Case may require):

Form of Conveyance.

' I in consideration of
' paid to me by , do hereby bargain, sell,
' and transfer unto the said Share [or
' Shares, as the Case may be,] of the Undertaking called "The W^yshaw
' and Coltness Railway," to hold to him the said , his Execu-
tors,

tors, Administrators, and Assigns, subject to the same Rules, Orders, and Restrictions, and on the same Conditions, as I held the same immediately before the Execution hereof; and I the said do hereby agree to take and accept the said Share [*or Shares*], subject to the same Rules, Orders, Restrictions, and Conditions. As witness our Hands the Day of

And on every such Sale the said Deed of Conveyance, 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 the said Book a Memorial of such Transfer and Sale, to be kept for the Use of the said Company of Proprietors, and testify or indorse the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Two Shillings and Sixpence shall be paid; and the said Clerk is hereby required to make such Entry or Memorial of such Transfer or Sale accordingly; and unless or until such Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Part of the Profits of the said Undertaking, nor any Interest for such Share or Shares paid unto him, her, or them, or any Vote as a Proprietor or Proprietors of the said Undertaking.

LIII. And be it further enacted, That after any Call of such Money shall have been made by such 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, although Twenty-five Pounds *per Centum* shall have been paid thereon, upon the Penalty of forfeiting his, her, or their respective Share or Shares therein to the said Company of Proprietors, in Trust for the Benefit of all the said Proprietors, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid and discharged, to the Treasurer of the said Company of Proprietors, the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred, such Forfeiture, nevertheless, to be notified and declared at a General Assembly in Manner before directed.

No Share to be sold till the Calls are answered.

LIV. 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 Tramroad, 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 the said Company of Proprietors, for the Tonnage of all Goods, Wares, and Merchandize, and other Things which shall be carried and conveyed upon the said Railway or Tramroad, or upon any Part thereof, the Rates, Tolls, and Duties herein-after mentioned; (that is to say,)

Company may take Tonnage Duties.

For all Limestone, Dung, Compost, and all Sorts of Manure, and all Materials for making or repairing public Highways, such Sum or Sums as the said Company shall from Time to Time direct and appoint, not exceeding Two-pence *per Ton per Mile*, and so in

Rates of Tonnage.

[*Local.*]

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proportion for any greater or lesser Quantity, and any greater or lesser Distance than a Mile :

For all Coal, Coke, Kennel or Gas Coal, Culm, Charcoal, Cinders, Stone, Sand, Bricks, Slates, Lime, Earth, Iron, Lead, or other Metals or Minerals unmanufactured, such Sums as the said Company shall from Time to Time appoint, not exceeding Three-pence *per Ton per Mile*, and so in proportion for any greater or lesser Quantity, and any greater or lesser Distance than a Mile :

For all Timber, Corn, Flour, Goods, Lead in Sheets, and all other Wares, Merchandizes, Matters, or Things, such Sum as the said Company shall from Time to Time direct and appoint, not exceeding Four-pence *per Ton per Mile*, and so in proportion for any lesser or greater Distance than a Mile, or any greater or lesser Weight than a Ton :

And for the Use of any Waggon, Machinery, Engine, or Power, belonging to the said Company, such Sum or Sums, in addition to the said Rates, as the said Company shall from Time to Time direct and appoint, not exceeding One Half more of the said Rates respectively ; and for all the Articles, Matters, and Things for which a Tonnage is herein-before directed to be paid, which shall pass the Inclined Planes upon the said Railway, such Sum as the said Company shall appoint, not exceeding the Sum of One Shilling *per Ton*.

Regulations
as to Tolls for
Fractions of
Distances
and Weights.

LV. And be it further 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 Weight contained in such Fraction, and where there shall be a Fraction of a Hundred Weight the same shall be deemed a whole Hundred Weight ; and in all Cases (excepting 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 Tramroad 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.

For ascer-
taining Dis-
tances.

LVI. 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 a great Inter-course, 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 a 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 Tramroad 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 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.

