



ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

Cap. lxxix.

An Act to make, complete, maintain, and incorporate with the *Monkland and Kirkintilloch* Railway Two improved or additional Lines of Railway, and to alter, amend, enlarge, and repeal the Acts relating to the said Undertaking.

[28th July 1843.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making a Railway from Palacecraig in the Parish of Old Monkland in the County of Lanark to the Forth and Clyde Canal near Kirkintilloch in the County of Dumbarton*, whereby the *Monkland and Kirkintilloch* Railway Company were authorized to raise and contribute among themselves a Sum of Money not exceeding Thirty-two thousand Pounds Sterling, divided into One thousand two hundred and eighty Shares of Twenty-five Pounds each; and also, in case the said Sum of Thirty-two thousand Pounds should be found insufficient, to raise and contribute among themselves, in manner aforesaid, or by the Admission of new Subscribers, or by borrowing or taking up at Interest, a further Sum of Money not exceeding Ten thousand Pounds: And whereas another Act was passed in the Session of Parliament holden in the Third and Fourth

5 G. 4. c. 49.

[Local.] 28 Z Years

3 & 4 W.4.
c. 114.

2 & 3 Vict.
c. 70.

Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making Two Branch Railways from the Monkland and Kirkintilloch Railway, and for altering, amending, and enlarging the Powers of an Act of the Fifth Year of His late Majesty for making the said Railway*, whereby the Company were authorized to increase the Capital Stock, and to raise and contribute among themselves, or to admit new Subscribers for such Increase of Capital Stock, or to borrow and take up at Interest, any further Sum of Money not exceeding Twenty thousand Pounds, for discharging and defraying the Debts, Costs, and Expences incurred in making and maintaining the said Railway and other Works, and for the other Purposes therein mentioned: And whereas another Act was passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to enable the Monkland and Kirkintilloch Railway Company to raise a further Sum of Money, and to amend the Acts relating to the said Undertaking*, whereby the Company were authorized to increase their Capital Stock, and to raise and contribute among themselves, or to admit new Subscribers for such Increase of Capital Stock not exceeding the Sum of Sixty-two thousand Pounds, thereby increasing the Amount which the Company were enabled to raise by that Means to the Sum of One hundred and twenty-four thousand Pounds, and also to borrow and take up at Interest any farther Sum not exceeding One Third Part of the existing Capital Stock of the said Company, to enable them to pay the Debts resting owing by the said Company, and to perfect and carry into execution the Purposes of the said recited Acts: And whereas the Company, for the facilitating of the Traffic on the said Railway, have made and nearly completed Two improved or additional Lines of Railway, coinciding in part with each other; the one an improved Line of Railway from the Main Line of the *Monkland and Kirkintilloch Railway* near *Coatbridge* in the Lands of *Coats* to the said Main Line in the Lands of *Gartsherrie*; and the other an improved or additional Line of Railway from the Main Line of the said Railway in the Lands of *Gartsherrie* to the *Kipps Branch* of the *Monkland and Kirkintilloch Railway* near the Bridge in the said Lands of *Gartsherrie*: And whereas the whole Monies authorized to be contributed by the Company have been raised to the Extent of One hundred and twenty-two thousand seven hundred and twenty-five Pounds, in Four thousand nine hundred and nine Shares of Twenty-five Pounds each, and the same, together with the Monies borrowed under the Authority aforesaid, have, as far as already expended, been applied in carrying into execution the Purposes of the said recited Acts, and in making the improved or additional Lines herein-before described: And whereas it is expedient that the said improved or additional Lines should be united to and incorporated with the said Undertaking; that the said Company should be empowered to make, complete, and maintain the said improved Lines, to raise a further Sum of Money to enable them to pay the Debts still resting owing by them, and to perfect and carry into execution all the Purposes of the said recited Acts and of this Act; and that certain Powers and Provisions of the said Acts should be altered, amended, enlarged, and repealed; but these Objects cannot be effected without the Aid and Authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all the Powers, Provisions, Matters, and Things whatsoever therein contained, except in so far as the same are hereby or by any Statute altered or repealed, shall extend to the said improved or additional Lines of Railway and Works connected therewith, and to the other Purposes of this Act, as fully and effectually as if the same were repeated and re-enacted in this Act in reference to the same.

Powers of former Acts extended to this Act, except as hereby altered.

II. And be it enacted, That, subject to the Provisions of the said said recited Acts and this Act, it shall be lawful to the Company to perfect, complete, and finish the said Two improved or additional Lines of Railway, and all necessary Works and Conveniences connected therewith, and to maintain, repair, and alter the same from Time to Time, and that the said improved or additional Lines and Works therewith connected shall be united to and be Part of the said *Monkland and Kirkintilloch* Railway: Provided always, that nothing herein contained shall affect the Rights of Parties under the Deeds of Conveyance or Agreement in virtue of which the Company have purchased or acquired Right to the Grounds whereon the said additional or improved Lines and Works are laid.

