



ANNO SEPTIMO

GEORGIIV. REGIS.

Cap. ciii.

An Act for making a Railway from the *Monkland* and *Kirkintilloch* Railway, by *Garnkirk*, to *Glasgow*. [26th May 1826.]

WHEREAS the making and maintaining a Railway or Tram Road, with Inclined Planes, Depôts, and Wharfs, where the same may be necessary, for the Passage of Waggons or other Carriages, from the *Monkland* and *Kirkintilloch* Railway, at or near *Bedlay*, by *Garnkirk*, to *Glasgow*, will be of great local and public Utility: And whereas the several Persons herein-after named are desirous at their own Costs and Charges to make and maintain the said Railway and other Works, but such Purposes cannot be attained without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Mark Sprot* of *Garnkirk*, *John Lang* of *Holmes*, *Archibald Lamont* of *Rob Royston*, *Charles Tennant* of *Saint Rollocks*, *William Dixon* of *Palace Craig*, *Doctor James Jeffray* of *Glasgow College*, *George More Nisbett* of *Cairnhill*, *Thomas Sprot* Clerk to the Signet, *John Horrocks* of *Tillichewen Castle*, *Donald Smith* Banker in *Edinburgh*, *Jacob Dixon* of *Dumbarton Glassworks*, *James Cook* Engineer in *Glas-*

Subscribers
incorporated.

[Local.]

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gow,

gow, and all and every other Person and Persons who is or shall hereafter become a Subscriber or Subscribers to the said Undertaking, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and are hereby united into a Company for making, completing, and maintaining the said Railway and other Works, according to the Rules, Orders, and Directions herein-after mentioned, and shall for that Purpose be one Body Corporate, by the Name and Style of "The *Garnkirk and Glasgow Railway Company*," and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued; and the said Company of Proprietors shall have Power and Authority at all Times from and after the passing of this Act to purchase and hold Lands and Heritages, to them and their Successors and Assigns, for the Use of the said Undertaking and Works, and also to sell or dispose of the said Lands and Heritages again, without incurring any Penalties, Forfeitures, or Disabilities; and the said Company shall be and are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Railway or Tram Road, passable for Waggon or other Carriages, from the *Monkland and Kirkintilloch Railway* at or near *Bedlay*, by or near *Garnkirk*, to or near to the Cut of Junction between the *Forth and Clyde Canal* and the *Monkland Canal*, and to the Bridge across the same, on the Road from *Glasgow-field* to *Keppoch*; and for the Purposes aforesaid, the said Company of Proprietors, their Deputies, Servants, Agents, Surveyors, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of or belonging to any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same, or any Part thereof, and to set out, ascertain, and appropriate, for the Purposes herein-before and herein-after mentioned, such Parts thereof as they shall think necessary and proper for making the said Railway, Bason, Depôts, Engines, Wharfs, with Roads of Communication as aforesaid, and all other Works, Matters, and Conveniences hereby authorized to be made, and to make the necessary Openings in the Ledges or Flanches of the said *Monkland and Kirkintilloch Railway*, at the Point where the same adjoins the Railway hereby authorized to be made; and also to bore, dig, cut, trench, get, remove, take, carry away, lay, use, and manufacture any Earth, Clay, Stone, Soil, Rubbish, Trees (leaving such Trees for the Owner or Owners thereof), Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things, which may be dug or got in making the said Railway, Bason, Depôts, Engines, or other Works, or out of the Lands or Grounds of or belonging to any Person or Persons, Bodies Politic, Corporate, or Collegiate, adjoining thereto, and which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, or repairing the said Railway and other Works, or which may hinder, prevent, or obstruct the making, using, or completing, extending, or maintaining the same respectively, according to the Intent and Meaning of this Act; also to make, build, alter, erect, widen, and set up, in, over, under, or upon the said Railway and other Works, the necessary Bridges crossing any Streams that may cross the Line of the said Railway, and such and so many Piers, Arches, Tunnels, and other Works, Posts, Ropes, and Chains,

Chains, and Toll Houses, where and in such Manner as the said Company of Proprietors shall think necessary and convenient for the Purposes of the said Undertaking; and also to make, maintain, repair, and alter any Passages or Fences over, under, or through the said Railway; and also to make and set out proper Places for 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, widen, and keep in repair all the necessary Bridges, Piers, Arches, and other Works, in, upon, and across any Streams or Brooks, for the making, effecting, preserving, improving, completing, using, and maintaining, and repairing of the said Railway and other Works; and to construct, erect, alter, make, and do all other Matters and Things which they shall think convenient or necessary for the making, effecting, altering, preserving, improving, completing, and most beneficially using of the said Railway, Bason, Depôts, Wharfs, Bridges, Roads of Communication, and other Works to be made or constructed in pursuance of and according to the true Intent and Meaning of this Act; they the said Company of Proprietors, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction in Manner herein-after mentioned to the Owners and Proprietors of and all Persons interested in any Lands and other Heritages which shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisoes and Restrictions as are herein-after mentioned and contained.

