



ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

Cap. clxii.

An Act for making a Railway from *Carlisle* to *Edinburgh* and *Glasgow* and the North of *Scotland*, to be called “ *The Caledonian Railway.*”

[31st July 1845.]

WHEREAS the making of a Railway leading from the City of *Carlisle* to the Cities of *Edinburgh* and *Glasgow*, and to the Northern Parts of the Kingdom of *Scotland*, would be of great public Advantage, by opening an additional, certain, and expeditious Means of Communication between the said Places, and also by facilitating Communication between more distant Towns and Places: And whereas the Persons herein-after named are willing, at their own Expende, to carry such Undertaking into execution; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several Acts of Parliament following, (that is to say,) the Companies Clauses Consolidation (*Scotland*) Act, One thousand eight hundred and forty-five, the Lands Clauses Consolidation (*Scotland*) Act, One thousand eight hundred and forty-five, and the Railway Clauses Consolidation (*Scotland*) Act, One thousand eight hundred and forty-five, shall, so far as not otherwise provided by this Act, be incorporated with and form Part of this Act.

Incorporation of 8 & 9 Vict. cc. 17. 19. and 33. with this Act.

[Local.]

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II. And

Partial Application of 8 & 9 Vict. cc. 16. 18. and 20. with this Act.

II. And whereas a Portion of the Railway and Works herein-after authorized to be made and maintained will be situate in that Part of the United Kingdom called *England*; be it enacted, That, so far as may be necessary for carrying into effect the Object and Purposes of this Act in relation to such Portion of the said Railway and Works, the Companies Clauses Consolidation Act, One thousand eight hundred and forty-five, the Lands Clauses Consolidation Act, One thousand eight hundred and forty-five, and the Railway Clauses Consolidation Act, One thousand eight hundred and forty-five, shall apply to and form Part of this Act.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Caledonian Railway Act, 1845.*"

Subscribers incorporated.

IV. And be it enacted, That the Right Honourable Lord *Belhaven* and *Stenton*, Lieutenant Colonel *William Graham*, Sir *William Jardine* Baronet, *Richard Paterson*, *John Masterman junior*, *John James Hope Johnstone*, *William Lockhart*, *Alexander Dundas Ross Wishart Baillie Cochrane*, *Thomas Houldsworth*, *Robert Garnett*, *Robert Johnstone Douglas*, *Wellwood Maxwell*, *James Lumsden* Lord Provost of the City of *Glasgow*, *Charles Stewart*, *James Seton Wightman*, *David Dickson*, *William Macdonald*, *Robert Monteith*, *Archibald Campbell*, *Henry Houldsworth*, *William Dixon*, *John Tennant*, *Robert Findlay*, *John Wakefield*, *Cornelius Nicholson*, *Charles Murray Barstow*, *John Anderson*, *Archibald Hunter*, *James Anderson*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining a Railway leading from the City of *Carlisle* to the Cities of *Edinburgh* and *Glasgow*, and to the Northern Parts of the Kingdom of *Scotland*, as herein-after described, and with proper Works and Conveniences belonging thereto, according to the Provisions of the said recited Acts and of this Act, and for other the Purposes herein and in the said recited Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Caledonian Railway Company*," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the recited Acts contained.

Capital.

V. And whereas the estimated Expence of making the said Railway is Two millions one hundred thousand Pounds Sterling; be it enacted, That the Capital of the Company shall be Two millions one hundred thousand of Pounds Sterling.

Number and Amount of Shares.

VI. And be it enacted, That the Number of Shares into which the Capital shall be divided shall be Forty-two thousand, and the Amount of each Share shall be Fifty Pounds.

Calls.

VII. And be it enacted, That Ten Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Three Fifths of the Amount of a Share shall be

be the utmost aggregate Amount of Calls that may be made in any One Year upon any Share, and Two Months at the least shall be the Interval between successive Calls.

VIII. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Seven hundred thousand Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Two millions of Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Power to borrow Money.

