



ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

Cap. xxxv.

An Act for making and maintaining a Railway
from *Rutherglen Green* to *Wellshot* in the County
of *Lanark*. [2d August 1831.]

WHEREAS the making and maintaining a Railway for the Passage of Waggon or other Carriages from the West Side of *Rutherglen Green*, by or near or through the Lands of *Alleysbank*, and by or near *Grozarthall*, *Gallowflat*, and *Eastfield* Colliery, to or near to *Wellshot* Mine, with a Branch to the River *Clyde* at or near the Quay commonly called *Rutherglen Quay*, and a Branch to *Farme* Colliery, and a Branch to *Eastfield* and *Scotston* Collieries, and a Branch to *Hamilton Farm* Colliery, and with Wharfs and Depots, and other Conveniences for loading and unloading, shipping and unshipping Goods, will be of great local and public Utility, by affording a cheap and expeditious Means of Conveyance of Coals, Freestone, and other Minerals from the Lands situated contiguous thereto, to other Roads and Railways, and to the River of *Clyde*, from whence they may be carried to other Parts: And whereas the several Persons hereinafter named are desirous and willing, at their own Costs and Charges, to make and maintain the said Railway and Branches as aforesaid; but such Purposes 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 King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament

[*Local.*] 6 D assembled,

Proprietors.

assembled, and by the Authority of the same, That *Alexander Duke of Hamilton and Brandon, James Farie of Farme, Colin Dunlop of Tolcross, John Gray of Scotston*, and all and every other Person and Persons who is or are or shall hereafter become a Subscriber or Subscribers to the said Undertaking for establishing the said Railway and Branches, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and are hereby united into a Company for making and maintaining the said Railway, Branches, and other Works incident thereto or connected therewith, according to the Rules, Orders, Directions, and Regulations hereinafter mentioned, and shall for these Purposes be one Body Corporate by the Name and Style of The *Rutherglen Railway Company*, and by that Name shall have perpetual Succession, and have a Common Seal, and by that Name shall and may sue and be sued at Law or in Equity; and the said Company shall have full Power and Authority, from Time to Time and 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 re-sell or dispose of the said Lands and Heritages, and convey the same to the Purchasers thereof.

Power to make 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 and maintain the said Railway, which shall be called The *Rutherglen Railway*, passable for Waggon and other Carriages, from the West Side of *Rutherglen Green* aforesaid, by or through the Lands of *Alleysbank*, and by or near *Grozarthall, Gallowflat, and Eastfield Colliery*, to or near to *Wellshot Mine*, with a Branch to the River *Clyde* at or near the Quay commonly called *Rutherglen Quay*, and a Branch to *Farme Colliery*, and a Branch or Branches to *Eastfield and Scotston Collieries*, and a Branch to *Hamilton Farm Colliery*, or such or so many of the said Branches as the said Company may think fit, with Passing Places or Roads of Communication; and also to construct, erect, make, alter, re-erect, and maintain such Bridges, Tunnels, Wharfs, Depots, Engines, Machinery, and other Works as may be deemed by the said Company to be convenient and necessary for the Purposes of making, maintaining, and using the said Railway and Branches, and for loading and unloading, shipping and unshipping Goods, at the said River or elsewhere adjoining the said Railway, under the Provisions after mentioned.

Power to appropriate Lands, and erect Works.

III. And be it further enacted, That for the Purposes of this Act the said Company, their Deputies, Servants, Agents, Surveyors, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of or belonging to any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same or any Part thereof, and to set out and appropriate, for the Purposes of this Act, such Parts thereof as they shall think necessary and proper for making the said Railway, Bridges, Tunnels, Engines, Machinery, Depots, Wharfs, and Roads of Communication as aforesaid; and all other Works and Conveniences hereby authorized to be made; and also to bore, dig, cut, trench, remove,

remove, take, carry away, lay, use, and manufacture any Earth, Clay, Stone, Soil, Rubbish, Trees, (leaving such Trees for the 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, Branches, Wharfs, Depôts, or other Works, or which may hinder, prevent, or obstruct the making, extending, maintaining, or using the same respectively, according to the Intent and Meaning of this Act; and also to make and set out such Places for Waggon and other Carriages to turn, lie, or pass each other as the said Company of Proprietors shall think convenient; and to construct, erect, alter, re-erect, and maintain all other Matters and Things which they shall think convenient and necessary for the completing, preserving, improving, and using of the said Railway, Branches, Tunnels, Depôts, Wharfs, Bridges, Roads of Communication, and other Works to be made or constructed in pursuance 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 the said Company of Proprietors also 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, or prejudiced, for all Damages, if any, 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 the Provisions and Restrictions in this Act mentioned and contained.

IV. Provided always, and be it enacted, That the said Company of Proprietors shall not enter upon or take Possession of, or acquire any Right to or Interest in, any Part of the Lands of *Eastfield, Scotston,* or *Ballochsmiln*, in the Parish of *Rutherglen*, under or by virtue of the Powers hereby conferred for the Purposes aforesaid, without the Consent in Writing of *John Gray* of *Scotston*, the Proprietor of the said Lands, or of his Heirs or Successors, being first had and obtained so to do; nor to enter upon or take Possession of, or acquire any Right to or Interest in, any Part of the Lands of *Gallowflat*, without the Consent in Writing of the Trustees acting under the Deed of Settlement of the deceased *Patrick Robertson*, Writer in *Glasgow*, Proprietors of the said Lands. Consent of
J. Gray, &c.

V. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give to or confer upon the said Company any Right to or Interest in the Coal or Freestone, or the Metals or Minerals of any Description, in the Lands through which the said Railway shall be formed, or in the Ground upon which the said Railway and its Branches, Depôts, or other Works shall be made, or any Right to interfere with or to restrain the Operations of the Owner of such Coal, Freestone, Metals, or Minerals, in working and carrying away the same, or any Right to recover any Damage which the regular working thereof may occasion to the Railway or Branches, or Depôts or other Works which may be formed Saving of
Right to
Minerals.

formed by and belong to the said Company: Provided always, that the Owner or Owners of such Coal, Freestone, Metals, or Minerals shall not have Right to open up or break or carry on any Operation on the Surface of the Ground which shall be acquired by the said Company under the Powers of this Act, nor to enter on the same, further than as authorized by this Act, for the Purpose of connecting Branch Railways with the Railway hereby authorized to be made, or of crossing the same from the Lands situated on the one Side of the said Railway to the Lands situated on the other Side thereof.

Ledges of Railway not to project above nor be sunk below Roads.

VI. Provided always, and be it further enacted, That where the said Railway or Branches shall cross or pass along any Turnpike Road or Highway, such Road or Highway shall be constructed so as that the Ledge or Flanch of such Railway shall not project above the Surface of such Turnpike Road or Highway, nor shall any such Ledge or Flanch be more than Three Quarters of an Inch below the Surface of the same.

Width between the Rails.

VII. And be it further enacted, That the Distance between the inside Edges of the Rails shall not be less than Four Feet Six Inches, and the Distance between the outside Edges of the said Rails shall not be more than Five Feet One Inch.

Regulating the Ascent to Bridges.

VIII. And be it further enacted, That in all Places where it may be necessary to erect or build any Bridge or Bridges to communicate with any public Carriage Road, the Ascent to every such Bridge for the Purpose of such Road shall not be more than One Foot in Thirteen; and 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 such Bridge.

Map or Plan to remain with the Clerk of the Peace, and be open to Inspection.

IX. And whereas a Map or Plan shewing the Line of the said Railway and Branch Railways, with a Book of Reference thereto, containing Lists of the Names of the Owners or reputed Owners and Occupiers of the Lands through which the same is to be carried, has been deposited at the Offices of the Clerk of the Peace for the County of *Lanark* at *Glasgow* 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 Clerk 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 Clerk 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 Branches shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Map or Plan.

Company not to deviate more than 100 Yards.

Lands of Persons omitted in Book of Reference may

X. Provided always, and be it further enacted, That the said Company of Proprietors may make the said Railway or Branches, Wharfs, Depôts, and other Works, into, upon, through, or over the Lands or Grounds of any Person or Persons who is or are or may be the Owner

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.

be taken if
Omission
proceeded
from
Mistake.

XI. Provided always, and be it further 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 or use, for the Purpose of the said Railway and Branches, or of the said Wharfs, Depôts, or other Works, or for any other 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, Policy, 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.

No House or
Building, &c.
to be in-
jured, ex-
cept those
mentioned
in the
Schedule.

XII. And be it further enacted, That the Lands and Grounds to be taken or used for the Purposes of this Act shall not exceed Twenty Yards in Breadth, exclusive of the Breadth required for cutting or embanking, except in such Places where it shall be judged necessary by the said Company for Waggons or other Carriages to turn, lie, or pass each other, or where any Warehouses, Cranes, or Weigh-beams 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 or Branches, and not above Seventy-five Yards in Breadth in any Place, without the Consent in Writing of the Owners of the Lands or Heritages that may require to be taken for such additional Width.