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

Ledges not to project above the Road.

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

Bridges.

IV. Provided also, and be it enacted, That nothing herein contained shall authorize and empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purpose of the said Railway, Branch, or Extension, or of the said Wharf, 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, Policies, Paddock, planted Walk, or Avenue to a Mansion House,

No House, Garden, &c. to be injured without Consent, except those mentioned in the Schedule.

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

In case of
Injury to
Roads.

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

Map or Plan
may be in-
spected.

VI. And whereas a Survey has been taken to ascertain the Practicability of making the said Railway or Tram Road, and a Map or Plan with a Book of Reference thereto, containing Lists of the Names of the Owners or reputed Owners and Occupiers of the Lands through which the same is to be carried, has been deposited at the Office of the Clerk of the Peace for the County of *Lanark*; be it further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the 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 Tram Road, shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Map or Plan, and set forth in the said Book of Reference.

Company
not to devi-
ate more
than 100
Yards.

Lands of
Persons
omitted may
be taken, if
Omission
proceeded
from Mis-
take.

VII. Provided always, and be it further enacted, That the said Company of Proprietors may make the said Railway, Wharfs, Depôts, and other Works, into, through, or across or over the Lands or Grounds of any Person or Persons who is or are or may be the Owner or Owners of Land over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more of any of the Justices of the Peace for the said County of *Lanark*, and be

be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

VIII. And be it further enacted, That the Lands and Grounds to be taken or used for the Purposes of this Act shall not exceed Fifteen Yards in Breadth, except in such Places where it shall be judged necessary for Waggons or other Carriages to turn, lie, or pass each other, or for raising Embankments for crossing Vallies, or in deep Cuttings, and in those Places only such Breadth of Land as shall be absolutely necessary, or where any Warehouses, Cranes, or 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, and not above Fifty Yards in Breadth in any Place, without the Consent in Writing of the Owners of the Lands or Heritages adjoining to the said Railway.

Railway not to exceed 15 Yards in Breadth.

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

Incapacitated Persons and others may convey.

I of _____ of _____ in consideration of the Sum _____
 to me paid by the Proprietors of the *Garnkirk* _____
 and *Glasgow* Railway, do hereby grant and convey to the said
 [Local.] _____ 32 Y. _____ Com-
 Form of Conveyance.

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

And which said Conveyance shall be registered in the General Register of Seisins, or particular Register of Seisins for the Royalty or Barony of *Glasgow* where the Lands lie, within Sixty Days from and after the Date of Delivery thereof, and upon being so registered shall give and constitute a good and undoubted Right and Title to the said Company of Proprietors to the Premises therein described, any Law or Custom to the contrary notwithstanding.

Superiority
not to be
diminished.

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

Satisfaction
to be made
to Owners of
Lands, &c.

XI. And be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees and other Person or Persons herein-before capacitated to sell or convey Lands or other Heritages, and any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Heritages through, in, or upon which the said Railway, Bridges, Roads of Communication, or other Works hereby authorized shall be made, may accept and receive Satisfaction for the Value of such Lands and Heritages, and for the Damages to be sustained by making and completing the said Works, in gross Sums; and in case the said Company of Proprietors and the said Parties interested in such Lands or other Heritages cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled in such Manner and subject to such Verdict of a Jury, if required, as herein-after directed; but provided always, that notwithstanding of any thing herein contained it shall be lawful and competent to any Proprietor or Proprietors whose Lands are hereby authorized to be taken to reserve and except from the Bargain or Sale to the said Company the whole Minerals in the said Lands for and to his or her own proper Use and Behoof, and the said Company shall have no Right of Property of or in such Minerals which any Proprietor or Proprietors may desire to be reserved as aforesaid; but provided always, further, nevertheless, that it shall on no account be lawful to or in the Power of any such Proprietor to work, win, or away take any of the said Minerals without giving previous good and sufficient Security to the said Company for all Damages, Interruption of Traffic, and other Injury which may thence in any way result to

the said Undertaking or the said Company ; and in the event of the said Company and any such Proprietor not agreeing in regard to the Extent or Sufficiency of such Security, then the Judge Ordinary of the Bounds shall regulate and determine thereupon, as to him shall appear just.