Improved Lines to form Part of the Undertaking.

III. And whereas Maps or Plans describing the said improved or additional Lines of Railway and the Lands through which the same are intended to be made, together with Books of Reference thereto, have been deposited at the Office of the principal Sheriff Clerk of the County of *Lanark*; be it enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said Sheriff Clerk, to the end that all Persons may at all seasonable Times inspect and peruse the same, and have Copies thereof or Extracts therefrom, paying to such Clerk the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Maps or Plans and Books of Reference, or any Copy thereof or of any Part thereof respectively, certified by such Clerk or his Deputy for the Time being to be a true Copy thereof, shall be good Evidence in all Courts of Law or elsewhere.

Maps or Plans deposited at the Office of the Sheriff Clerk to remain there, and be open to Inspection.

IV. And be it enacted, That the Company, in making the said improved or additional Lines of Railway, shall have Power to deviate from the Lines delineated upon the Plans so deposited, provided that no such Deviation shall extend beyond the Limits of Deviation delineated on the said Plans, or into the Lands of any Person whose Name is not mentioned in the said Books of Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided for in case of unintentional Errors in the said Book of Reference.

Company empowered to deviate from Plan.

V. And

Lands marked
on the Plan
may be used
notwith-
standing
Errors in
the Book of
Reference.

V. And be it enacted, That it shall be lawful for the Company to make the said improved or additional Lines of Railway in the Lines in or through the Lands delineated upon the said Maps or Plans, although such Lands, or the Situation thereof, or the Names of the Owners or Occupiers thereof, may happen to be omitted, mis-stated, or erroneously described in the said Maps or Plans, or in the said Books of Reference, in case it shall appear to any Two or more Justices of the Peace for the County of *Lanark*, in Petty Sessions assembled, and be certified by Writing under their Hands, that such Omission or Mis-statement proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Sheriff Clerk for the Time being of the County of *Lanark*.

Company
restrained
from pulling
down Houses
not in Books
of Reference.

VI. And be it enacted, That the Powers and Authorities given by this Act shall not authorize the Company to take or pull down, or to use or injure, any Dwelling House or other Building, or to take, use, or injure any Curtilage, Orchard, Garden, Yard, Park, Paddock, Lawn, Shrubbery, planted Walk or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, or any Part thereof respectively (except such as are mentioned in the said Books of Reference), without the previous Consent in Writing of the Owner or Proprietor thereof, and all other Persons interested therein.

Roads not to
be crossed
on a Level.

VII. And be it enacted, That if the Lines of any of the said improved or additional Lines of Railway cross any Turnpike Road or public Carriageway (excepting the Parish Road leading to *Carlingcroft*), either such Turnpike Road or public Carriageway shall be carried over the Railway, or the Railway shall be carried over such Road, by means of a Bridge of the Height and Width and with the Ascent or Descent by this Act in that Behalf provided; and such Bridge and other necessary Works shall be executed at the Expence of the Company.

Bridges over
Roads.

VIII. And be it enacted, That any Bridge to be erected for the Purpose of carrying the improved or additional Lines herein authorized over any Road shall be built in conformity with the following Regulations; (that is to say,)

The Width of the Arch shall be such as to leave thereunder a clear Space of not less than Thirty Feet if the Arch be over a Turnpike Road, and of Twenty-five Feet if over a public Carriage Road, and of Twelve Feet if over a private Road:

The clear Height of the Arch from the Surface of the Road shall be not less than Fifteen Feet for a Space of Twelve Feet if the Arch be over a Turnpike Road, and Fourteen Feet for a Space of Ten Feet if over a public Carriage Road; and in each of such Cases the clear Height at the Springing of the Arch shall be not less than Twelve Feet:

The clear Height of the Arch for a Space of Nine Feet shall not be less than Fourteen Feet over a private Carriage Road, the Descent under the Bridge shall not exceed One Foot in Thirty Feet if the Bridge be over a Turnpike Road, One Foot in
Twenty

Twenty Feet if over a public Carriage Road, and One Foot in Sixteen Feet if over a private Carriage Road or Occupation Way.

IX. And be it enacted, That every Bridge erected for carrying any Road over the improved or additional Lines herein authorized shall be built in conformity with the following Regulations; that is to say, Bridges over Railway.

There shall be a good and sufficient Fence on each Side of the Bridge of not less Height than Four Feet:

The Road over the Bridge shall have a clear Space between the Fences thereof of Thirty Feet if the Road be a Turnpike Road, and Twenty Feet if a public Carriage Road, and Twelve Feet if a private Road:

The Ascent shall not be more than One Foot in Thirty Feet if the Road be a Turnpike Road, One Foot in Twenty Feet if it be a public Carriage Road, and One Foot in Sixteen Feet if it be a private Carriage Road.