Railway not
to exceed
20 Yards in
Breadth.

XIII. Provided always, That if the said Company of Proprietors shall find it necessary or deem it expedient to construct a Bridge or Bridges, Tunnel or Tunnels, for carrying the Turnpike Road leading from *Glasgow* to *Cambuslang* across the said Railway or Branches, the Ascent to such Bridge or Bridges, Tunnel or Tunnels, shall not exceed One Foot in Twenty-five Feet; and the said Turnpike Road shall be altered and constructed accordingly by the said Company of Proprietors at the Sight and to the Satisfaction of the Trustees on the said Road, or a Surveyor or Engineer appointed by them.

Provision as
to crossing
Cambuslang
Road.

XIV. And be it further enacted, That after any Lands, Grounds, or Heritages shall be thought necessary by the said Company for making any Part of the said Railway and Branches, or Wharfs, Depôts, Roads of Communication, and other Works and Conveniences herein-before authorized to be made, or any of them, and shall be set out by the said Company for any of these Purposes, it shall be lawful for all Bodies Politic, Corporate, or Collegiate,
[*Local.*] 6 E Corporations

Proprietors
and incapa-
citated Par-
ties required
and em-
powered to
convey.

Corporations Aggregate or Sole, Heirs of Entail, Liferenters, Husbands, Tutors and Curators, or other Guardians, Trustees for charitable and other Purposes, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of those for whom they are Guardians or Trustees, whether Infants, Minors, Issue unborn, Lunatics, Idiots, Married Women or other Person or Persons, and to and for all Married Women who are or shall be 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 aforesaid which shall be so set out for the Purposes aforesaid, and they are hereby authorized and required, 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, Sales, and Conveyances shall be valid and effectual 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 Conveyances so to be made as aforesaid may be made and expressed according to the following Form, or in Words to the same Effect; *videlicet*,

Form of
Conveyance.

‘ I of _____, in consideration of the Sum
‘ to me paid by the Company of Proprietors of the
‘ *Rutherglen Railway [or other Consideration, as the Case may be]*,
‘ do hereby grant and convey to the said Company of Proprietors all
‘ *[describing the Premises to be conveyed]*, and all my Right, Title,
‘ and Interest in and to the same and every Part thereof, to hold
‘ to the said Company of Proprietors and their Successors for ever,
‘ by virtue and according to the true Intent and Meaning of an
‘ Act passed in the _____ Year of the Reign of His Majesty King
‘ *William the Fourth, intituled [here set forth the Title of this Act,*
‘ *and insert a Testing Clause according to the Form of the Law of*
‘ *Scotland.]*

And every such Conveyance, being registered in the general Register of Sasines, or in the particular Register of Sasines for the County or Place in which the Lands and Heritages thereby conveyed are situated, and which the Keepers of the said Registers are hereby required and authorized to do, shall have the full Effect of a valid and formal Disposition, followed by Infestment and Sasine duly recorded, and shall give and constitute a good and undoubted Right and Title to the said Company of Proprietors to the Premises therein described; any Law or Custom to the contrary notwithstanding.

Superiority
not to be
diminished.

XV. And be it further enacted, That the Rights and Titles to be granted in manner before mentioned to the said Company of Proprietors, to the Premises therein described, shall not in any measure affect or diminish the Superiority of the same, but notwithstanding the said Conveyances the Superiority shall remain as before, entire in the Persons having Right to the same.

XVI. And be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees, and other Person or Persons hereby empowered and required to sell and 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, Branches, or other Works hereby authorized shall be made, may accept and receive such Satisfaction as they shall think adequate for the Price or Value of such Lands and Heritages, and for the Damages to be sustained by making and completing the said Works, in gross Sums.

Satisfaction
to be made
to Owners.

XVII. And be it further enacted, That in case the Price or Value to be paid for any Lands or Heritages taken or used for the Purposes of this Act, or the Recompence to be given for Damage caused to the same, cannot be settled, adjusted, and agreed upon by and between the said Company of Proprietors or their Agents and the Proprietors or Occupiers of and Persons interested in the said Lands and Heritages; or if any such Proprietors or Occupiers of or Persons interested in such Lands or other Heritages shall for the Space of Fourteen Days after Notice in Writing given to the principal Officer or Officers of any Bodies Politic, Corporate, or Collegiate, or to the Proprietors or Persons interested as aforesaid, 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, or any of them, of such Lands or Heritages, 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 in dispute, or to the Interest which they claim therein, to the Satisfaction of the said Company of Proprietors; or if the said Company of Proprietors shall for the Space of Fourteen Days after Notice in Writing given to their Clerk or Treasurer for the Time being, by any Proprietor or Occupier of or Person interested in any Lands or Heritages taken or used for the Purposes of this Act, neglect or refuse to treat with such Proprietor or Occupier or other Person, or cannot agree with him or them; then and in every such Case the said Company of Proprietors, or the said Proprietors or Occupiers or other Persons interested in or entitled to such Lands or Heritages, shall be and they are hereby respectively empowered to make Application in Writing to the Sheriff Depute or Substitute of the County of *Lanark*, for the Purpose of such Price or Value or Recompence being ascertained by the Verdict of a Jury; and the said Sheriff Depute or Substitute is thereupon required to summon an Assize of Eighteen Persons, in the Manner in which Juries are in use to be summoned in *Scotland*, to meet at such Time and Place as such Sheriff Depute or Substitute shall think fit to appoint, not being less than Nine Days after such Application being made, of whom the said Sheriff Depute or Substitute shall impanel a Jury of Nine Persons, all Parties concerned having their lawful Challenges or Exceptions against any of the said Jurymen; and the said Sheriff Depute or Substitute is hereby empowered and required to summon and call before

In case of
Disagree-
ment as to
the Value of
Lands, &c.
the same to
be deter-
mined by a
Jury.

before him all and every Person or Persons who shall be thought necessary by either Party to be examined as a Witness or Witnesses, touching the Matter in question, by or before such Jury; 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 Premises in controversy; and the said 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 fix by their Verdict the Sum of Money to be paid for such Lands or Heritages, or the Recompence to be given for the Damages that may be sustained as aforesaid; and the said Sheriff Depute or Substitute shall give Judgment for such Purchase Monies or Recompence assessed by such Juries; which said Verdict, and the Judgment thereupon, 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, to be fixed by the said Sheriff Depute or Substitute, 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.

Juries to distinguish between Value and Damages.

XVIII. And be it further enacted, That the said Juries respectively shall, if required by the said Company of Proprietors, award the Value of Lands or Heritages separately and distinctly from the Consideration for 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.

Verdicts to be recorded.

XIX. And be it further enacted, That the Verdicts of the Juries, and the Judgments of the said Sheriff Depute or Substitute thereon, shall 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.

XX. And

XX. And be it further enacted, That in every case in which the Verdict of a Jury shall be given for the same or a greater Sum than shall have been previously offered by the said Company of Proprietors for the Purchase of any Lands or Heritages to be used or taken by them for the Purposes of this Act, or as Compensation or Satisfaction for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury, and the Expences of Witnesses, shall be defrayed by the said Company of Proprietors; and such Costs and Expences shall be settled and determined by the said Sheriff or Sheriff Substitute; and in case such Costs and Expences shall not be paid to the Party or Parties entitled to receive the same within Five Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Company of Proprietors, or of the Treasurer of the said Company of Proprietors, unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act (and which he is hereby authorized to do), under a Warrant to be issued for that Purpose by any Justice of the Peace for the County of *Lanark* not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand, on Application made to him for that Purpose by any Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by the said Company of Proprietors, One Half of the said Costs and Expences shall be defrayed by the Party or Parties with whom the said Company of Proprietors shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Company of Proprietors; and the former Half of such Costs and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such Party or Parties as aforesaid, as so much Money advanced to and for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in Cases in which by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Company of Proprietors.

Expences of
Jury how to
be paid.

XXI. And be it further enacted, That all and every Body or Bodies, Person or Persons, making Application for 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 receive or take notice of any Application or Applications to be

Persons de-
siring a
Jury to give
Security.

[*Local.*]

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made

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 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.

Persons
giving false
Evidence to
be prose-
cuted.

XXII. And be it further enacted, That every such Jury and Jurymen as aforesaid shall be under and subject to the same Regulations, Pains, and Penalties as if such Jury or Jurymen had been returned to pass upon any Justiciary Trial in *Scotland*; and all and every Person and Persons who in any Examination to be taken in 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*.

Upon legal
Tender of
Sum as-
sessed, the
Works not
to be im-
peded.