XII. And be it further enacted, That in case of any Difference of Opinion between the said Company of Proprietors or their Agents, and any Bodies Politic, Corporate, or Collegiate, Guardians, Trustees, or other Person or Persons interested or entitled to any Lands or Heritages, relative to the Price or Value, Damages or Recompence, to be given for any Lands or Heritages to be taken or used for the Purposes of this Act, and in case such Price or Value, Damages or Recompence, cannot be settled, adjusted, and agreed for, by and between the said Company of Proprietors or their Agents, and such Proprietors of and Persons interested in the said Lands or Heritages, or if any such Bodies Politic, Corporate, or Collegiate, Guardians, Trustees, or any other Person or Persons interested or entitled as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money or such Recompence as shall be offered to be paid by such Company of Proprietors, or shall, upon Notice in Writing given to the principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate, or to such Guardian or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands or Heritages, for the Space of Ten Days next after such Notice, neglect or refuse to treat or shall not agree with the said Company of Proprietors, or by reason of Absence shall be prevented from treating, or through Disability cannot treat for themselves, or make such Agreement as shall be convenient for promoting the said Undertaking, or shall not produce and evince a clear Title to the Premises of which they are or shall be in Possession, or to the Interest which they claim therein, then and in every such Case the said Company of Proprietors, or the said Bodies Politic, Corporate, or Collegiate, Guardians, Trustees, or other Person or Persons interested in or entitled to such Lands or Heritages, shall be and they are hereby respectively empowered and required from Time to Time to make Application in Writing to the Sheriff Depute or Substitute of the said County of *Lanark* to proceed therein as herein-after mentioned ; and the said Sheriff Depute or Substitute is thereupon accordingly hereby required to summon and return a Jury of Twenty-four Persons, in the Manner in which Juries are impannelled, summoned, and returned in *Scotland*, to meet at such Time and Place as in the Warrant or Warrants to be issued in that Behalf shall be appointed, not being less than Nine nor more than Twenty Days after such Application or Applications shall be made to the said Sheriff Depute or Substitute ; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid the said Sheriff Depute or Substitute shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend the Service, to make up the said Jury to the Number of Twelve, which shall be the Number impannelled ; and all Parties concerned may have their lawful Challenges or Exceptions against any of the said Jurymen ; and the said Sheriff Depute or Substitute

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

stitute are hereby empowered and obliged to summon and call before them all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matter in question, by or before any Jury or Juries as aforesaid; and the said Sheriff Depute or Substitute may order and authorize the said Jury, or any Three or more of them, to view the Place or Places or Matters in controversy; which Jury, upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Sheriff Depute or Substitute are hereby empowered to administer), shall inquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands or Heritages, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid, and shall assess separate Damages for the same; and the said Sheriff Depute or Substitute shall give Judgment for such Purchase Monies or Recompence to be assessed by such Juries; which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be signed by the said Sheriff Depute or Substitute, and shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever, without being subject to Reduction, Advocation, or Suspension, or to any Question or Review in any way whatsoever; and if such Sheriff Depute or Substitute shall make Default in the Premises he shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to give in his Verdict, or in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence, after having been paid or tendered a reasonable Sum for his, her, or their Costs, Charges, and Expences, shall not appear, or appearing shall refuse to be sworn and examined or give Evidence, every Person so offending, having no reasonable Excuse to be allowed by the said Sheriff Depute or Substitute, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Expences of
Juries how
to be borne.

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

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

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

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

Juries to distinguish between Value and Damages.

[*Local.*]

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XVI. And

Persons giving false Evidence to be prosecuted.

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

Verdicts to be recorded.

XVII. And be it further enacted, That all the Verdicts of the Juries, and the Judgments of the said Sheriff Depute or Substitute thereon, as aforesaid, shall be transmitted to and be kept by the Sheriff Clerk of the County of *Lanark*, and shall be deemed Records to all Intents and Purposes; and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for each Inspection the Sum of One Shilling, and no more, and to take Copies thereof or Extracts therefrom, paying for every Copy or Extract after the Rate of Sixpence for every One hundred Words.

Upon Payment or legal Tender of Compensation, Company may enter upon Lands, &c.