LVII. Provided always, and be it enacted, That equal and the like Rates or Tolls *per* Mile, or proportionally, shall be charged upon all Coals, Goods, or other Articles of the same Description, carried equal Distances along the said Railway, from whatever Place such Coals and other Articles shall come or be brought, or to whatever Place the same shall be carried.

Proportional Rates on Coals, &c. from whatever Place brought.

LVIII. 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 thereon 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.

Table of Tolls to be put up.

LIX. 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 Encouragement of the Trade on the said Railroad, from Time to Time, at any General Meeting or Assembly 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 Railroad, 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.

Rates may be reduced partially or generally.

LX. 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 Tramroad, 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 said County, 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 Five Pounds, 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 for Evasion of Rates.

other Penalty or Forfeiture under this Act can or may be levied and recovered.

Weight as-
certained.

LXI. And for 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 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;

and may
lease the
same.

LXII. 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 upon the said Railway, and to demand and receive such Rate as to them may seem proper for the Carriage of Passengers therein, not exceeding Four-pence *per* Mile for each Passenger, as the said Company of Proprietors may 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 Railway, at such annual Sum or Rent as may be mutually agreed on by the said Company and such Person or Persons.

Power to
erect Steam
Engines, &c.

LXIII. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors to erect Steam Engines or other Machinery on the said Railway or the Sides of the same, with Chains and Ropes for drawing Waggons or other Carriages along the same, or up or down the Inclined Planes on the same.

Restrictions
as to the
Estate of
Jerviston.

LXIV. And be it further enacted, That nothing herein contained shall authorize or be construed to authorize the said Company, or any Person or Persons using the said Railway, to use or employ locomotive Steam Engines for towing or dragging Waggons or other Carriages along that Part of the Line of the said Railway which passes through the Estate of *Jerviston*, belonging to Major *James Drysdale*, without the Consent of the said *James Drysdale*, or the Proprietor of the said Estate for the Time being, first had and obtained thereto in Writing, nor to authorize the said Railway or other Works of the said Company to be carried and completed in any Direction through the said Estate nearer to the Mansion House thereof than as laid down and shown upon the said Map or Plan of the said Railway, without such Consent as aforesaid being had and obtained thereto.

Power to
make and
use loco-
motive or move-
able Engines
on the Rail-
way.

LXV. 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 locomotive or moveable 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

and Things upon and along the same, and for the Conveyance of Passengers upon and along the same.

LXVI. And be it further enacted, That every Collector, appointed either by the said Company of Proprietors or by any Lessee or Lessees under them, to collect the Rates payable at any Gate to be erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate immediately upon his coming on Duty, each of the Letters of such Name to be at least Four 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 such Duty; and if any Collector of the said Rates shall not place such Board as aforesaid, and keep the same there during the Time aforesaid, or shall demand or take a greater or less Rate from any Person or Persons than he shall be authorized to do by virtue of the Powers of this Act, or shall refuse or permit or suffer or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having been paid the said Rates or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to deliver a Ticket *gratis*, denoting the Payment of the Rate, and naming and specifying the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Railway, or shall, without sufficient Cause, detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be levied, recovered, and applied in such and the same Manner as other Penalties are by this Act directed to be levied, recovered, and applied.

Collectors to
put up their
Names.

LXVII. And be it further enacted, That upon the Payment of the Rates granted by this Act at any Gate erected by virtue thereof 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.

On Payment
of Rate a
Ticket to be
delivered.

LXVIII. And be it further enacted, That the Rates herein authorized to be demanded and taken 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

Rates how
to be levied.

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 detain the same, until such Payment shall be made, and also until Payment 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.

For settling
Disputes as
to Rates.

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, to 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), and 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 case of Nonpayment 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 so 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 authorized and empowered, at any of their General Assemblies, by Writing under their Common Seal, 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

Pro-

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

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 Ten Shillings for every Ton of Goods and other Things, and so 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.

Account of
the Lading
of Waggons
to be given.