X. And be it enacted, That if in the Exercise of the Powers of this Act granted any Part of any Road, whether Carriage Road, Horse Road, Tramroad, or Railway, either public or private, be found necessary to be gone across, cut through, raised, sunk, or taken so that it will be so much injured thereby as to be impassable for or dangerous to Travellers, Passengers, or Carriages, or to the Persons entitled to the Use thereof, the Company shall, before the Commencement of any such Operations, cause a sufficient Road to be made instead of the Road to be interfered with; and such substituted Road shall, at the Expence of the Company, be made and maintained in a State as convenient for Passengers and Carriages as the Road so interfered with, or as nearly so as can be, until the original Road be restored. Before Roads are interfered with, others to be substituted.

XI. And be it enacted, That if the Company do not cause another sufficient Road to be so made before they interfere with any such existing Road as aforesaid they shall forfeit Twenty Pounds for every Day during which such substituted Road shall not be made after the existing Road shall have been interrupted; and such Penalty shall be paid to the Trustees, Commissioners, Surveyor, or other Person having the Management of such Road, if a public Road; or in case of a private Road, to the Owner thereof, and when paid in respect of any public Road shall be applied for the Purposes thereof. Penalty for not substituting a Road.

XII. And be it enacted, That if such former Roads as aforesaid cannot be restored compatibly with the Formation and Use of the Railway, the Company shall cause such new Road to be put into a permanently substantial Condition, equally convenient as the Road or Railway for which the same is substituted; and if such former Road can be restored compatibly with the Formation and Use of the Railway, such Restoration shall be made, and the former Road shall be restored, or the substituted Road shall be put into such Condition as aforesaid, as the Case may be, within the following Periods after Period for Restoration of Roads interfered with.

[*Local.*]

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the first Operation on the former Road shall have been commenced, unless the Trustees or Parties having charge of the Road to be restored by Writing under their Hands consent to an Extension of the Period, and in such Case, within such extended Period, (that is to say), if the Road be a Turnpike Road within Six Months, and if the Road be not a Turnpike Road within Twelve Months.

Penalty for
failing to
restore Road.

XIII. And be it enacted, That if any such Road be not restored, or the substituted Road be not completed, within the Period hereinbefore fixed for that Purpose, the Company shall forfeit Twenty Pounds for every Day after the Expiration of that Period during which such Road shall not be so restored, or the substituted Road be not completed in such Condition as aforesaid, and such Penalty shall be paid to the Trustees, Commissioners, Surveyor, or other Person having the Management of the Road interfered with by the Company, if a public Road, and be applied for the Purposes of such Road, or if a private Road, the same shall be paid to the Owner thereof, and every such Penalty shall be recoverable by Action in any competent Court.

If improved
Lines are not
completed in
Two Years
Powers to
cease.

XIV. And be it enacted, That after the Expiration of Two Years from the passing hereof all the Powers hereby granted to the Company for making and completing the said improved Lines and Works shall cease to be exercised, except as to so much of the same as shall then be completed.

Limiting
Deviation
from Datum
Line on
Section, &c.

XV. And be it enacted, That in making the said improved or additional Lines it shall not be lawful for the Company to deviate from the Levels of the said Lines of Railway, as referred to the common Datum Line described on the Section approved of by Parliament, and as marked on the same, to any Extent exceeding in any Place Five Feet, or in passing through Towns Two Feet, without the Consent of the Owners, Lessees, and Occupiers of the Land in, through, or over which such Deviation is intended to be made; or in case any Street or public Carriage Road shall be affected by such Deviation, then the same shall not be made without the Consent of the Trustees or Commissioners, or, if there be no such Trustees or Commissioners, without the Consent of Two or more Justices of the Peace in Petty Sessions assembled for that Purpose, and acting for the District in which such Street or public Carriage Road may be situate, or without the Consent of the Commissioners for any public Sewers, or the Proprietors of any Canal or Navigation affected by such Deviation; and that no Increase in the Inclination or Gradients of the said Railway as denoted by the said Section shall be made in any Place to an Extent exceeding the Rate of Three Feet *per* Mile, and where a Tunnel is marked on the said Plan or Section as intended to be made at any Place, the same shall be made accordingly, unless the Owners, Lessees, and Occupiers of the Land in or through which such Tunnel is intended to be made shall consent that the same shall not be so made: Provided nevertheless, that it shall be lawful for the Company, with such Consent as aforesaid, and not otherwise, to make a Tunnel or an Arch or Arches as aforesaid, not marked on the said Plan or Section, so that no such Tunnel shall