XXIII. 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, for the Purchase of any Lands or Heritages to be taken for the Purposes of this Act, or as a Compensation for Damages, as herein-before mentioned, within One Calendar Month after the same shall have been contracted, agreed for, or assessed as aforesaid, 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; 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, within One Calendar Month after the same shall have been contracted for or assessed as aforesaid, into the Bank of *Scotland*, the Royal Bank of *Scotland*, or the *British Linen Company*, as the Case may be, for the Use of such Person or Persons so interested and 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 Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter, or, if they have entered, to continue 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, Deposit, or Bond of Security shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons entitled to or interested in such Lands or other Heritages, but shall also extend

extend to and be deemed and construed to bar the Courtesy of the Husband and 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, or Deposit aforesaid shall have been made, or Bond of Security granted as aforesaid, 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 and Branches or other Works, without the Consent in Writing of such Person or Persons respectively.

XXIV. 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, or as a Recompence for Damages caused thereby, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid 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 Court of Session, 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 Purchases 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
of Compen-
sation
Money when
exceeding
200*l*.

XXV. 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

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

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.

Application
where less
than 20%.

XXVI. 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.

In case of
not making
out Titles.

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

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.

XXVIII. 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 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.

Where Questions arise touching the Title to any Money.

XXIX. 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.

Court may order Payment of Expences in certain Cases.

XXX. And whereas the probable Expence of making the said Railway and Branches, and other Works hereby authorized to be made, will amount to the Sum of Fourteen thousand nine hundred and sixty-one Pounds Six Shillings, of which the Sum of Twelve thousand Pounds has been already subscribed by several Persons, under a Contract, binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them subscribed respectively; be it therefore further enacted, That the whole of the said Sum of Fourteen thousand nine hundred and sixty-one Pounds Six Shillings shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

Whole Expence to be subscribed before the Act is put in force.

XXXI. And whereas the said Railway, Branches, and other Works may be completed, if not prevented by inevitable Accident, within the Space of Five Years from the passing of this Act; be it therefore enacted, That if the said Railway and Branches shall not have been completed so as to answer the Objects of this Act within the Space

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

[*Local.*]

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of Five Years from and after the passing of this Act, all the Powers given by this Act shall thenceforth cease and become void, save only as to so much of the said Railway and Branches as shall have been completed within the said Space of Five Years, and such of the Powers of this Act as are given for the Purpose of maintaining, repairing, and using the same.

If Railway abandoned, Land to belong to the Owners of the Lands adjoining.

XXXII. And be it further enacted, That in case the said Railway and Branches hereby authorized to be made shall at any Time be given up or abandoned, then and in such Case the Lands and Grounds constituting the said Railway and Branches, or so much thereof as shall be given up, shall and is hereby declared to be the Property of the Owners of the Lands adjoining such Railway and Branches.

Company of Proprietors to erect Fences and other Works, and maintain the same.

XXXIII. And be it further enacted, That the said Company of Proprietors shall and may, at their own Expence, Costs, and Charges, after any Part of the said Railway and Branches shall be laid out and formed, make, erect, or cause to be made, erected, and set up, and from Time to Time maintain and support, such and so many convenient Gates in and upon the said Railway and Branches, and all such Bridges, Culverts, Arches, Fences, Ditches, Drains, and Passages over and under or by the Side of the said Railway or Branches, of such Dimensions and in such Manner as the said Company of Proprietors may deem proper for the Use of the said Railway, or as shall be deemed necessary and appointed on the Application of any Owner or Occupier of Lands or Grounds through which the same be made, by Two or more Justices of the Peace for the said County of *Lanark*, in case there should be any Dispute about the same, for the Use of such Owners and Occupiers of the Land and Grounds through which such Railway and Branches shall be made, not only 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 Branches, or any other Matter or Thing to be done in pursuance of this Act, but also conveying the Water clear from the Lands adjoining or lying near to the said Railway and Branches, without obstructing or impeding the same, to the Prejudice of any of the said Lands, and for enabling any Person or Persons occupying Lands adjacent thereto, and capable of being irrigated by means of any neighbouring Rivers, Brooks, Streams, or Springs of Water, to irrigate such adjacent Lands, and also shall make proper Watering Places for Cattle in all Cases where by means of the said Railway and Branches the Cattle of any Person or Persons occupying Lands adjacent thereto shall be deprived of their ancient Watering Place; and all such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages so to be made as aforesaid shall from Time to Time and at all Times thereafter, be supported, maintained, and kept in repair and condition by the said Company; and in case the said Company shall refuse or neglect to make, erect, or set up such Gates, Bridges, Arches, Culverts, Fences, 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 aforesaid, for the Space of Ten Days next after the Time to be appointed for those

those Purposes respectively by such Justices, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said Lands or Hereditaments, who shall find himself, herself, and themselves aggrieved by such Neglect or Refusal, to make, erect, or set up all such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as the said Justices shall have before directed or appointed to be erected and set up as aforesaid, 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, Fences, Ditches, Drains, and Passages as aforesaid, the said Railway and Branches, or any Buildings, Conveniences, or other Things hereby authorized to be made or erected by the said Company, 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, to be settled and allowed by the said Justices, shall be repaid to the respective Owners or Occupiers of the said Lands and Hereditaments who shall have so erected and made, repaired and maintained, such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, by the said Company, within the Space of Ten Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company or their Clerk for the Time being, and in default of Payment of the said Costs and Charges within the Time aforesaid the said Justices shall and they are hereby required, by Warrant under their Hands, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company, for the Use of such Person or Persons to whom such Costs and Charges shall have been allowed, rendering unto the said Company the Overplus (if any), upon Demand, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; and every and any of the said Owners or Occupiers, upon Refusal or Neglect by the said Company to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against 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.

XXXIV. Provided always, and be it further enacted, That if the Owner or Occupier of any Lands or other Hereditaments through which the said Railway and Branches shall be made do or shall at any Time or Times hereafter apprehend that any of the Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, and Passages respectively which the said Justices shall have so directed or appointed to be made by the said Company are insufficient, either in the Number or Station, for the commodious Use and Occupation of the respective Lands or Hereditaments through which the said Railway and Branches shall pass, and so often and in any such Case it shall be lawful for such Owners or Occupiers, with the Consent and Approbation of the said Company, upon Request made to them, or in case of their Refusal for the Space of Ten Days next after such Request, then, with the Consent and Approbation of the said Justices, to make, fix, and erect, at their own Costs and Charges, any other Gates, Bridges,

Owners of Lands empowered to erect Gates on Insufficiency of those erected by the Company.

Bridges, Arches, Culverts, Ditches, Fences, Drains, or Passages, of the same or other like Construction or Form with those made and erected by the said Company in, upon, along, or near to the said Railway and Branches, 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 Hereditaments, and to repair and support the same at their own Costs and Charges, as occasion shall require, so that the Passage through or along the said Railway and Branches 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, Fences, and Passages had been made or erected by the said Company.

Proprietors
may raise
Money for
making the
Railway.

XXXV. 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 Railway and Branches, Wharfs, Depots, Roads of Communication, Works, and Conveniences belonging or requisite thereto, not exceeding in the whole the Sum of Fifteen thousand Pounds, and the same shall be divided into Shares of One hundred 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 Share; 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; 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 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 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.

Shares to be
deemed Per-
sonal Estate.

XXXVI. And be it further enacted, That all and every the Shares of all Bodies Politic, Corporate, or Collegiate, and all other Person or Persons, of and in the Undertaking or 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.

XXXVII. And

XXXVII. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe any Money for or towards making and maintaining the said Railway and Branches, and other Works hereby authorized to be made, and for the other Purposes of this Act, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Portions thereof as shall from Time to Time be called for by the said Company under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Company or their Committee of Management, in manner herein-after mentioned; and in case any Person or Persons shall refuse or neglect to pay the same at the Time and in the Manner appointed for that Purpose, it shall and may be lawful for the said Company of Proprietors to sue for and recover the same in the Court of Session in *Scotland*, or any other competent Court, together with Interest on such Sum or Sums of Money at the Rate of Five *per Centum per Annum* from the Time when the same was directed to be paid by the said Company or their Committee as aforesaid.

To compel
Payment of
Subscrip-
tions.

XXXVIII. Provided always, and be it further enacted, That the 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, shall not be liable personally, or in his, her, or their Real or Personal Estate; and nothing herein contained shall extend to make them, or any of their Clerks, Treasurers, or other Officers or Servants, except as herein-after provided, liable 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 Amount 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.

No Person
answerable
for more
than his
Stock.

XXXIX. 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 and Branches, Depôts, Wharfs, and Works, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatever.

Application
of the Money
to be raised.

XL. 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 entitled respectively 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 Com-

Certificates
of the Shares
to be deliver-
ed to the
Proprietors.