IX. And be it enacted, That it shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgages by the Appointment of a Judicial Factor in *Scotland* or Receiver in *England*; and in order to authorize the Appointment of such Judicial Factor or Receiver, in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Judicial Factor or Receiver shall be made shall not be less than Twenty-five thousand Pounds in the whole.

Arrears to be enforced by Appointment of a Judicial Factor or Receiver.

X. And be it enacted, That the Quorum for every General Meeting of the Company shall be Twenty Shareholders holding in the aggregate not less than Twenty thousand Pounds in the Capital of the Company.

Quorum for General Meetings.

XI. And be it enacted, That the Number of Directors shall be Fifteen, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

Number and Qualification of Directors.

XII. And be it enacted, That it shall be lawful for the Company to increase or reduce the Number of Directors, provided that the increased Number do not exceed Eighteen, and that the reduced Number be not less than Nine.

Power to vary the Number of Directors.

XIII. And be it enacted, That Lieutenant Colonel *William Graham*, *John James Hope Johnstone*, *William Lockhart*, *Robert Johnstone Douglas*, *Robert Monteith*, *David Dickson*, *James Seton Wightman*, *Charles Stewart*, *John Masterman* (junior), *Richard Paterson*, *Alexander Hastie*, *John Anderson*, *John Houldsworth*, *William Mac Donald*, and *Charles Murray Barstow*, shall be the first Directors of the Company.

First Directors.

XIV. And be it enacted, That the Directors hereby appointed shall continue in Office until the first Ordinary Meeting to be held after the passing of the Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

Directors to continue in Office until first Ordinary Meeting.

XV. And be it enacted, That the Quorum of a Meeting of Directors shall be Five.

Quorum of Directors.

XVI. And

Committees
of Directors.

XVI. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall be not less than Three nor more than Seven; and the Quorum of such Committees shall be a Majority of the Members of which such Committees consist respectively.

Power to
make Rail-
way accord-
ing to depo-
sited Plans.

XVII. And whereas Plans and Sections of the Railway showing the Lines and Levels thereof, and also Books of Reference containing the Names of the Owners and Lessees or reputed Owners and Lessees and Occupiers of the Lands through which the same is intended to pass, have been deposited in the Offices of the principal Sheriff Clerks of the Counties of *Edinburgh*, *Lanark*, *Dumfries*, *Dumbarton*, and *Stirling*, and with the Clerk of the Peace of the County of *Cumberland*; be it enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the said Company to make and maintain the said Railway and Works in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Line of
Railway.

XVIII. And be it enacted, That the Lines of Railway to be made and maintained under the Authority of this Act shall be the following; (that is to say,)

A Railway commencing at the City of *Carlisle* in the County of *Cumberland* in connexion with the Lines of the *Lancaster and Carlisle* Railway, the *Newcastle and Carlisle* Railway, and the *Maryport and Carlisle* Railway, or One or more of the said Railways; and leading Northwards, by or near to *Lockerbie* and *Beatoch* in the County of *Dumfries*, to a Point at or near to the Ford or Ferry called the *Float* in the County of *Lanark*; and diverging Eastwards from the said Point, by or near to *Midcalders* in the County of *Edinburgh*, to a Point near to the Naval and Military Academy in the City of *Edinburgh*; and also diverging from the aforesaid Point near to the Ford or Ferry called the *Float* in the County of *Lanark* Westwards to and to communicate with the *Wishaw and Coltness* Railway at or near to *Gillhead Mill* in the said County of *Lanark*:

A Railway from the foresaid intended Line, diverging Eastwards at a Point at or near to *Lampits* in the Parish of *Carnwath*, to the said intended Line, diverging Westwards at a Point at or near to *Strawfrank* in the Parish of *Carstairs*:

A Railway from the *Monkland and Kirkintilloch* Railway, at a Point Three Quarters of a Mile or thereabouts to the North of *Gargill* in the County of *Lanark*, by or near to *Castlecary* in the County of *Dumbarton* or County of *Stirling*, to and to communicate with the Line of the *Scottish Central* Railway at a Point near to *Broomhill* Distillery in the County of *Stirling*:

A Branch Railway from the said intended Line of Railway herein last described, at or near to *Castlecary* aforesaid, to and to communicate with the *Edinburgh and Glasgow* Railway near to the same Place, in the Counties of *Dumbarton* and *Stirling*, or one of them.