LXXII. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and the Owner or 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 of Payment thereof upon 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

Waggons
may be mea-
sured or
weighed.

for 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 any Fines or Penalties by virtue of this Act may be recovered or levied.

Railway, on
Payment of
Rates, to be
free.

LXXIII. And be it further enacted, That all Persons whomsoever shall have free Liberty to pass upon and use the said Railway, with Waggon or other Carriages properly constructed, as herein-after mentioned, and to use the Wharfs and Depôts hereby authorized to be made, upon Payment only of such Rates as are authorized to be received by this Act; but it shall not be lawful for any Person not *bonâ fide* in the necessary Charge of Waggon using the said Railway, nor for any Horse, Cattle, or other Article upon which Toll is not exigible, save and except as herein otherwise provided, or without the Permission of the said Company, to pass along, over, or use in any way the said Railway, or any of the Paths or Property of the said Company, under the Penalty of Five Pounds for each Offence, to be recovered in Manner herein-after mentioned.

Waggon to
be properly
constructed.

LXXIV. 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 agreeably to the Rules and Specifications to be fixed by the said Company, for adapting and fitting the same to the Railway, and preventing any Damage from being done thereto by such Waggon or Carriage, or by the Contents or Loading thereof, and that at the Sight and to the Satisfaction of the said Company's Engineer; 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 Shillings 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.

Owners and
Occupiers of
adjoining
Lands to
pass along
Railway
without
Payment of
Toll.

LXXV. Provided always, and be it enacted, That it shall be lawful for the Owners and 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 directly over and across such Part of the said Railway as shall be made in and upon the said Lands or Grounds respectively, not damaging or wilfully obstructing the same or the Passage thereof, without Payment of any Toll or Tonnage for the same, provided they shall not pass along any other Part of the said Railway: 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 any other Beast, along the said Railway, as far only as the Lands in his or her own Occupation shall extend, for the Purpose of occupying the same Lands, such Person or Persons not damaging or wilfully obstructing the said Railway or the Passage thereof.

LXXVI. And

LXXVI. And for the better Regulation of the Owners of Waggon Names of Owners of Waggon to be painted on them. 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 the Tare of such Waggon or other Carriage, his or her Name and Place of Abode, and the Number 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 of 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 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.

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, Horse, Horses, or Cattle, 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, or otherwise, 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, or Horse or Horses or Cattle, 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, or Horse or Horses, or Cattle, by Warrant or Warrants under the Hand of such Justice; and the Overplus (if any), after such Penalty, Damages, and Costs and Charges of such

[Local.] 29 B Distress

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, or Horse, Horses, or Cattle, 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 to make Satisfaction for any Damage, by reason of any wilful Neglect or Default done or committed by his, her, or their Servant or Servants, such Servant or Servants shall be liable to repay such Penalty or Satisfaction to such Owner or Owners; and in case of Nonpayment 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, 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.

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

LXXIX. And be it further enacted, That if any Person or Persons (save and except the Proprietors of the said Railway, 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 Places to be appointed for that Purpose, or 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, or Horse or Horses or other Cattle, shall be placed or suffered to remain on any Part of the said Railway, Bridges, or other Works, so as to obstruct the Passage thereof, and the Person having the Care of such Waggon or other Carriage, or Horse, Horses, or Cattle, shall not immediately upon Request made remove such Waggon or other

other Carriage, or Horse, Horses, or Cattle, he shall forfeit and pay 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.

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 Five Pounds.

Penalty for
Obstructions
on Railway.

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 Sterling, over and above the full Amount of Damages thereby done to the said Railway and other Works.

Penalty for
damaging
the Works.

LXXXIII. And be it further enacted, That the said Company of Proprietors shall, at their own proper Costs and Charges, 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 Dimensions 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,

Gates to be
placed, &c.

so to be made aforeaid, 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 and support the same or any of them, when erected, set up, and made in Manner as aforesaid, for the Space of Twenty Days 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 County of *Lanark* 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 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.
may be main-
tained by
the Owners
of Lands.