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pany of Proprietors, in which Book also shall be minuted or recorded, as after provided, all Transfers or Conveyances of Shares, with the Names and proper Additions of the Assignees therein, and the proper Numbers of the Shares thereby transferred; and after such Entry made the Clerk is hereby empowered, whenever and as often as required, to deliver a Certificate, subscribed by him, to every such Subscriber or Shareholder, specifying the Share or Shares to which he, she, or they is or are according to the latest Entry or Minute in the said Book entitled in the said Undertaking, every such Proprietor paying the Clerk Two Shillings and Sixpence, and no more, for every such Certificate; and such Certificate shall be admitted in all Courts whatever as Evidence of the Title of such Subscriber or Shareholder, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified; but the Want of such Certificate shall not hinder or prevent the Owner of any such Shares from selling or disposing thereof; and such Certificate may be in the Words or to the Effect following; (that is to say,)

Form of
Certificate.

‘ The *Rutherglen* Railway Company.

‘ Number

‘ THESE are to certify, That _____ of _____

‘ is a Proprietor of the Share or Number _____, being _____

‘ Share of the *Rutherglen* 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 at _____, the _____

‘ Day of _____ in the Year of our Lord _____

Subscriber
to have a
Vote for
every Share.

XLI. 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 One or more Share or Shares in the said Undertaking, and whose Name shall be entered or minuted in the foresaid Book appointed to be kept by the Clerk of the said Company of Proprietors, as the Proprietor or Proprietors of such Share or Shares, shall be deemed a Proprietor for every such Share, and shall have a Vote for and in respect of every such Share at the several Stated or Special General Meetings of the said Company of Proprietors to be held as herein directed; which Vote shall and may be given by him, her, or them, or by his, her, or their Proxy or Proxies (such Proxy or Proxies being a Proprietor or Proprietors of One 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 or Lunacy, under the Hand or Hands of his, her, or their Guardian or Guardians, or Curator or Curators; 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, or other Words to the same Effect (varying the same so as to meet each particular Case); *videlicet*,

I [or We] One of the Proprietors [or We, A. B. C. D., Guardians of One of the Proprietors]
 of the *Rutherglen* Railway, do hereby nominate, constitute, and
 appoint to be my [or his, her, or our] Proxy, in
 my [or his, her, or our] Absence to vote and give my [or his,
 her, or our] 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. In witness whereof I [or we] have hereunto set my
 Hand [or our Hands], the Day of in the
 Year of our Lord

And every Election of Committees and Officers, and every Question Matter, and Thing whatsoever which shall be proposed, considered, or discussed in any General Meeting 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 Share as aforesaid; and at every such Meeting the President or Chairman shall not only have such Vote or Votes as a Proprietor aforesaid, but shall also, in case of an equal Division, have the decisive or casting Vote.

XLII. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to any Share or Shares in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares shall for the Purposes of this Act be deemed and taken to be the Owner or Proprietor of such Share or Shares; and all Notices hereby required to be given to the Owner or Proprietor of any Share or Shares in the said Undertaking shall be given or sent to such Person whose Name shall so stand first in the Books of the said Company; and such Notice to such Person shall be deemed and taken to be a sufficient Notice to all the Owners or Proprietors of such Share or Shares, for all the Purposes for which such Notice is intended to be given; and such Owners or Proprietors shall be entitled to give their Vote or Votes in respect thereof by the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share or Shares, and whose Vote shall, either in Person or by Proxy, on all Occasions be deemed and allowed to be the Vote or Votes for or in respect of the whole Property in such Share or Shares, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share or Shares, and notwithstanding of any Difference of Opinion among them.

XLIII. And be it further enacted, That in the Event of the Death of any Proprietor, his or her Administrators, Executors, or Legatees succeeding to his or her Share or Shares in the said Undertaking, shall not be entitled to be entered as Proprietors of such Share or Shares until they shall have produced to the Clerk of the said Company of Proprietors full and competent legal Evidence, according

In case of
Death of
Proprietors
of Shares,
Evidence of
the Right of
the Person
claiming

them to be produced.

ing to the Law of *Scotland*, of their Right to such Share or Shares; and shall not be entitled to receive any Part of the Dividends corresponding thereto, nor to vote or otherwise act as Proprietors, until a Minute or Memorial of such Evidence be made in the foresaid Book appointed to be kept by the said Clerk.

Shares may be sold.

XLIV. 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 *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 the Transfer or Conveyance for such Sales shall be in the following Words, or Words to the like Effect:

Form of Transfers.

‘ 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 *Rutherglen* Railway, to hold to him
 ‘ the said , his Executors, 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 .’

Transfers to be kept by the Clerk, and a Copy thereof delivered to the Purchaser.

And on every such Sale such Transfer or 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 herein-before appointed to be kept by the said Clerk a Minute or Memorial of such Transfer and Sale, to be kept for the Use of the said Company of Proprietors, and testify or endorse the Entry of such Minute or 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 Minute or Memorial of such Transfer or Sale accordingly; and unless or until such Transfer or Conveyance shall have been 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, nor any Right to vote or otherwise to act as a Proprietor or Proprietors of the said Undertaking.

No Share to be sold till all Calls thereon are answered.

XLV. 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 *per Centum* shall have been paid thereon, under the Penalty of forfeiting

feiting 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 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 herein directed.

XLVI. 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* of the Month immediately succeeding the passing of this Act, at the Hour of Twelve Noon, or at some other convenient Place and Time, whereof Ten Days Notice shall and may be given by Advertisement once or oftener in any Two or more of the *Glasgow* Newspapers; and thereafter Four Stated Meetings of the said Proprietors shall be held yearly on such Days and at such Places as the said Proprietors shall at a General Meeting appoint; and at the said and all other Stated and Special General Meetings the said Company of Proprietors shall in the first place appoint a Chairman, who shall preside at such Meeting, and sign the Minutes thereof: Provided always, that the Times and Places for holding the Stated Meetings may be altered by the said Company of Proprietors at a General Meeting, whenever and as often as they may deem such Alteration necessary or expedient.

First General Assembly.

XLVII. And be it further enacted, That it shall be lawful for any Two or more of the said Company of Proprietors, possessed of or entitled to Four Shares at least of the said Undertaking, and for the Clerk or Treasurer for the Time being of the said Company of Proprietors, and they are hereby required, upon written Requisition being made to either of them, by any One or more of the said Proprietors possessed of or entitled to not less than Four Shares at the least in the said Undertaking, specifying the Purpose of such intended Meeting, to call a Special General Meeting of the said Company of Proprietors, by causing Ten Days Notice of such Meeting to be given in any Two Newspapers usually published in *Glasgow*, or by giving to each Proprietor, or by leaving at his or her usual Place of Abode, a Notice in Writing, signed by the Two Proprietors calling such Meeting, or by the said Clerk or Treasurer, 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, or in such other Manner as the said Company of Proprietors shall at a General Meeting have directed and appointed; and the said Proprietors are hereby authorized to meet pursuant to such Notice, 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 Acts of the Proprietors, or the Majority 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 Stated General Meeting.

Special Meetings may be called.

[Local.]

6 I

XLVIII. And

Company
may appoint
Officers.

XLVIII. 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, 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 the 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 be nominated and appointed in his or their Stead.

Same Person
not to be
Clerk and
Treasurer.

XLIX. 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,

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.

L. And be it further enacted, That at the said First or some subsequent General Meeting of the said Company of Proprietors they shall and may choose and elect, from among such of the said Proprietors as at the Time of such Election shall be respectively possessed in their own Right of Stock to the Amount of Four Shares at least in the said Undertaking, a Committee to manage the Affairs of the said Company of Proprietors, consisting of Five or more Persons, who shall be called Directors, and of whom Three shall at all Meetings of the Committee be a Quorum: Provided always, that the said Company of Proprietors shall have Power and Authority, at any General Meeting, to remove and displace any Person or Persons who shall have been elected a Director or Directors, and in the Event of such Removal, or of any other Vacancy in the Committee, occasioned by Death, Resignation, or otherwise, to choose and elect others instead of those whose Places shall have been so vacated; but no Vacancy or Vacancies in the Committee shall disqualify or prevent the remaining Directors who may continue in Office from acting as Directors, and executing the Powers of the said Committee, provided and while a Quorum are in Office, and provided further, that the said Company need not appoint such Committee unless they judge it necessary so to do, and that they may appoint, recall, and re-appoint such Committee from Time to Time, and at and for such Periods as they shall judge expedient.

Power to appoint a Committee to manage the Affairs of the Company.

LI. Provided always, and be it further enacted, That no Person, holding any Office, Place, or Employment, or being concerned or interested in any Contract under the said Company, shall be capable of being chosen, or, being so chosen, of continuing a Director of the said Company; and provided further, that no Director who may be elected as before provided shall be entitled to act as such unless he shall continue possessed of Four Shares at least of the said Undertaking; and no Director shall be capable of taking any Contract or holding any Office under the said Company during such Time as he shall be such Director.