XIX. And

XIX. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed One hundred Acres. Lands for additional Stations, &c.

XX. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act. Compulsory Purchase of Lands limited to Three Years.

XXI. And be it enacted, That the Railway shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the recited Acts granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed. Period for Completion of Works.

XXII. And be it enacted, That it shall be lawful for the Company to carry the Railway across the Surface of the following Roads, numbered on the Plans deposited as aforesaid as after mentioned; that is to say, Certain Roads may be crossed on the Surface

In the Parish of *St. Mary's Carlisle* and Township of *Caldewgate*, the Road numbered 12 :

In the Hamlet of *Kingmoor*, the Road numbered 9 :

In the Parish of *Stanwix* and Township of *Cargo*, the Roads numbered 49 and 74 :

In the Parish of *Rockliffe* and Township of *Rockliffe Castletown*, the Roads numbered 43 and 58 :

In the Parish of *Kirkpatrick Fleming*, the Roads numbered 82 and 100 :

In the Parish of *Tundergarth*, the Road numbered 13 :

In the Parish of *Dryfesdale*, the Road numbered 39 :

In the Parish of *Applegarth*, the Roads numbered 29, 90, 158, and 160 :

In the Parish of *Wamphray*, the Roads numbered 11, 50, 56, and 62 :

In the Parish of *Kirkpatrick Juxta*, the Roads numbered 19 and 42 :

In the Parish of *Crawford*, the Roads numbered 104 and 161 :

In the Parish of *Lamington*, the Road numbered 42 :

In the united Parishes of *Wiston* and *Roberton*, the Road numbered 18 :

In the Parish of *Symington*, the Road numbered 60 :

In the Parish of *Covington*, or *Covington* and *Thankerton*, the Roads numbered 9, 49, and 75 :

In the Parish of *Pitinain*, the Road numbered 43 :

In the Parish of *Carstairs*, the Road numbered 76 :

In the Parish of *Lanark*, the Roads numbered 9, 71, 75, and 75 :

In the Parish of *Carlisle*, the Roads numbered 97 and 107 :

In the Parish of *Carnwath*, the Roads numbered 100 and 112 :

In the Parish of *West Calder*, the Roads numbered 6, 53, and 78 :

In the Parish of *Midcalder*, the Roads numbered 8 and 33 :

In the Parish of *Kirknewton*, the Roads numbered 44, 66, and 86 :

[Local.]

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In

Railway, not exceeding Twenty-two Yards in Breadth, and not otherwise.

Communi-
cation with
Maryport
and Carlisle
Railway to
be made
under the
Direction of
the Engineer
of that
Company.

XXXI. And be it enacted, That all Communications between the Railway hereby authorized to be made and the *Maryport and Carlisle* Railway, and all such Openings in the Ledges or Flanches of the said last-mentioned Railway as may be necessary or convenient for effecting such Communication, shall be made and effected under the Direction and Superintendence of the Engineer for the Time being of the said *Maryport and Carlisle* Railway Company, or other Person authorized by them for that Purpose, and shall for ever afterwards be maintained and kept in repair by and at the Expence of the Company by this Act incorporated.

Company to
be at the
Expence of
maintaining
and watch-
ing the
Points.

XXXII. And be it enacted, That the Company shall from Time to Time and at all Times hereafter maintain and keep in order the Switches or Points at the Places of Communication between the said Railway hereby authorized to be made and the *Maryport and Carlisle* Railway, and at their sole Expence hire and employ proper and sufficient Persons to watch and regulate the same, or, at the Option of the said *Maryport and Carlisle* Railway Company, pay to the said last-mentioned Company the Expence of maintaining and keeping in order such Switches or Points, and of hiring and employing such Persons.

Saving
Rights of the
Maryport
and Carlisle
Railway
Company.