shall be of greater Length than Two hundred Yards, and that no Two Tunnels be at a less Distance from each other than One hundred Yards measured on the Line of the Railway: Provided always, that Notice of every Petty Sessions to be holden for the Purpose of obtaining such Consent as aforesaid shall, Fourteen Days previous to the holding of such Petty Sessions, be given in some Newspaper circulating in the County, and also be affixed upon the Church Door of the Parish in which such Deviation or Alteration is intended to be made, or if there be no Church some other Place to which Notices are usually affixed; and provided also, that for the Purpose of consenting to any such Deviation from the said Sections, and to any tunnelling or arching as aforesaid, the Word "Owners" shall be deemed and taken to mean such Persons as are by the said first-recited Act capacitated to agree for the Sale of, and to convey, Lands for the making of the said Railway, and the Consent of such Persons, with or without the Consent of any other Persons interested as Owners in the said Lands, shall be deemed and taken to be sufficient for such Purposes.

XVI. And be it enacted, That it shall not be lawful to diminish the Radius of any Curve, as described on the Plan deposited with the Sheriff Clerk of the County of *Lanark*, unless such Radius exceed One Mile, nor to diminish it in any such Case so that it shall become less than One Mile, nor to diminish any greater Radius by more than a Quarter of a Mile, unless where it exceeds Two Miles, or by more than Half a Mile, unless where it exceeds Three Miles, on the said Plan. Limiting
Alteration
of Curves.

XVII. And be it enacted, That it shall be lawful to the Company, at any Time hereafter, to raise any such farther Sum of Money as they may deem necessary, not exceeding the Sum of Eighty-six thousand Pounds, by the Creation of new or additional Shares of Twenty-five Pounds each of and in the Capital Stock of the Company, to be contributed among themselves, or by new Subscribers, or partly in each or wholly in one of these Ways, and in such Shares or Proportions and in such Manner as to them shall seem meet; thereby increasing the Amount which the Company are enabled to raise by these means to the Sum of Two hundred and ten thousand Pounds Sterling. Company
may raise an
additional
Sum of
Money.

XVIII. And be it enacted, That every Person who hath already subscribed, or who shall hereafter subscribe, any Money for or towards the Purposes of the said recited Acts and this Act, or any of them, shall pay the Sums of Money by him subscribed, or such Part thereof as shall from Time to Time be called for by the Committee of the Company, by virtue of the Powers and pursuant to the Directions of the said recited Acts, at such Time or Times and Place or Places as shall be appointed for that Purpose by the said Committee; and in case any Person shall neglect or refuse to pay the Sums so to be called for from him at the Times and Places and in the Manner so to be appointed, it shall be lawful for the Company to sue for and recover the same, with Interest thereon, in any competent Court of Law. To compel
Payment of
Subscrip-
tions.

XIX. And

Power to
borrow
Money.

XIX. And be it enacted, That it shall be lawful to the Company from Time to Time to borrow and take up at Interest, on the Credit and Security of the said Undertaking, in the Manner provided by the said recited Acts or either of them, or by way of Cash Credit, any Sum of Money, inclusive of the Sums authorized to be borrowed by the said recited Acts, not exceeding in all One Third Part of the subscribed Capital Stock of the Company existing at the Time: Provided always, that before any further Sum of Money shall be so borrowed and taken up at Interest One Half at least of such subscribed Capital Stock shall have been actually paid up to the Company: Provided always, that nothing herein contained shall be held to alter, affect, or diminish any Security or Mortgage granted for Money borrowed under the Authority of the said recited Acts, but that the same shall remain good, valid, and effectual, and shall have Priority and be preferable to any Securities or Mortgages which shall be granted by virtue of this Act.

Saving exist-
ing Securities.

Loans when
paid up may
be again
borrowed.

XX. And be it enacted, That on the Repayment of the Sums of Money by the said recited Acts and this Act authorized to be borrowed, or any Part thereof, it shall be lawful to the Company again to borrow and take up the same or such Part thereof as to them shall meet and convenient, and so from Time to Time *toties quoties*, but so that the whole Money borrowed, and due and owing under the said recited Acts and this Act, shall not at any Time exceed the Amount hereby authorized to be borrowed.

Application
of Money.

XXI. And be it enacted, That the whole Monies hereby authorized to be raised and borrowed, or such Parts thereof as shall be so raised or borrowed, shall be applied, in the first place, in Payment of the Costs and Expences of obtaining this Act, and incidental thereto, and thereafter in Liquidation and Payment of the Expences already incurred and to be hereafter incurred in carrying into execution the Purposes of the said recited Acts and this Act, and to no other Purpose whatsoever.

Money au-
thorized to
be borrowed
may be raised
in Shares.