No Person holding Office, &c. capable of being a Director.

LII. And

Powers of
Committee.

LII. And be it further enacted, That the said Committee shall, after their Appointment in manner herein-before written, and until the same be recalled by a General Meeting, have the Custody of the Common Seal of the said Company, and shall have full Power and Authority to meet as often and at such Times and Places 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 the Majority of Votes; but no Member of such Committee, although he may be a Proprietor 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 execute all the Powers of this Act, excepting only such as are hereby specially directed to be exercised at General Meetings: Provided always, that the said Committee shall always be subject to the Controul and Instructions of General Meetings of the Proprietors.

Committee
empowered
to make
Calls.

LIII. And be it further enacted, That the said Company of Proprietors, or the Committee for the Time being, shall have Power from Time to Time to make such Call or Calls for Money from the Proprietors of the said Undertaking as they shall from Time to Time find necessary for the Purposes of this Act, so that no such Call do exceed the Sum of Ten Pounds *per Centum* upon each Share, and so as no Calls be made but at the Distance of Three Calendar Months 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 Committee shall from Time to Time direct and appoint; 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 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, by 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 who hath or have already subscribed or shall hereafter subscribe any Money for and towards the making and maintaining the said Railway and other Works 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 to sue for and recover the same 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

Fine on Per-
sons neglect-
ing to pay
Calls.

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, 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, in the Option of the said Company of Proprietors, forfeit his, her, or their respective Share or Shares in the said Undertaking, and the same shall be sold 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 unless the same shall be declared to be forfeited at some General Assembly of the said Company of Proprietors which shall be held at 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.

If Persons neglect to pay for Three Months, their Shares may be sold.

LIV. Provided always, and be it further enacted, That in case the Money produced by the Sale of any such Share or Shares shall be more than sufficient to pay all such Arrears of Calls as aforesaid, and the legal Interest thereon, and the Expences attending the 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: Provided also, that the said Company or their Directors shall not, by virtue of this Act, sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be deemed 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 and every such Call or Calls, and the Interest and Expences attending the same, any Share or Shares so vested in the said 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 the Purchase Money for Shares shall be more than sufficient to pay the Arrears of Calls, &c. the Surplus to be paid to the Owner, on Demand.

LV. And be it further enacted, That in any Action brought by the said Company of Proprietors against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due or payable to the said Company of Proprietors,

Actions for Calls.

[*Local.*]

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for

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 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 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 it shall only be necessary to prove that the Defender or Defenders at the Time of making such Call or Calls was or were a Proprietor or Proprietors of such Share or Shares in the said Undertaking, and that 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 Period of Three Months from the last preceding Call, or without Notice given as aforesaid.

Proceedings
of Meetings
to be entered
in a Book.

LVI. And be it further enacted, That the Orders and Proceedings of every Meeting, as well of the Stated General and Special General Meetings of the said Company as of the Directors, shall be entered in a Book or Books to be provided and kept for that Purpose ; and such Orders and Proceedings, when so entered, shall be deemed and taken to be original Orders and Proceedings, and shall be admitted as Evidence in all Courts, and before all Judges, Justices, and others.

Accounts to
be kept of
Receipts and
Disburse-
ments.

LVII. And be it further enacted, That the said Company or their Committee shall and they are hereby required, from Time to Time and at all Times, to order and direct a Book or Books to be provided and kept by their Clerk or Treasurer for the Time being, in which Book or Books such Clerk or Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for and on account of this Act, and of the several Articles, Matters, and Things for which any Sums of Money shall have been disbursed, laid out, and paid ; which Book or Books shall at all seasonable Times be open to the Inspection of the said Proprietors in the said Undertaking, or any Creditor or Creditors on the Rates or Tolls granted by this Act, without Fee or Reward ; and the said Proprietors in the said Undertaking, and Creditors, shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same ; and in case the said Clerk or Treasurer shall refuse to permit or shall not permit the said Proprietors or such Creditors, or any of them, to inspect the same, at all seasonable Times, or take such Copies or Extracts as aforesaid, such Clerk or Treasurer shall forfeit and pay any Sum not exceeding Five Pounds.

LVIII. 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 or their Committee of Management, 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 Committee, 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 or Committee 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 Committee, 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 or Committee, 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 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 Monies 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

**Company
may borrow,
Money, and
assign the
Property and
Rates as Se-
curity.**

Form of Assignment.

' BY virtue of an Act made in the Third Year of the Reign of His
' Majesty King intituled [*here set forth the Title*
of this Act,] We, the Rutherglen Railway Company, incorporated by
' and under the said Act, in consideration of the Sum of
' to us in hand paid by , do assign unto
' the said , his [*or her*] Executors, Adminis-
' trators 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

‘ 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 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 or Minute 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, 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 paid by Transfer.
 ‘ of , do hereby transfer a certain Security made
 ‘ by the *Rutherglen* 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 or Minutes to be made thereof in like Manner as of the original Security, for which the said Clerk shall be paid Two Shillings and Sixpence; and after such Entry made, every Transfer, being so minuted, shall entitle such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns, to the full Benefit thereof and Payment therein; and it shall not thereafter 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.

LX. 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

[Local.]

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pany

Interest to be paid in preference to Dividends.

Transfers to be minuted by the Clerk.

Form of Transfer.

Assignees to be equally entitled.

Creditors
not to vote.

pany 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 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*: 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.

Power to
make Bye
Laws which
shall be
painted on
Boards, and
affixed to
Toll Houses.

LXI. And be it further enacted, That the said Company of Proprietors shall have full Power and Authority, from Time to Time and as often as may be thought expedient, to make and enforce Rules, Bye Laws, and Regulations, for the good Government of the said Proprietors, their Agents and Workmen, in making, maintaining, and using the said Railway and Branches or other Works, and all other Conveniences, Matters, and Things that shall be made for the same, and also for and concerning all Carriages, Minerals, Goods, and Commodities conveyed thereon, and also for the Government of all Persons who shall be employed in the conveying of any Carriages, Minerals, Goods, and Commodities, and other Articles and Things, upon any Part of the said Railway and Branches or other Works, and from Time to Time to alter and rescind and again to renew such Bye Laws, Rules, and Regulations, and to impose, inflict, and levy such reasonable Fines and Forfeitures upon and from all Persons offending against the same, 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 Regulations, being reduced into Writing under the Common Seal of the said Company of Proprietors, shall be distinctly and legibly painted on Boards, and affixed on the different Toll Houses on the said Railway, and shall, when worn out, defaced, or obliterated, be from Time to Time renewed; and such Bye Laws, Rules, and Regulations shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided they be not repugnant to the Laws of *Scotland*, or any Directions in this Act contained.

Penalty on
Persons de-
facing such
Boards.

LXII. 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, Bye Laws, or Regulations shall be painted, or printed and pasted, he, she, or they shall, upon Conviction, forfeit and pay to the said Company for each Offence a Sum not exceeding Five Pounds, to be levied and applied as other Penalties are by this Act directed to be levied and applied.

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

Power to
take Ton-
nage Rates.

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 Three-pence *per* Ton, for the Use of the First Mile or any Portion or Fraction of the First Mile, measuring from the Western Extremity of the said Railway ; and such Sum or Sums of Money as they shall direct and appoint, not exceeding Three Farthings *per* Ton, for the Use of every Quarter of a Mile or Fraction of a Quarter of a Mile of any other Part of the said Railway or Branches ; and so in proportion for any greater or lesser Quantity :

Rates.

For all Coal, Coke, Kennel, or Gas Coal, Culm, Charcoal, Cinders, Stone, Sand, Brick, 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, for the Use of the First Mile or any Portion or Fraction of the First Mile, measuring from the Western Extremity of the said Railway ; and such Sum or Sums of Money as they shall direct and appoint, not exceeding Three Farthings *per* Ton, for the Use of every Quarter of a Mile or Fraction of a Quarter of a Mile on any Part of the said Railway or Branches ; and so in proportion for any greater or lesser Quantity :

For all Timber, Corn, Flour, Goods, Lead in Sheets, and all other Wares, Merchandize, Matters, or Things, such Sum as the said Company shall from Time to Time direct and appoint, not exceeding Three-pence *per* Ton, for the Use of the First Mile or any Portion or Fraction of the First Mile, measuring from the Western Extremity of the said Railway ; and such Sum or Sums of Money as they shall direct and appoint, not exceeding Three Farthings *per* Ton, for the Use of every Quarter of a Mile or Fraction of a Quarter of a Mile of any other Part of the said Railway or Branches, and so in proportion for any greater or lesser Weight than a Ton :

And for the Use of any Waggon, Machinery, Engine, or Power, Wharf or Dépôt, belonging to the said Company, such Sum or Sums in addition to the said Rates as the said Company of Proprietors shall from Time to Time direct and appoint.