XXXIII. And be it enacted, That nothing in this Act contained shall prejudice, diminish, alter, or take away, except as herein mentioned, any of the Rights, Privileges, Franchises, Powers, or Authorities of or vested in or belonging to the *Maryport and Carlisle* Railway Company, but all their Rights, Privileges, Powers, Franchises, and Authorities under their several Acts of Parliament are hereby expressly saved and reserved.

Saving the
Right of the
Edinburgh
and Glasgow
Union Canal
Company.

XXXIV. And be it enacted, That nothing in this Act contained shall diminish, alter, prejudice, affect, or take away any of the Rights, Privileges, Powers, or Authorities vested in the *Edinburgh and Glasgow* Union Canal Company, or authorize or empower the said Railway Company to alter the Depth or the Course or Line or Level or Breadth of the said Canal, or of the Towing Path thereof, or any Part thereof, except at the crossing of the said Canal by the said Railway in the Manner herein-after specially provided and limited, or in any Manner to obstruct or impede the Navigation of the said Canal or any Part thereof, or to divert, intercept, cut off, take, or diminish any of the Waters therein, or which may be taken for the Use thereof; or which supply the Reservoir thereof, but without Prejudice always to the said Railway Company erecting Abutments for a Bridge at crossing the said Canal in manner after mentioned.

Compensa-
tion in case
of Obstruc-
tion of Edin-
burgh and
Glasgow
Union Canal.

XXXV. And be it enacted, That if in the Construction of any of the Works by this Act authorized, or by reason of any Accident during such Construction, or of the bad State of Repair of any such Works, or by the Drainage of the Water of the said Canal or of the Reservoir thereof in consequence of any of the Operations of the said Railway

Railway Company, it shall happen that the said Canal or Works thereof, or the Towing Path or any Part thereof, shall be so obstructed that Boats, Barges, or other Vessels navigating or using the said Canal shall be impeded in their Passage, or shall not be able at all Times freely and uninterruptedly to pass along the same, or if, by reason of any temporary Diminution of the clear Head-room above the Waterway of the Canal, any Steam-tracker shall be impeded in passing along, or shall not be able at all Times freely and uninterruptedly to pass along, the said Canal, then and in every such Case the said Railway Company shall pay to the said Canal Company either the actual Damage, or in lieu thereof, in the Option of the said Canal Company, as and by way of ascertained Damages, the Sum of Five Pounds for every Hour during which such Impediment or Obstruction shall be allowed to continue, not exceeding Six Hours, but if beyond Six consecutive Hours then the Sum of Twenty Pounds for every Hour during which the Impediment or Obstruction shall continue after such Six Hours as aforesaid; and in default of Payment of any such actual or ascertained Damages, on demand made on the Treasurer or any Officer of the said Railway Company, the said Canal Company may sue for and recover the same, together with full Costs against the said Railway Company, by Action in the Court of Session in *Scotland*, or before the Sheriff of the County, or the same may be recovered in like Manner as any other Penalties under this Act.

XXXVI. And be it enacted, That in carrying the said Railway over the *Edinburgh* and *Glasgow* Union Canal the said Railway Company shall and they are hereby required, at their own Expence, to make and maintain and keep in perfect Repair a good and substantial Bridge over the same, such Bridge being not more than Twenty-eight Feet in Breadth over all on the Square of such Bridge, and not less in the Span than Thirty Feet, reckoning as on the Square of the said Canal, and leaving a clear Waterway not less than Twenty-four Feet Six Inches on the Square, with a Towing Path not less than Five Feet Three Inches, and that there shall be no Pier or permanent Impediment whatever constructed by the said Railway Company betwixt the said Waterway and Towing Path, and that the Centre of the Arch of the said Bridge shall be over the Centre of the Waterway of the said Canal, and that the under Side or Soffit of the said Bridge where the same crosses the said Towing Path shall not be less than Six Feet above the Towing Path at the springing of the Arch, nor less than Eight Feet above the Towing Path at the Side nearest the Waterway, such Towing Path being One Foot above the Top-water Level of the Canal, nor shall such under Side or Soffit at the Margin of the Canal on the off Side of the Canal, or Side opposite the Towing Path, be less than Seven Feet above to the Top-water Level, nor shall such under Side or Soffit at the Centre of the Arch be less than Eleven Feet above the Top-water Level.