XXII. And be it enacted, That after One Half of the existing subscribed Capital is paid up it shall be lawful to the Company, if they think fit, to raise the Sums hereby authorized to be borrowed, or any Part thereof, by creating new Shares of Twenty-five Pounds each of and in the Capital Stock of the Company (in addition to the said Capital Stock of Two hundred and ten thousand Pounds), instead of borrowing the same; or having borrowed the same, or any Part thereof, it shall be lawful to the Company from Time to Time either to continue and renew the same in whole or in part at Interest, or to raise the Whole or any Part thereof by creating new Shares of Twenty-five Pounds each of and in the Capital Stock of the Company; but no such Augmentation of Capital shall take place without the Authority of an Order previously passed by the Company at an Ordinary Annual Meeting or at a Special General Meeting called for the Purpose.

New Shares
to form Part
of the Capital

XXIII. And be it enacted, That the Capital to be raised by the Creation of new Shares shall be considered as Part of the general Capital

Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Times of making Calls for such additional Capital and the Amount of such Calls, which respectively it shall be lawful for the Company to fix from Time to Time as they shall think fit. Stock of the Company.

XXIV. And whereas it would be convenient and beneficial for the Company and the several Shareholders therein if the Shares of the said Capital Stock were divided; be it enacted, That it shall be lawful for the Company, at any Annual General Meeting or at any Special General Meeting which may be held by them for that Purpose, to divide the Capital Stock of the Company into Shares of Twelve Pounds Ten Shillings each, so that the Holder of each Share of Twenty-five Pounds which may have been created under the Authority of the said recited Acts or of this Act shall receive and hold in lieu thereof Two Shares of Twelve Pounds Ten Shillings each; and such divided Shares shall thereupon be vested in the several Persons holding and being entitled for the Time being to the original or existing Shares of Twenty-five Pounds each according to the Number then held by such Persons respectively; and such divided Shares, and the Holders and Proprietors thereof, shall be subject to the same Provisions and entitled to the same Benefits in all respects as the said original or existing Shares of Twenty-five Pounds each, and the Proprietors thereof, are subject or entitled to under the Provisions of the said recited Acts and this Act. Shares may be divided.

XXV. And be it enacted, That after any such Division of the existing Capital Stock shall have been made all Shares of and in the same which may be thereafter issued or created by the Company shall be of the Value of Twelve Pounds Ten Shillings, so that the whole Stock of the Company shall be of one and the same Denomination, and each Share thereof shall be entitled to an equal and rateable Proportion of the Profits of the said Undertaking. After such Division, Shares to be of One Denomination.

XXVI. And be it enacted, That no Person or Body who is or shall be Proprietor of any Stock of the Company, or a Subscriber or Contributor thereto, shall be liable or chargeable personally, or in his Real or Personal Estate, with or for any Debt or Demand whatever due or to become due from or by the Company, or in anywise relating to the said Undertaking, beyond the Extent of his Shares of and in the Capital Stock of the Company, so far as the same may not have been paid up to the Company. Limiting the Liability of Shareholders.

XXVII. And whereas there are now and may be hereafter many Shareholders of the Company who reside in *England*, and Sales of Shares are frequently made by Persons in *England* to Persons in *Scotland* and *vice versa*, and it would be attended with Inconvenience if all Transfers of Shares were required to be executed in the Form of either Country; be it enacted, That Transfers which have been already or which may hereafter be made of Shares of the Stock of the Company shall be valid and effectual if executed according How Transfers of Shares may be executed.

[*Local.*]

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to the usual Mode of executing such Instruments either in *England* or *Scotland*, or partly according to the one and partly according to the other.

Transfer of
Shares by
Probate or
Letters of
Administra-
tion, &c.

XXVIII. And whereas it has frequently happened that Shareholders resident in *England* have deceased, leaving their Shares to pass or be transmitted by virtue of Wills or Letters of Administration proved or granted in that Part of the United Kingdom, and it would be attended with Inconvenience if all Transmissions in Cases of Decease required to be made according to the Forms of the Law of *Scotland*; be it enacted, That all Transmissions of Shares under the Probate of a Will or Letters of Administration, or an official Exemplification thereof granted in *England*, already made or which may be hereafter made, and all Entries of such Shares, shall be as valid and effectual as if such Transmissions were made under a Deed *mortis causâ* executed, or a Confirmation expedite, according to the Laws of *Scotland*.

Company
not bound
to see to the
Validity of
Transfers.

XXIX. And be it enacted, That neither the recording of Transfers of Shares, nor the Entry of Transmissions made or to be made, shall imply any Liability on the Part of the Company for the Regularity or Validity of the Transfer or Title therein set forth; nor shall the Company be bound to recognize Transmissions by virtue of the Marriage of a Female Shareholder, until a Declaration thereof, containing a Copy of the Register of such Marriage, or other sufficient Particulars of the Celebration thereof, be delivered to the Clerk or Treasurer of the Company; and all Payments of Dividends or other Acts done by the Company or any of their Officers, without Notice of the Irregularity or Invalidity of such Transfer or Title, or the Delivery of such Declaration, as the Case may be, shall be effectual so far as the Company or such Officers are concerned, and shall exonerate them from all Claim on the Part of others alleging preferable Right to such Shares or Dividends.