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

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 or Treasurer for the Time being, or in case of their Refusal for the Space of Twenty 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 and 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.

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 towards 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 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.

Company to erect Fences.

LXXXVI. Provided also, and be enacted, That where Fences shall be made by the said Company of Proprietors the same shall be made on the Lands of the adjacent Owners of Lands, and not upon the Space allowed for the Breadth of the said Railway and other Works.

The Fences to be made on the Owners' Lands.

LXXXVII. And be it further enacted, That, if the Owners of inclosed 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

Company to pay Owners for fencing their Lands.

[Local.]

pay to the respective Owners of such inclosed 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 inclosed 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 inclosed 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 same 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 inclosed 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 the 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 or Forfeitures.

Gates to be
shut after
passing
through.

LXXXVIII. And be it further enacted, That every Person opening any Gate set up across the said Railway shall and he and she is hereby directed and required to shut and fasten the same, so soon as he or she, and the Waggon or other Carriage, Waggons 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
Branches
to join the
Railway.

LXXXIX. And be it further enacted, That, after Ten Days Notice in Writing given to the Proprietors of the said Railway, it shall and may be lawful for any Body Politic, Corporate, or 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 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

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 belonging to the said Company of Proprietors.

XC. Provided also, and be it further enacted, That if any Person or Persons shall make, upon his, her, or their own Lands or Grounds, any Branch or Branches within Two hundred Yards of the said Railway hereby authorized to be made, and running parallel or collateral with the same, which shall join the said last-mentioned Railway (otherwise than for crossing the same), it shall be lawful for the said Company of Proprietors to demand and take, for every Waggon, Cart, or other Carriage travelling along such Branch or Branches, on joining and using the said Main Railway, the same Rates of Tonnage for the Distance travelled by such Waggon, Cart, or other Carriage upon such parallel or collateral Railway as would have been leviable for such Waggon, Cart, or other Carriage for travelling the like Distance upon the said Main Railway.

Persons using parallel Railway to pay Toll.

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 shew any Partiality to any Person or Persons in loading or unloading any Minerals, Goods, or Commodities at any of the Wharfs, Warehouses, Weighbeams, 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.

Penalty on Officers showing Partiality.

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 Depôts, Cranes, Weighbeams, 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 such Wharfs or Depôts, 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 Depôts, Cranes, Weighbeams, 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.

Owners of Lands may erect Wharfs.

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

Company may make Wharfs, &c. if Owners refuse.

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 making Wharfs, Depôts, 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, Depôts, 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 any Garden, Orchard, Yard, Policies, Paddock, planted Walk, or an Avenue to any House,) for erecting and building proper and sufficient Wharfs, Depôts, 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, Depôts, 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 said Tolls, Rates, or Duties, or any of them, at any other Place or Places than at the Wharfs or Quays hereby authorized to be made, such Person or Persons shall forfeit a Sum not exceeding Five Pounds.

Rates 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 Depôts, 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 Coals, 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 Wharf or Depôt, 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

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*, 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 notwithstanding.

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 Cranes or Weighing Machines in or upon any such Wharfs, without the Consent of 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.

Company not entitled to use private Wharfs.

XCVII. And be it further enacted, That if at any Time or Times hereafter any Person or Persons 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.

How Damages not provided for to be recovered.

XCVIII. 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

In case the Company fail to pay any Sum ordered by way of Compensation, the same may be recovered from the Treasurer.

[*Local.*]

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to

to receive the same within Ten Days after Demand in Writing shall have been made 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.

Notices how
to be served
on the Com-
pany.

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 said Committee, 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.

Recovery
and Appli-
cation of
Penalties.

C. 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 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 and 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 such 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 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.

CI. 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.

Distress not to be deemed unlawful for Want of Form.

CII. 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 Practice to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form.

CIII. 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*,

Form of Conviction.

‘ County of } **B**E it remembered, That on the
 ‘ to wit. } Day of , 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.’