Provisions as to the crossing of the *Edinburgh* and *Glasgow* Canal.

XXXVII. And be it enacted, That in case the said *Edinburgh* and *Glasgow* Union Canal Company shall at any Time apprehend that the said intended Railway will, from its crossing or near Approach to the said Canal, occasion Danger to the Boats or Vessels navigating the said Canal, in consequence of the Horses used in tracking such

A Screen may be required to be erected where the Railway

[*Local.*]

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Boats

approaches
the Canal.

Boats or Vessels being frightened by the Sight of the Engines or Carriages travelling upon the said Railway, it shall be lawful for the said Canal Company to apply to the Sheriff of the County for the Erection of a Screen; and if such Sheriff shall issue an Order for the same the said Railway Company shall erect such Works in the Nature of a Screen between the said Railway and Canal as shall be considered necessary by the Sheriff, which Works shall thereafter be kept in good and sufficient Repair by the said Railway Company; and in case the said Railway Company shall refuse or neglect to erect such Works so ordained, or to keep the same in repair as aforesaid, it shall be lawful for the said Canal Company to enforce the said Order in the same Way as other Interlocutors of the Sheriff, or to construct or repair the said Works at the Cost of the said Railway Company, and to recover the Amount thereof in a summary Way from the said Railway Company.

Railway not
to deviate on
passing the
Reservoir.

Maintenance
of the Re-
servoir.

XXXVIII. And be it enacted, That at passing of the Reservoir of the *Edinburgh* and *Glasgow* Union Canal the said Railway Company shall not deviate the Line of Railway to the East or South-east; and that the said Railway Company shall, at their own Expence, make and maintain any Works that may be necessary for keeping the Water of the said Reservoir off from the said Railway and Works thereof, and shall, if the said Reservoir, as the same has been enlarged under an Act passed in the Fourth and Fifth Year of Her present Majesty, shall be diminished in Capacity by the said Railway or any of the Works thereof, make and maintain an Enlargement of the said Reservoir of equal Extent at some other convenient Part thereof.

For Preven-
tion of
Drainage.

XXXIX. And be it enacted, That if at any Time the Water of the *Edinburgh* and *Glasgow* Union Canal, or of the Reservoir thereof, as the same has been enlarged under an Act passed in the Fourth and Fifth Year of the Reign of Her present Majesty, or the Water which supplies the said Canal or Reservoir, shall become subject to Drainage or be diverted, diminished, or carried off by or in consequence of the Excavations or other Works of the said Railway, the said Railway Company shall, at their own Expence, and without Delay, execute and maintain all such Works as shall be necessary for preventing any carrying off or Drainage of such Water.

Reserving
Access to the
Reservoir.

XL. And be it enacted, That the said Railway Company shall allow free Access to and from the Reservoir of the *Edinburgh* and *Glasgow* Union Canal and the House connected therewith, and the Works of the said Reservoir on the Line of the Ground some Time ago acquired by the Company of Proprietors of the said Canal for Access thereto, and that either by means of a crossing on the Level of the said Railway, or, in the Option of the said Railway Company, by a Bridge to be made and maintained by the Railway Company.

Lands and
Works of the
Edinburgh
and *Glasgow*
Railway
Company
not to be

XLI. And be it enacted, That nothing herein contained shall be held to authorize the said Company hereby incorporated to enter upon any Lands belonging to the said *Edinburgh and Glasgow* Railway Company without the previous Consent of such Company first had and obtained, except for the Purposes of this Act, nor to purchase or acquire any such Lands, nor to alter or vary the Line or Levels or
Width