Notice to
Joint Owners
how to be
given.

XXX. And be it enacted, That with respect to any Shares to which several Persons are or may be jointly entitled, either in their own Right or as Executors or Administrators, or as Trustees, all Notices directed to be given to Shareholders may be given to the one of the said Persons whose Name stands first in the Transfer or other Title, and Notice so given shall be sufficient Notice to all the Proprietors of such Shares, or Parties in whose Names the same may be held.

Discharges
by Guardians
of Minors,
&c. to be
good.

XXXI. And be it enacted, That in all Cases where Money shall be payable under the Provisions of this Act to any Proprietor who shall be a Minor, Idiot, or Lunatic, the Receipt of the Tutor, Curator, or Guardian, if any, or if not, of the Parent of such Minor, or of any Curator bonis, or Judicial Factor for such Idiot or Lunatic, shall be a sufficient Discharge to the Company for the same.

Company
not bound
to see to the

XXXII. And be it enacted, That the Company shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any of the said Shares may be subject; and
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the Receipt of the Party or of any one of the Parties in whose Name any such Share shall stand in the Books of the Company shall from Time to Time be a sufficient Discharge to the Company for any Dividend or other Sum of Money payable in respect of such Share, notwithstanding any Trusts to which such Share may then be subject, and whether or not the Company have had Notice of such Trusts, and the Company shall not be bound to see to the Application of the Money paid upon such Receipt.

Execution
of Trusts.

XXXIII. And be it enacted, That the Committee of Management may be called the Directors, and the Clerk may be called the Secretary, of the Company; and the Directors may, by an Order passed at any of their Meetings, call Special General Meetings of the Company as often as they may deem necessary, by Notice under the Hand of the Clerk published in manner directed by the said recited Acts, and they may appoint One or more Sub-Committees, consisting of such Number as they deem fit, and may grant to any such Sub-Committee Power on behalf of the Company to do any Acts relating to the said Undertaking, or the Affairs of the Company, which they shall from Time to Time think proper to intrust to such Sub-Committee, except to make Calls for Money upon the Shareholders.

Directors
may order
Special General
Meetings,
and may ap-
point Sub-
Committees.

XXXIV. And be it enacted, That such Sub-Committees may meet and adjourn from Time to Time and from Place to Place, as they think proper, for carrying into effect the Purposes of their Appointment, and no such Sub-Committee shall exercise the Powers intrusted to them except at a Meeting at which there shall be present at least Three of its Members; and at all Meetings of the Sub-Committees one of the Members present shall be appointed Chairman, and all Questions at any Meeting of the Sub-Committees shall be determined by a Majority of the Members present, and in case of an equal Division of Votes the Chairman shall have a casting Vote in addition to his own Vote as a Member of the Sub-Committee.

Meetings of
Sub-Com-
mittees.

XXXV. And whereas, in consequence of the opening of the *Wishaw and Coltness* Railway and the Extension of the *Ballochney* Railway, which also communicates with the *Monkland and Kirkintilloch* Railway, Corn, Wool, Yarn, Groceries, and other Commodities of that Description may come to be carried upon the *Monkland and Kirkintilloch* Railway, which was not contemplated when the said first-recited Act was passed, and to which Articles the Tonnage Dues thereby authorized to be taken are inapplicable, and for which they are insufficient; be it enacted, That it shall be lawful for the Company from Time to Time to ask, demand, take, recover, and receive, for all Articles and Things of the Description herein-after mentioned which shall be carried and conveyed upon the said Railway or any Part thereof, any Sum not exceeding the Rates herein-after mentioned respectively; that is to say,

Rates on
certain
Articles.

For all Corn, Flour, Meal, Wool, Yarn, Sugar, Coffee, Hides, Earthenware, Drugs, dry Goods, Lead in Sheets, and Groceries, the Sum of Four-pence *per Ton per Mile*, and the like Sum for any less Distance than a Mile, and so in proportion for any greater or less Weight than a Ton:

For

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any Carriage along the said Railway, the Sum of Three-pence *per* Mile, and the like Sum for any less Distance than a Mile :

For every Calf, Pig, Sheep, Lamb, or other small Animal conveyed in or upon any Carriage along the said Railway, the Sum of Two-pence *per* Mile, and the like Sum for any less Distance than a Mile.

Rates for
Carriage of
Goods, &c.
to be charged
equally and
impartially.