LXIV. Provided always, and be it further enacted, That no more than the Sum of Four-pence *per* Ton shall be demanded or taken by the said Company of Proprietors for the Wharfage of any Coal, Coke, Kennel,

Rates of
Wharfage.

Kennel, Gas Coal, Culm, Charcoal, Cinders, Stone, Sand, Brick, Slates, Lime, Earth, Iron, Lead, or other Metals or Minerals unmanufactured, nor more than Sixpence *per* Ton for the Wharfage of any Timber, Corn, Flour, Goods, Lead in Sheets, and all other Wares, Merchandize, Matters, 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 Owner or Owners of such Articles shall pay the said Company of Proprietors 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, Coke, Kennel, Gas Coal, Culm, Charcoal, Cinders, Stone, Sand, Brick, Slates, Lime, Earth, Iron, Lead, One Penny *per* Ton; and for Timber, Corn, Flour, Goods, Lead in Sheets, and all other Wares, Merchandize, or Things, Two-pence *per* Ton.

Regulations
as to the
fractional
Part of a
Ton.

For ascer-
taining
Distances.

LXV. And be it further enacted, That in all Cases where there shall be a fractional Part of a Ton on the gross Weight of the Loading in or upon any Waggon, Cart, or other Carriage, or Train of Waggons, Carts, or other Carriages, a Proportion of the same Rates shall be demanded and taken for such Fraction according to the Number of Quarters of a Ton contained in such Fraction, and when there shall be a Fraction of a Quarter of a Ton such Fraction shall be deemed and considered as a whole Quarter of a Ton; and in all Cases where there shall be a Fraction of a Halfpenny in the Amount of the said Rates, Tolls, and Duties, or any of them, payable for the Goods, Commodities, or other Things in each Waggon or other Carriage, such Fraction shall be deemed and considered as a whole Halfpenny; 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 Intercourse, and Stones or other conspicuous Marks, with proper Inscriptions, to be set up and for ever maintained on the Sides of the same, at the Distance of 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.

Rates may
be reduced
and in-
creased par-
tially or
generally.

LXVI. Provided always, and be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and their Successors, at any General Meeting of the said Company to be held as herein-before directed, from Time to Time and as often as the said Company of Proprietors think expedient, to lessen and reduce or advance and increase all or any of the Rates, Tolls, and Duties herein-

herein-before granted, on all or any Class of Goods or other Articles passing upon the said Railway and Branches, but so as not at any Time to exceed the Amount herein-before set forth and authorized to be collected; but it shall not be lawful to the said Company of Proprietors to lessen and reduce the said Rates, Tolls, and Duties (excepting Wharfages) below the Maximum of Rates before set forth, unless the same shall yield a clear Profit of Seven Pounds Ten Shillings *per Centum per Annum* upon the Capital Stock of the said Company.

LXVII. And be it further enacted, That the said Company of Proprietors shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at or near the Place or Places where such Rates, Tolls, and Duties are collected, a Table, painted in distinct and legible Black Letters on a Board with a White Ground, containing a List of all the Rates payable by virtue of this Act, and to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated: Provided always, that it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any Rates for or in respect of any Goods, Wares, or Merchandize, or other Things, but for and during such Time as the Board so painted as aforesaid shall remain affixed and set up as aforesaid.

Table of
Tolls to be
painted on
Boards and
put up.

LXVIII. And be it further enacted, That if any Person or Persons shall wilfully, negligently, or maliciously pull down, deface, or destroy any Board whereon any Rules, Orders, Bye Laws, Tolls, or Rates shall be painted, he, she, or they shall on Conviction forfeit and pay to the said Company any 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 the
Boards.

LXIX. And be it further enacted, That every Collector of the Rates to be received by the said Company by virtue of this Act shall and he is hereby required to place his Christian Name and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of the Stop Gate, Toll Gate, or Toll House where the said Rates may be collected, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Three Inches in Length, and of a Breadth in proportion, painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of the said Rates shall not place such Board as aforesaid, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand or take a greater or less Rate from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the said Company, made in pursuance thereof, or shall refuse to permit or suffer, or shall in anywise hinder, any Person or Persons from reading the Inscription on the Boards to be affixed and placed as aforesaid, or either of them, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same, on having paid the said Rates or any of them, or shall in

For prevent-
ing Toll
Collectors
from taking
undue Toll.

[*Local.*]

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answer

answer to such Demand give a false Name or Names or upon the legal Rate being paid or tendered shall unnecessarily detain or wilfully obstruct or hinder any Waggon or other Carriage, or prevent any Person or Persons from passing along the said Railway or Branches entitled so to do, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Surveyor, or other Officer, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds.

For settling
Disputes
concerning
Rates.

LXX. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates, Tolls, or Duties due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain such Distress until the Amount of the Rates, Tolls, or Duties due, and the Charges of seizing, distraining, keeping, or selling such Distress (as the Case shall happen), shall 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 said Matter upon Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Rates, Tolls, or Duties due, and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the said Parties to the other of them as he shall think just and reasonable; and in case of Nonpayment thereof on Demand by the Party or Parties to whom the said Justice shall award the same, or his Agent, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus, if any, on Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods or Effects have been so distrained or sold.

For prevent-
ing the Eva-
sion of
Rates.

LXXI. 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 Branches, on Payment of a lower Rate, Toll, or Duty than that to which such Articles or Things are made subject or liable by the said Company of Proprietors, in virtue of this Act, and shall thereof be convicted before any Justice of the Peace for the said County, every 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 or Forfeiture under this Act can or may be levied or recovered.

Weight as-
certained.

LXXII. And for better ascertaining the Tonnage of Articles, Goods, and other Things to be charged with 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.

LXXIII. And

LXXIII. And be it further enacted, That upon the Payment of the Rates granted by this Act 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.

On Payment of Rate a Ticket to be delivered.

LXXIV. 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 shall direct or appoint; and in case of Refusal, Neglect, or Delay of Payment of any such Rates or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company of Proprietors may sue for the same by Action in any Court competent in *Scotland*, or the Person or Persons to whom the Rates ought to have been paid may and he or they is and are hereby authorized to seize the Goods 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 the Horse or other Beast employed in drawing the same, 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 Goods, or 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 Goods or other Things, Waggon or other Carriage, Horse or other Beast, shall not be redeemed within Three Days next after the taking thereof, the same shall be distrained, appraised, and sold, returning the Surplus (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.

Rates how to be levied.

LXXV. And for the better ascertaining and more easily collecting the said Rates, be it further enacted, That the Owner or Owners of any Waggon or other Carriage passing upon the said Railway or Branches or any Part thereof, and the Person or Persons having the Charge or Care of any such Waggon or other Carriage, shall be bound and are hereby required to 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 such Collectors shall attend for that Purpose, of the Weight of the Goods or other Things in such Waggon or other Carriage; and in case any such Owner or Owners or other Persons aforesaid shall neglect or refuse to give such Account, or to produce his or their Bill of Lading, to any such Collector demanding the same, or shall give a false Account, he shall forfeit and pay any Sum not exceeding Ten Shillings for every Ton of such Goods and other Things, and so on 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 his Act to be paid for the same.

Account of the Lading of Waggons to be given by Owners.

LXXVI. And

Goods, &c.
may be
weighed.

LXXVI. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, and the Owner of or Person having the Charge of any Waggon or other Carriage, or the Owner of any Goods or other Things carried therein, it shall be lawful for any such Collector to stop and detain any such Waggon or other Carriage, and the Goods or other Things therein, and to weigh 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 appear to be of greater Weight than what is set forth and contained in the Account thereof given as aforesaid, then the Person or Persons giving in such Account shall pay the Costs and Charges of such weighing; all which 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 than the same shall by such Account appear to be of, then the said Collector shall pay the Costs and Charges of such weighing.

Rates may
be leased.

LXXVII. 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 General Meeting, 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 and Branches, unto any Person or Persons, for any Term or Time they shall think proper, not exceeding Three Years from the Commencement of any Lease; and every such Lease shall be valid and effectual; and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates so let, shall during the Continuance of every such Lease be deemed Collectors of the Rates so let, but for the proper Use of such Lessee or Lessees, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company of Proprietors.

Railway, on
Payment of
Rates, to be
free.

LXXVIII. And be it further enacted, That all Persons whomsoever shall have free Liberty to pass upon and use the said Railway and Branches, with Waggons or other Carriages properly constructed as herein-after mentioned, and to use the Wharfs and Depôts hereby authorized to be made, upon Payment of such Rates as are authorized to be received by this Act.