XVIII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed for by a Jury, in the Manner herein-before provided, for the Purchase of any Lands or Heritages to be taken for the Purposes of this Act, or as Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein-before mentioned, to the Proprietor or Proprietors of such Lands or Premises, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, at any Time within Sixty Days after the same shall have been actually so agreed for, determined, or assessed; or if the Person or Persons so entitled or interested, or any of them, shall not be able to make a good Title thereto to the Satisfaction of the said Company, or cannot be found, or shall refuse to receive the same, or execute such Conveyance, then upon Payment of the said Sum or Sums of Money into the Bank of *Scotland*, the Royal Bank of *Scotland*, or the *British Linen Company*, as the Case may be, in the Manner by this Act directed, for the Use of such Person or Persons so interested or entitled as aforesaid, then and in all or any of the said Cases, as often as the same shall happen, it shall be lawful for the said Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon such Lands or Heritages respectively, and then and thereupon such Lands or Heritages, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company of Proprietors and their Successors, to and for the Purposes of this Act for ever; and such Payment, Tender, Investment, or Deposit shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend

extend to and be deemed and construed to bar the Terce of the Wife of every such Person, and all Estates Entail and other Estates of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, Investment, or Deposit aforesaid shall have been made it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment, for the Purpose of making the said Railway or other Works, without the Consent in Writing of such Person or Persons respectively.

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

Application
of Compen-
sation Money
when
amounting
to 200*l.*

XX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Heritages

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

ritages 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 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*l.*

XXI. 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, or if the Persons entitled cannot be found.

XXII. And be it further enacted That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands or Heritages to be purchased by virtue of this Act for the Purposes aforesaid shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Company of Proprietors, or in case the Person or Persons to whom any such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Company of Proprietors, or any Three or more of them, to order the Sum and Sums of Money so awarded as aforesaid to be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or *British Linen Company*, respectively, as the Case may be, in manner as respectively before directed, to the Credit of the Parties interested in the said Lands or Heritages (describing them, if they are known, and if they are not known then generally to the Credit of the Parties interested in the said Lands or Heritages, without any Description of them), subject to the Order, Control, 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

Receipt or Receipts for the same, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into such Bank or Banks as aforesaid.

XXIII. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into any such Bank as aforesaid in pursuance of this Act for the Purchase of any Lands or Heritages, or of any Estate, Right, or Interest in any Lands or Heritages to be purchased in pursuance thereof, or to any Interest of such Money, the Person or Persons who shall have been in Possession of the Lands or Heritages at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Heritages, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Session; and the Interest of such Money, and also the principal Sums, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful one, and that some other Person or Persons was or were lawfully entitled to such Lands or Heritages, or to some Estate or Interest therein.

Where any Question shall arise touching the Title to any Money.

XXIV. 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 of Purchasers.

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

For paying off Incumbrances on Lands taken by the Company.

[*Local.*]

33 A

knowledge,

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

All the Money required shall be subscribed before the Act be executed.

XXVI. And whereas the probable Expence of making the said Railway will, according to an Estimate made thereof, amount to the Sum of Twenty-eight thousand four hundred and ninety-seven Pounds Seventeen Shillings and Four-pence, and upwards of Four Fifth Parts thereof have been already subscribed for defraying such Expences, under a Contract binding the Subscribers, their Heirs, Executors, and Administrators, for Payment of the several Sums of Money so subscribed by them respectively; be it enacted, That the Whole of the said Sum of Twenty-eight thousand four hundred and ninety-seven Pounds Seventeen Shillings and Four-pence shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

Proprietors may raise Money for making the Railway in Shares of 50*l.* each.

XXVII. 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, Branch, Extension, Bason, Wharfs, Depôts, Engines, Roads of Communication, Works and Conveniences belonging or requisite thereto, not exceeding in the whole the said Sum of Twenty-eight thousand four hundred and ninety-seven Pounds Seventeen Shillings and Four-pence, and the same shall be divided into Shares of Fifty Pounds each, and no Person subscribing thereto shall be or become Proprietor of less than One Share, save and except in such Cases where the said Company shall or may agree with the Proprietors or Occupiers of Lands through or along which the said Works are to pass, to admit or receive the Value of the Land or Damage due to such Persons, or any Part thereof, to form Part of the Stock of the said Company instead of paying off the same; and the said Shares shall be and are hereby vested in the several Persons so raising and contributing the same, and their several and respective Successors, Executors, Administrators, and Assigns, to them and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute; and all Bodies Politic, Corporate, or Collegiate, and all Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for or acquire the Right to and be possessed of any of the said Shares, or such Sum or Sums as shall be demanded in lieu thereof towards carrying on and completing the said Undertaking and other the Purposes of the said Subscription, shall be entitled to and receive, at such Time and Times as the said Company of Proprietors shall at a General or Special Meeting, to be convened for that Purpose as directed on other Occasions, direct and appoint, the entire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the Profits and Advantages that shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by the said Company of Proprietors by the Authority of this Act; and every Body Politic, Corporate, and Collegiate, Person or Persons, having such Property in the said Undertaking as aforesaid, shall bear and

pay a proportionable Sum towards carrying on the same in manner herein directed and appointed; and all and every the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and all other Person or Persons, of and in the Undertaking, or the Joint Stock Fund of the said Company of Proprietors, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property.