XXXVI. And be it enacted, That it shall be lawful for the Company, notwithstanding any thing in the said recited Acts to the contrary, where they shall act as Carriers of any of the Goods, Articles, or Animals herein last before mentioned, to charge for locomotive and Steam Power and Carriages used exclusively in the Conveyance thereof, and for loading and unloading the said Goods, Wares, Merchandize, Articles, Matters, and Things, and for the Use of the Stations and other Accommodation provided by them, such Sums, and that either *per* Ton or *per* Mile, or by Bulk, Measure, Number, or Admeasurement, or by fixed Charges, as they shall deem expedient: Provided always, that in whatever Way the said Charges are made, they shall be made equally to all Persons in respect of all Animals, and all Goods, Wares, or Merchandize, Articles, Matters, or Things, of a like Description and Quantity, and conveyed or propelled by a like Carriage or Engine passing over the same Portion of, and over the same Distance along, the Railway, and in respect of all Accommodations of a like Nature, whether of Speed or otherwise, afforded in respect thereto ; and no Reduction or Advance in any of such Charges shall be made partially, either directly or indirectly, in favour of or against any particular Company or Person.

Rates for
small Parcels.

XXXVII. And be it enacted, That it shall be lawful for the Company from Time to Time to demand and receive such reasonable Sums in respect of small Parcels, not exceeding Five hundred Pounds Weight each, as to them shall seem proper : Provided always, that this Provision shall not extend to Articles, Matters, or Things sent in large aggregate Quantities, although made up of separate and distinct Parcels, but only to single Parcels unconnected with Parcels of a like Nature which may be sent upon the Railway at the same Time.

Passengers
Luggage to
be free.

XXXVIII. And be it enacted, That it shall be lawful for every Passenger travelling upon or along the Railway to take with him, without extra Charge, Luggage not exceeding Sixty Pounds in Weight, or Four Cubic Feet in Dimensions ; and that the Company shall in no Case be in any Way liable or responsible for the safe Carriage or Custody of, or for any Loss of, or Injury to any Articles, Matters, or Things whatsoever carried upon or along the Railway, with or accompanying the Person of or belonging to any Passenger, or delivered for the Purpose of being carried, other than and except such Passengers Luggage, not exceeding the Weight or Dimensions aforesaid : Provided always, that nothing herein contained shall in any Case extend to charge or make liable the Company farther or in any other Case than where, according to the Laws of *Scotland* for the
Time

Time being, Stage Coach Proprietors and Common Carriers would be liable, nor shall any thing herein contained extend in any Degree to deprive the Company of any Protection or Privilege which either now or at any Time hereafter Common Carriers or Stage Coach Proprietors have or may have, but the Company shall from Time to Time and at all Times have and be entitled to the Benefit of every such Protection and Privilege.

XXXIX. And whereas by the Act in the third place before recited it is enacted, that the Charges by the said Two first-recited Acts or either of them authorized to be made for the Carriage of Passengers, Animals, or other Matters or Things to be conveyed by the said Company, or for the Use of any Steam Power or Carriage to be supplied by the said Company, shall be at all Times charged equally to all Persons and after the same Rate *per Mile*, or *per Ton per Mile*, in respect of all Passengers and of all Goods, Animals, or Carriages of a like Description and conveyed or propelled by a like Carriage or Engine passing on the same Portion of the Line: And whereas, from the Steepness of the Gradients on certain Portions of the said Line, the same is worked at greater Expence of locomotive Power, and with greater Wear and Tear of the Line and the Carriages thereon in ascending the Inclinations than in descending the same; be it enacted, That it shall be lawful to the Company to make, levy, and receive a higher Rate of Charge *per Ton per Mile* for the Carriage of Passengers, Goods, Animals, or other Matters or Things to be conveyed by the Company, or for the Use of any Steam Power or Carriage or Machinery to be supplied by the Company for ascending such Inclination than for descending the same.

Rates for ascending and descending Inclinations may be varied.

XL. And whereas the foresaid improved or additional Lines of Railway hereby incorporated with the said Undertaking are somewhat longer than the original Line; be it enacted, That it shall not be lawful to the Company to demand or levy any greater Sum in respect of Rates or Charges upon the said improved or additional Lines than they would in virtue of the said recited Acts and this Act be entitled to demand and levy upon the corresponding Portions of the original Line.

Company not to charge higher Rates on improved Lines than at present paid on corresponding Portions of original Line.

XLI. And be it enacted, That no Carriage shall carry or bear at any one Time upon the said Railway any Loading which together with the Weight of such Carriage shall exceed Five Tons Weight, except in any one Piece of Timber, Block, or Stone, Boiler, Cylinder, Bob, or single Piece of Machinery, or other single Article, nor any such single Article which together with the Weight of the Carriage shall exceed the Weight of Eight Tons; nor, without the special Licence of the Company, any such single Article which together with the Weight of the Carriage shall exceed Eight Tons: Provided always, that it shall be lawful to the Company to demand, receive, and recover for every such Loading exceeding Five Tons and not exceeding Eight Tons in Weight any Rate not exceeding Four-pence *per Ton per Mile*, and for every such Loading exceeding Eight Tons such Sum as they may think proper.