Width of the said *Edinburgh and Glasgow* Railway without such Consent as aforesaid, nor shall it be in the Power of the said Company to interfere with the said Railway, except for the Purpose of making and maintaining the Junction with and Arch under the said Railway in the Manner herein provided, or in any Manner to interrupt or impede the Traffic passing on the said last-mentioned Railway; and the said Company hereby incorporated shall bear all the Expences of effecting such Junction as aforesaid, and of maintaining, watching, and working the same, and of the necessary Works for preventing Danger, Inconvenience, or Interruption to the Traffic on the said *Edinburgh and Glasgow* Railway, and shall also, at their own sole Costs and Charges, construct and for ever after maintain such and so many Switches, Turntables, Sidings, and other Works and Conveniences as may be necessary or convenient in connexion with the said Junction, and for preventing any such Danger, Interruption, or Inconvenience to the Traffic of the said *Edinburgh and Glasgow* Railway: Provided always, that if any Difference shall arise between the said Two Companies as to the Nature or Necessity of any such Works as aforesaid the same shall be referred to Arbitration, or to the Decision of the Board of Trade, at the Option of the said *Edinburgh and Glasgow* Railway Company.

interfered
with without
Consent.

XLII. And whereas the Railway by this Act authorized to be made is proposed to join and to pass under the *Edinburgh and Glasgow* Railway at or near *Castlecary*; be it therefore enacted, That such Junction shall be made and completed at the Sight and to the Satisfaction of the Engineer for the Time being of the said *Edinburgh and Glasgow* Railway; and in case of any Difference in Opinion the Matter in dispute shall be referred to Arbitration, or to the Decision of the Board of Trade, at the Option of the *Edinburgh and Glasgow* Railway Company.

Junction be-
tween the
Railway and
Edinburgh
and Glasgow
Railway.

XLIII. And be it enacted, That in carrying the Railway by this Act authorized under the said *Edinburgh and Glasgow* Railway near *Castlecary* the said Company hereby incorporated shall make and for ever maintain, at their own Expence, an Arch having a clear Width between the Parapets thereof of not less than Thirty Feet, and measuring at least Fifteen Feet on each Side of the Centre of the said *Edinburgh and Glasgow* Railway, and such Arch shall be constructed at Sight and to the Satisfaction of the Engineer for the Time being of the said last-mentioned Railway, and in such Manner as not in any way to endanger the Safety of the said Railway, or any of the Works connected therewith; and in case of any Difference in Opinion, the Matter in dispute shall be referred to Arbitration, or to the Decision of the Board of Trade, in the Option of the *Edinburgh and Glasgow* Railway Company; nor shall the Works by this Act authorized be so made as to prevent at any future Time the widening of the said *Edinburgh and Glasgow* Railway, if such widening shall be considered desirable by the said *Edinburgh and Glasgow* Railway Company.

As to Arch
under Edin-
burgh and
Glasgow
Railway.

XLIV. Provided always, and be it enacted, That nothing herein shall extend or be deemed or construed to extend to alter, vary, pre-
judice,

Saving
Rights of the
Edinburgh

and Glasgow
Railway
Company.

judice, or diminish any of the Rights, Powers, Privileges, Franchises, or Authorities vested in the *Edinburgh and Glasgow* Railway Company by virtue of the Acts relating to such Company or any of them, except as herein-before expressly provided.

Power for
certain Rail-
way Com-
panies to
enter into
Contracts for
the Use of
their Lines ;

provided
Contracts do
not affect
Persons not
Parties to
them.

XLV. And whereas the Railway is to communicate with the *Wishaw and Coltness* Railway, the *Monkland and Kirkintilloch* Railway, and the *Glasgow, Garnkirk, and Coatbridge* Railway; be it enacted, That it shall be lawful to the respective Companies to whom the said several Railways belong to enter into any Contracts with the Company hereby incorporated, for the Use of and for the Passage over or along the said Railways respectively of any Engines, Coaches, Waggons, or other Carriages of the Company hereby incorporated, or for the Use of the Stations and other Works of such other Companies, upon the Payment of such Tolls or other Consideration, and under such Conditions and Restrictions, as may be mutually agreed upon: Provided always, that no such Contract as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls which the said *Wishaw and Coltness* Railway Company, the *Monkland and Kirkintilloch* Railway Company, or the *Glasgow, Garnkirk, and Coatbridge* Railway Company respectively, shall for the Time being be authorized and entitled to demand and receive from any Person or other Company; but that all other Persons and Companies shall, notwithstanding any such Contract, be entitled to the Use and Benefit of the said several Railways, upon the same Terms and Conditions, and upon Payment of the same Tolls, as they would have been in case no such Contracts had been entered into.