Payments
to the Burgh
of Rutherglen.

LXXIX. And be it further enacted, That the said Company shall pay and they are hereby required to pay to the Corporation of the Royal Burgh of *Rutherglen* One Halfpenny Sterling for every Ton of all or any Class of Goods, Commodities, or Articles upon which a Tonnage Duty is chargeable or may be chargeable under this Act, which shall pass along any Part of the said Railway or Branch thereof which shall be formed upon or through any Part of the Lands called *Rutherglen Green*, belonging to the said Corporation, or which shall be shipped at any Part of the River *Clyde* from any Part of the said Lands, in consideration of the Privilege which the said Company of Proprietors shall acquire under this Act of Access to the River *Clyde*

through

through the said Lands belonging to the said Corporation, and that in addition to the Value of that Part of the said Lands which may be occupied by the said Railway and Branch, and to such Damages as may be occasioned to the said Corporation or to their said Lands, or the Occupiers thereof, to be ascertained in the Manner above mentioned; and the said Duty of One Halfpenny *per* Ton shall be payable by the said Company of Proprietors to the said Corporation, or to the Provost, Baillies, and Councillors thereof for the Time being, in behalf of or as representing the same, or to their Treasurer or Collector for their Behoof, or to the Assignees of the Provost, Baillies, and Councillors for the Time being at *Martinmas* and *Whitsunday* yearly; beginning the first Payment thereof at the first Term of *Whitsunday* or *Martinmas* which shall happen after the Collection of the Rates or Duties on the said Railway shall have begun to be made.

LXXX. And be it further enacted, That the said Corporation of the Royal Burgh of *Rutherglen*, and the Tenants of the Coal or Minerals in their said Lands of *Rutherglen Green*, and the Occupiers of the said Lands, or the Successors of the said Corporation in the said Lands, shall be entitled to and have Right to use the said Railway from the Point it shall cross the March between the said Lands of *Rutherglen Green* and the Lands of *Alleysbank* to the Western Termination of the said Railway, and also to use the Branch of the said Railway from the said Termination to the River *Clyde* at *Rutherglen Quay*, without Payment of any Toll or Tonnage, and free of all Charge whatsoever for the Conveyance and Transport thereon of all Coal or other Minerals, Corn or other Articles, the Produce of the said Lands called *Rutherglen Green*, and of Manure, Lime, Seeds, and other Articles for the Use of the said Lands; declaring always, however, that the said Company shall not be bound to pay the fore-said Duty of One Halfpenny *per* Ton to the said Corporation for the said Produce of those Lands, and for the said Manure, Lime, and other Articles, for the Use thereof, which shall be transported along the said Railway or Branch thereof.

Farther Stipulation in favour of the Burgh of Rutherglen.

LXXXI. And be it further enacted, That after Fourteen 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 and Branches, to lay down a Branch or Branches from his or her Lands or Grounds to communicate with the said Railway or Branches, and to make, at his, her, or their own Expence, such Openings into the Ledges or Flanches of the said Railway or Branches, not injuring the same, as may be necessary and convenient for effecting such Communication or Crossing, without the said Company being entitled to receive Rates for the passing of Minerals, Goods, or other Things along such Branch or Branches, but without Prejudice nevertheless to their receiving the Rates hereby authorized for the Passage of such Minerals, Goods, or other Things along the said Railway and Branches belonging to the said Company of Proprietors, or any Part thereof: Provided always, that such Openings and Junctions shall be made and maintained at the Sight and to the Satisfaction of the said

Proprietors of adjoining Lands may make Railways to join the Railway.

[*Local.*]

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Company,

Company, or of a Surveyor, Engineer, or Superintendent appointed by them.

Owners and Occupiers of Lands through which Railway is made to pass along without Payment of Toll.

LXXXII. 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.

Proprietors of adjoining Lands may communicate with Railway.

LXXXIII. Provided always, and be it further enacted, That nothing herein contained shall extend or prevent the Owner or Owners of any Land or Ground adjoining to the said Railway from making any Railroad, Common Road, or Watercourse to, from, or across the said Railway and Branches hereby authorized to be made, and to use such Railroad, Common Road, or Watercourse for the Benefit of themselves and of all and every other Person and Persons to whom they may from Time to Time give Leave, and in such Way and for such Purpose as they may require, so that such Railroad, Common Road, or Watercourse do no Injury to and do not prevent the free Passage over, upon, and along the said Railway and Branches hereby authorized to be made by the said Company.

Regulation as to Railway crossing Road from Green Wynd to Rutherglen Green.

LXXXIV. And be it further enacted, That as the said Railway is intended to cross the Road from the *Green Wynd* of *Rutherglen* into the Lands called *Rutherglen Green* at a higher Level than the said Road, the said Company shall be bound either to carry the said Railway across the said Road by means of a Bridge of Height and Breadth sufficient to allow the Passage under it of Waggons loaded with Hay or the other Crop of the said Lands, or to form an Inclined Plane from each Side of the said Railway, the Ascent of which shall not be more than One Foot in Twenty Feet, and to form the said Road along the said Inclined Plane, across the Railway, and properly and sufficiently to make and maintain a Stone Wall or Fence of not less than Four Feet in Height on each Side of the said Inclined Plane.

As to cutting Embankment of Rutherglen Green.

LXXXV. And be it further enacted, That the said Company shall not be entitled to cut the Embankment of the said River along the said Lands called *Rutherglen Green*, unless the said Company shall find it necessary to erect Works upon a lower Level than the said Embankment, in which Case the said Company shall be bound to erect an Embankment of equal Height with the present Embankment, equally sufficient

sufficient to protect the said Lands from the overflowing of the said River, and that at the Sight and to the Satisfaction of the Provost, Baillies, and Councillors of the said Burgh of *Rutherglen* for the Time being.

LXXXVI. 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 and Branches 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 Branches, and also to make and use proper and convenient Places for Waggon, 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 Branches; 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.

LXXXVII. 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 pri-
vate Wharfs.

LXXXVIII. And whereas the Corporation of the Burgh of *Rutherglen* are or claim to be the Proprietors or Owners of the Quay upon the said River *Clyde* called *Rutherglen Quay*, and the Grounds adjacent thereto, and the said Corporation is willing, on its own Expences, to erect, construct, and maintain such Wharfs, Depôts, Cranes, Weighbeams, and other Works as may from Time to Time be required by the said Company for the Accommodation of Persons having Occasion to use the said Railway and Branch, and for loading and unloading, shipping and unshipping, the Goods and Commodities carried along the same, and to communicate the Use of the said Wharfs, Depôts, and other Works to the said Company and the said other Persons; be it therefore enacted, That it shall not be lawful to the said Company of Proprietors to enter into Possession of or to acquire and occupy, in virtue of this Act, any Part of the Grounds of and adjoining

As to Ru-
therglen
Quay.

adjoining to the said Quay, for the Purpose of Wharfs, Depôts, or such like Works, unless the said Corporation, or the Owners of the said Quay and Grounds adjacent thereto, shall refuse to erect and construct such proper and sufficient Wharfs, Depôts, Cranes, Weigh-beams, and other Works as may be necessary and required for the Purposes aforesaid, or shall neglect to erect and construct the same within Six Months next after written Notice given to the Provost and Baillies of the said Burgh for the Time being, or the Owners of the said Quay and Grounds adjacent thereto, personally, or left at their Places of Abode, describing the Wharfs, Depôts, and other Works required by the said Company for the Purposes aforesaid, or unless the said Corporation or such Owners shall refuse the Use of such Wharfs, Depôts, and other Works to the said Company or the Persons using the said Railway, or shall not maintain the same in proper and sufficient Order and Condition; but provided always, that if the said Corporation or such Owners shall refuse, or shall, after Notice given as aforesaid, neglect for Six Months to erect and construct such Wharfs, Depôts, and other Works as shall be necessary and required for the Purposes aforesaid, or shall, after such Wharfs, Depôts, and other Works are constructed, neglect to maintain the same in proper and sufficient Order and Condition, or shall refuse or not permit the Use thereof to the said Company, or any Person or Persons using the said Railway, then and in any of these Cases it shall be lawful to the said Company of Proprietors to acquire, occupy, and use, for the Purposes of and in the Manner herein appointed, the said Grounds of and adjoining to the said Quay, to the Extent of Two Acres and no more, the said Company making Satisfaction to the said Corporation or such Owners for the Grounds and others so taken, and the Damage thereby occasioned, to be ascertained in manner herein-before directed, upon which the whole Dues exigible at or for the Use of the said Quay, Wharfs, Depôts, and other Works acquired by the said Company shall become their exclusive Property.

Quay Duties
and Wharf-
age restrict-
ed.