Weights allowed to be carried on the Railway.

For preventing Fraud on the Carriers on the Railway.

XLII. And be it enacted, That if any Person who has personally, or by some other Party, at any Time taken a Place or Seat, or paid the Fare, or been booked, for the Purpose of being carried in, upon, or by any of the Coaches or Carriages of the Company, or any other Company or Person using the said Railway, from one Place to another, shall *malâ fide* refuse or neglect to quit such Coach or Carriage on arriving at the Point to which he has paid his Fare, or been booked, or taken his Place or Seat, or shall *malâ fide* ride or proceed, or attempt to ride or proceed, in the same or in any other Coach or Carriage to a Place more distant than that to which he shall have so taken a Place or Seat, or paid the Fare or been booked, without previously paying or tendering to the Company, or to such other Company or Person as aforesaid, the additional Fare or Price of Carriage to such more distant Place, or if any Person shall at any Time hereafter *malâ fide* ride and be in any of the Company's Coaches or Carriages, or in any Coaches or Carriages belonging to any such other Company or Person using the said Railway, without having previously paid or tendered to the Company, or such other Company or Person aforesaid, his Fare or the Charge for his Carriage, every such Person shall forfeit and pay any Sum not exceeding Forty Shillings, with Costs, to be recovered and applied in the same Way as any other Penalty or Forfeiture under the said recited Acts.

For preventing Accidents from Gunpowder and other dangerous Articles carried on the Railway.

XLIII. And for the better preventing of Accidents or Injuries which might arise on the said Railway and Works from the unsafe and improper Carriage of certain Goods and Merchandise upon the same, be it enacted, That every Person who shall send or cause to be sent by the Railway any Aquafortis, Oil of Vitriol, Gunpowder, or other Goods of a dangerous Nature shall distinctly mark or state the Nature of such Goods on the Outside of the Package containing the same, or shall otherwise give Notice in Writing to the Bookkeeper or other Servant of the Company with whom the same shall be left at the Time such Goods are sent, on pain of forfeiting for every Default the Sum of Ten Pounds: Provided always, that the Company shall not be compelled or compellable to carry upon the Railway any Gunpowder or other Goods which in the Judgment of the Company shall be of a dangerous Nature; and it shall be lawful for the Company to restrain any other Persons from carrying thereon Gunpowder or other such Goods as aforesaid.

Penalty for trespassing on the Railway.

XLIV. And be it enacted, That if any Person shall be, or travel or pass upon Foot upon the Railway, Depôts, or Works therewith connected, without the Licence and Consent of the Company, unless in crossing the Railway by any authorized Road or Footway, every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Penalty on Servants of Company being intoxicated on the Railway.

XLV. And be it enacted, That if any Person in the Service of the Company, or any Person making use of the Railway, shall be found on any Part of the said Railway, or within any of the Stations, Warehouses, or other Premises connected therewith, in a State of Drunkenness, every such Person shall for every such Offence forfeit and

and pay a Sum not exceeding Five Pounds and not less than Ten Shillings.

XLVI. And be it enacted, That all the Costs and Charges of Expences of obtaining and passing this Act shall be paid and defrayed by the Act. Company out of the Monies, Tolls, or Rates received in virtue of the said recited Acts and this Act, or may be added to the Stock hereby authorized to be raised and paid out of the same accordingly.

XLVII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway from the Provisions of Provision for general Railway Act. any general Act relating to Railways which may pass during the present or any future Session of Parliament.

XLVIII. And be it enacted, That in the said recited Acts and this Interpretation of Act. Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number;

Words importing the Masculine Gender shall include Females;

The Word "Month" shall mean Calendar Month;

The Word "Oath" shall include Affirmation in case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of other Persons exempted by Law from the Necessity of taking an Oath;

The Word "Clerk" shall include the Word "Secretary;"

The Word "Lands" shall extend to Lands, Tenements, and heritable Subjects of every Description;

The Word "Sheriff" shall include the Sheriff Substitute;

The Word "Justice" shall mean Justice of the Peace for the County, City, or Place where the Matter requiring the Cognizance of any Justice shall arise, and who shall not be interested in the Matter;

The Expression "the Railway" shall mean the Railways and Works connected therewith by the said recited Acts and this Act authorized to be made;

The Expression "the Company" shall mean the *Monkland and Kirkintilloch* Railway Company; and

The Expressions "the Committee of Management," and "the Directors," "the Secretary," and "the Clerk," shall mean the Committee of Management, Directors, Secretary, and Clerk respectively of such Company.

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