CIV. 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

Appeal.

said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace, may, within Four 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 for 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 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.**

CV. 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 Fourteen Days 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 or Treasurer for the Time being, or unless such Action, Suit, or Complaint shall be brought and commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damage then within Six 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.

**If Works are
not executed
within Five
Years, the
Powers of
this Act to
cease.**

CVI. And whereas the whole of the said Railway may be completed, if not prevented by inevitable Accident, within the Space of Five 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

of Five 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 said Space of Five Years.

CVII. And be it further enacted, That all and every Person and Persons who have or hath already subscribed or who shall hereafter subscribe any Money for and towards the making and maintaining the said Railway and other Works hereby authorized to be made as aforesaid shall and they are hereby required to pay the Sum or Sums of Money by him, her, or them respectively subscribed or to be subscribed, or such Part or Parts thereof as shall from Time to Time be called for by the Committee of the said Company, by virtue of the Powers and pursuant to the Directions of this Act, at such Time and Times and Place and Places as shall be appointed for that Purpose by the said Committee; and in case any Person or Persons shall neglect or refuse to pay the Sum or Sums so to be called for from him, her, or them, at the Time or Times, Place or Places, and in the Manner to be appointed for that Purpose, it shall be lawful for the said Company to sue for and recover the same in any Court of Law or Equity.

Subscriptions to be paid up.

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.

Public Act.

The SCHEDULE referred to in this Act.

Number on Plan.	Owners Names.	Occupiers Names.	Description of Property.	Parish.	County.
27.	Archibald J. Hamilton, Esquire.	Mrs. Skein.	Garden.	Bothwell.	Lanark.
30. 30.	Ditto.	John Macandrew.	Barn Yard and Garden.	Ditto.	Ditto.
33. 33.	Ditto.	Andrew Pollock.	House, Garden, and Arable.	Ditto.	Ditto.
34.	Ditto.	Henry Hunter.	Yard.	Ditto.	Ditto.
35.	Ditto.	William Johnston.	Ditto.	Ditto.	Ditto.
36.	Ditto.	Christiana Hamilton, Robert Morton, Robert Hamilton, and Widow Williamson.	House and Yard.	Ditto.	Ditto.
37.	Ditto.	John and Robert Scott.	Ditto.	Ditto.	Ditto.
45.	Ditto.	Robert Morton.	Ditto.	Ditto.	Ditto.
56.	James Drysdale, Esquire.	George Russell.	Yard and Barn Yard.	Ditto.	Ditto.
57. 57.	Ditto.	Himself.	Plantation.	Ditto.	Ditto.
57. 57.					
57. 57.					
61.	Ditto.	William Stevenson.	Orchard.	Ditto.	Ditto.
62.	Ditto.	Himself.	Private Road.	Ditto.	Ditto.
64.	Ditto.	John Walker.	Orchard.	Ditto.	Ditto.
65.	Ditto.	Ditto.	Bleach Field, with Shed thereon.	Ditto.	Ditto.
67.	Ditto.	Widow Pettigrew.	House and Yard.	Ditto.	Ditto.
75.	Archibald J. Hamilton, Esquire.	James Nesbit.	Barn Yard and Garden.	Dalzell.	Ditto.
76. 76.	George Druffin, Daniel Stevenson, Henry Ferguson, William Gourlay, Andrew Bain.	Themselves.	Houses and Yards.	Ditto.	Ditto.
76. 76.					
76. 76.					
84.	Archibald J. Hamilton, Esquire.	Thomas Renwick.	House and Yard.	Ditto.	Ditto.
85.	Ditto.	William Reid.	Ditto.	Ditto.	Ditto.
100.	General Sir James Stewart.	James Roger.	Yard.	Cambusnethan.	Ditto.
108.	Ditto.	Thomas Starrie.	Ditto.	Ditto.	Ditto.
113.	Sir Henry Stewart.	Mary Torrens.	House and Yards.	Ditto.	Ditto.