Agreements
already
made con-
sistently
with the Pro-
visions of
this Act to
be valid.

XLVI. And be it enacted, That any Contracts which may have been entered into between any of the said Companies and the Provisional Directors of the Company hereby incorporated, prior to the passing of this Act, consistently with Provisions herein contained, shall be as binding, valid, and effectual as though the same had been made under the Powers of this Act.

Tolls :

XLVII. And be it enacted, That it shall be lawful for the Company to demand any Tolls for the Use of the Railway, not exceeding the following; (that is to say,)

Tonnage of
Articles of
Merchan-
dize.

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

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

For all Coals, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandize, *per Ton per Mile* Two-pence Half-penny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* of One Penny :

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

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

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per Mile* Sixpence:

And a like Sum of Sixpence *per Mile* for every additional Quarter of a Ton, or fractional Part of a Quarter of a Ton, which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per Mile* of Sixpence.

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

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

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

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

XLVIII. And be it enacted, That the Toll which the Company may demand for the Use of Engines for propelling Carriages shall not exceed One Penny *per Mile* for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken. Tolls for propelling Power.

XLIX. And be it enacted, That the following Provisions and Regulations shall be applicable to the fixing of such Tolls; (that is to say,) Regulations as to the Tolls.

For Articles or Persons conveyed on the Railway for a less Distance than Six Miles the Company may demand as for Six entire Miles, and, in addition to the prescribed Tolls for Conveyance, a reasonable Charge for the Expence of stopping, loading, and unloading:

For a Fraction of a Mile beyond Six Miles, or beyond any greater Number of Miles, the Company may demand Tolls on Merchandize for such Fraction in proportion to the Number of Quarters of a Mile contained therein; and if there be a Fraction of a Quarter of a Mile, such Fraction shall be deemed a Quarter of

[Local.]

41 P—Q

a Mile;

a Mile; and in respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile:

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

With respect to all Articles, except Stone or Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for
small Parcels
and great
Weights.

L. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

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

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

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

Limiting
Charges for
Conveyance
of Passen-
gers.

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

Passengers
Luggage.

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

LIII. And

LIII. And be it enacted, That it shall not be lawful for the Company to charge, in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals, herein-after mentioned, conveyed on the Railway by this Act authorized, any greater Sum, including the Charges for the Use of Carriages, Waggon, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance, than the several Sums herein-after mentioned; that is to say,

Limiting
Charges for
Conveyance
of Goods.

For Dung, Compost, and all Sorts of Manure, Lime and Limestone, and undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* Two-pence :

For Coals, Coke, Culm, Charcoal, and Cinders, Stones for building, pitching, and paving, Bricks, Tiles, Slates, Clay, and Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandize, *per Ton per Mile* Two-pence Halfpenny :

For Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* Three-pence :

For Cotton and other Wools, Drugs, manufactured Goods, and other Wares, Merchandize, Fish, Articles, Matters, and Things, *per Ton per Mile* Four-pence :

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per Mile* Five-pence :

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

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

For every Calf or Pig, Sheep, Lamb, or other small Animal, *per Mile* Three Farthings :

Provided always, that if any Passenger, Animals, or Goods be conveyed for a less Distance than Six Miles on the Railway the Company shall be entitled to demand and receive Tolls as for Six entire Miles.

LIV. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament*; and for other Purposes in relation to Railways; be it enacted, That nothing in this said Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

Railway to
be subject to
the Provi-
sions of
1 & 2 Vict.
c. 98.,
3 & 4 Vict.
c. 97.,
5 & 6 Vict.
c. 55., and
7 & 8 Vict.
c. 85.

LV. And

Provision for
future gene-
ral Railway
Acts.

LV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway hereby authorized to be made from the Provisions of any general Act relating to this Act, or of any general Act relating to Railways, which may pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Public Act.

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

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