LXXXIX. And be it further enacted, That it shall not be in the Power of the said Corporation, or the Proprietors of the said Quay, Wharfs, Depôts, and other Works, nor of the said Company, in the Event of their acquiring Right thereto, to demand or take any higher Rate or Rates for the Use or Privilege of such Quay, Wharfs, Depôts, and other Works, than the following; *videlicet*, for Coals, Cullm, Coke, Lime, Limestone, Ironstone, Freestone, Whinstone, Clay, Bricks, Gravel, Hay, Straw, Corn in the Straw, and Manure, shipped or unshipped at the said Quay, or brought to or left in or upon the said Wharfs or Depôts, for any Period not exceeding Twenty-eight Days One Farthing *per* Ton, and One Farthing *per* Ton farther for every Month or Part of a Month during which such Commodities shall remain or be left in or upon the said Wharfs or Depôts after the first Twenty-eight Days; for Iron, Lead Ore or any other Ore (Ironstone excepted), Tin, Timber, Tiles and Slates, shipped or unshipped at the said Quay, or brought to or left in or upon the said Wharfs and Depôts, for any Period not exceeding Twenty-eight Days One Penny *per* Ton, and One Halfpenny *per* Ton farther for every Month or Part of a Month during which such Commodities shall remain or be left in

or

or upon the said Wharfs or Depôts after the first Twenty-eight Days ; for all other Goods, Wares, Merchandize, and Commodities shipped or unshipped at the said Quay, or brought to or left in or upon the said Wharfs and Depôts, for any Period not exceeding Twenty-eight Days Two-pence *per* Ton, and One Penny *per* Ton for every Month or Part of a Month during which such Commodities shall remain or be left in or upon the said Wharfs or Depôts.

XC. Provided always, and be it further enacted, That no Waggon or other Carriage shall be allowed to pass along the said Railway or Branches 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 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 every such Waggon or other Carriage shall have the Name of the Owner thereof painted in distinct Characters on a conspicuous Part thereof; and if any Person or Persons shall pass on Part of the said Railway or Branches with any Cart, Waggon, or other Carriage not so constructed, or without the Name of the Owner thereof being painted thereon as aforesaid, he, she, or they so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings to the said Company of Proprietors, besides paying any Damage done to the said Railway; and the said Company of Proprietors, and their Officers and Servants, shall be entitled to stop such Waggon or other Carriage from passing along the said Railway.

Waggons to be properly constructed.

XCI. And be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing upon the said Railway or Branches, or of the Horse or Horses or Cattle or Engine drawing or pushing the same, shall be and is and are hereby made answerable for any Damage or Mischief that shall be done by his, her, or their Waggon or other Carriage, Horse, Horses, Cattle, or Engine, 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 Railways 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, 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 hereby 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

Owners of Waggons to be liable for Damage done by their Servants.

[*Local.*]

6 O

Waggon

Waggon or other Carriage, or Horse, 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 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.

Owners may recover the same again from their Servants.

XCII. Provided always, and be it further enacted, That in case the Owner or Owners of any Waggon or other Carriage passing upon the said Railway or Branches shall be compelled to pay any Penalty or to make any Satisfaction for any Damages by reason of any wilful Act or Neglect or Default of his, her, or their Servant or Servants or Waggoners, then and in such Case every such Servant or Waggoner shall be liable to repay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners ; and in case of Nonpayment thereof, on Demand, on Oath made by such Owner or Owners of the Payment by him, her, or them by such Penalty or Satisfaction, and that the same hath not been repaid to him, her, or them by such Servant or Servants, although demanded, such Oath to be made before some Justice of the Peace acting within his Jurisdiction, the same Penalty and Satisfaction shall be levied by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of such Servant or Servants, 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 by him, her, or them paid, for the wilful Neglect or Default of such Servant or Servants aforesaid ; and in case no sufficient Distress can be had, such Justice shall and is hereby required to commit such Servant or Servants to the Prison for the County or Place where such Offence shall arise, there to remain without Bail for any Time not exceeding Six Calendar Months.

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

XCIII. 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, on the said Railway or Branches, any Horse, Cow, or other Cattle, Sheep, Swine, or other Beast or Animal, except only in directly crossing the same at Places to be appointed for that Purpose, 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 Merchandise carried along the said Railway or Branches to any Penalty for passing along the same for the Purpose *bona fide* of superintending the Carriage and Delivery of such Goods.

XCIV. 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 or Branches or other Works so as to obstruct the Passage thereof, and the Person having the Care of such Waggon or other Carriage, or Horse or Horses or Cattle, shall not immediately upon Request made remove such Waggon or other Carriage, or Horse, Horses, or Cattle, he shall forfeit and pay for every such Offence 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 Five Days, then it shall be lawful for the said Company of Proprietors to sell and dispose of such Waggon or other Carriage, with the Loading thereof, in such Manner as before directed with regard to Distress, rendering to the former Owner of such Waggon or other Carriage the Overplus, after such Expences and the Charges of such Sale shall be deducted.

Penalty for Waggon, &c. remaining on Railway.

XCV. And be it further enacted, That if any Person shall suffer the Loading of any Waggon or Carriage using the said Railway or Branches to be or project 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 given to him 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 Branches 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.

XCVI. And be it further enacted, That if any Person shall carelessly, wilfully, or maliciously break, throw down, damage, or destroy, any Part of the said Railway, Branches, or other Works to be created and made by virtue of this Act, every Person so offending, and being thereof lawfully convicted, shall forfeit and pay to the said Company of Proprietors 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, Branches, and other Works.

Penalty for damaging the Works.

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 shall be recovered.

XCVIII. And

In case of
Nonpayment
of Compens-
ation for
Damages,
&c. it may
be levied
by Distress
of the Goods
of the Com-
pany.

XCVIII. And be it further enacted, That when and so often as any Sum or Sums of Money shall be directed or ordered to be paid by the said Company of Proprietors, by any Justice or Justices of the Peace, in pursuance of this Act, and such Sum or Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made upon the said Company, in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices 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 such Justice or Justices (which Warrant any such Justice or Justices is and are hereby authorized and required to grant, 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); 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 be lawful for such Treasurer to retain, out of any 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 been put unto by virtue of any such Warrant as aforesaid.

Penalties
how to be
recovered.

XCIX. And be it further enacted, That all Fines, Penalties, or Forfeitures for Offences against this Act, or against any Rule, Bye Law, or Regulation to be made by the said Company of Proprietors or Committee as aforesaid, shall, upon Proof of the Offences respectively before any Justice of the Peace for the County where the Matter of Complaint may arise, either by the Confession of the Party or Parties, or by the Oath of any credible Witness, be levied 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

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.

C. 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 the special Purpose.

CL. 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.

CII. 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 ; (that is to say,)

Form of
Conviction.

County of } BE it remembered, That on the
(to wit.) } Day of in the Year of our
Lord is con-
victed 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, and the Fine, Penalty, or Forfeiture thereby
incurred*]. Given under my Hand, the Day and Year aforesaid.'

CIII. 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 Regulation of the 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

Allowing an Appeal.

[Local.] 6 P

happen to arise, first giving Ten 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, Regulation, Order, or Determination, and also may 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.

CIV. And be it further enacted, That no Action, Suit, or Complaint shall be brought, commenced, or prosecuted against the said Company of Proprietors, or their Officers or Servants, for any thing to be done in virtue or pursuance or in the Execution of the Powers of this Act, unless Ten Days previous Notice in Writing shall be given by the Person or Persons intending to commence or 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 plead this Act, 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 drop or be discontinued, or if Judgment shall be given against the Pursuer or Pursuers, the Defender or Defenders shall have his, her, or their Costs or Expences, and shall have such Remedy for the same as any Defender or Defenders hath for Costs of Suit in any other Case by Law.

How Notices
are to be
served on the
Company.

CV. 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.

CVI. And

CVI. And be it further enacted, That in all Cases wherein it may be necessary or requisite for the said Company to give any Notice to any Body Politic, Corporate, or Collegiate, or to any Person whomsoever, under the Provisions or Directions contained in this Act, such Notice shall and may be in Writing, signed by any One of the Directors, or the Clerk or Clerks for the Time being of the said Company, without being required to be under the Common Seal of the said Company.

All Notices to be given by the Company to be signed by their Clerk or Clerks.

CVII. 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.

SCHEDULE.

OWNERS NAMES.	PARISH.	PROPERTY.
James Pinkerton -	Rutherglen -	Nursery and Garden Ground.
Trustees of Patrick Robertson.	Ditto -	Ditto, ditto, and planted Ground.
Miss Somervill -	Ditto -	Houses and Yards.
William Dixon -	Ditto -	Inclosed and planted Ground.
James Maxwell -	Ditto -	Ditto ditto.
John Gray -	Ditto -	Avenue.
Heirs of Robert Stephenson.	Ditto -	Inclosed and planted Ground.

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