Shares to be Personal Estate.

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

No Person answerable for more than his Stock.

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

Application of the Money to be raised.

XXX. And for the better securing to the several Proprietors of the said Undertaking their respective Shares therein, be it further enacted, That the said Company of Proprietors shall and they are hereby required at the first or some subsequent General Assembly to cause the Names and proper Additions of the several Persons who shall be then entitled to the Shares in the said Undertaking, with the Number of the Shares, or the Amount of all the Subscriptions which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company of Proprietors, and after such Entry made, to cause their Common Seal to be affixed thereto, and to cause a Certificate or Instrument, with the Common Seal of the said Company of Proprietors affixed thereto, to be delivered to every such Subscriber upon Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking, every such Proprietor paying the Clerk Two Shillings and Sixpence and no more for every such Certificate or Instrument; and such Certificate or Instrument shall be admitted in all Courts whatsoever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified; but the Want of such Certificate or Instrument shall not hinder or prevent the Owner of any such Shares from

Certificates of the Shares to be delivered to the Proprietors.

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

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

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

Number
 ' BY virtue of an Act made in the Seventh Year of the Reign of
 ' King *George* the Fourth, intituled [*here set forth the Title of this*
 ' *Act*], We the *Garnkirk and Glasgow* Railway Company, incorporated
 ' by and under the said Act, in consideration of the Sum of
 ' to us in Hand paid by of
 ' do assign unto the said , his [*or her*] Executors,
 ' Administrators, and Assigns, the said Undertaking, and all and sin-
 ' gular the Rates arising by virtue of the said Act, and all the Estate,
 ' Right, Title, and Interest of and in the same, to hold unto the said
 ' , his [*or her*] Executors, Administrators, and Assigns,
 ' until the said Sum of , 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 .

Form of Assignment.

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 Assignment, or any other Account whatsoever; and a Memorial of every such Assignment, containing the Date, Name or
 [Local.] 33 B Names

Assignees to be equally entitled.

Names of the Person or Persons to whom made, the Sum of Money borrowed, and the Rate of Interest, shall be entered in a Book or Books to be kept by the Clerk to the said Company of Proprietors, which said Book or Books shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all and every Person or Persons to whom any such Security or Securities, Assignment or Assignments, shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right or Interest therein to any Person or Persons whomsoever; which Transfer shall and may be in the Words or to the Effect following; that is to say,

Form of
Transfer.

‘ I [or We] of
 ‘ in consideration of the Sum of paid by
 ‘ of do hereby transfer a certain Security
 ‘ Number , made by the *Garnikirk* and *Glasgow* Railway
 ‘ Company to , bearing Date the Day of
 ‘ for securing the Sum of and In-
 ‘ terest, 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 to the said Company of Proprietors, who shall cause Memorial to be made thereof in like Manner as of the original Security, for which the said Clerk shall be paid such Sum as the said Company of Proprietors shall appoint, not exceeding Two Shillings and Six-pence; and after such Entry made, every Transfer shall entitle such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or any Sum or Sums of Money thereon due or thereby secured, or any Part thereof.

Interest to
be paid in
preference
to Dividends.

XXXIII. And be it further enacted, That the Interest of the Money which shall be borrowed as aforesaid shall be paid half-yearly to the Persons severally entitled thereto, in preference to any Interest or Dividends due and payable by virtue of this Act to the said Company of Proprietors, or any of them, and shall from Time to Time be fully paid and discharged, or provided for, before the yearly or other Interest or Dividends due to the said Company of Proprietors, or to any of them, shall be paid, made, or divided; and in case the same or any Part thereof shall be behind and unpaid by the Space of Thirty Days next after the same shall become due and payable as aforesaid, and after Demand made, the same shall and may be sued for and recovered, with Costs, from the said Company of Proprietors, by Action in the Court of Session in *Scotland*.

Creditors
not to vote.

XXXIV. Provided always, That no Person to whom any such Security or Assignment shall be made or transferred as aforesaid shall be

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.

XXXV. And be it further enacted, That the First General Meeting of the said Company of Proprietors for putting this Act into Execution shall be held at *Glasgow*, within the *Black Bull Inn*, on the Third *Tuesday* next after the passing of this Act, at the Hour of Two of the Clock Afternoon; and the Second and every other General Meeting shall be held on such Day, and at such Place, as the said Proprietors at the next preceding General Meeting shall appoint, all such Meetings being at the Hour of Two of the Clock; and the said Company of Proprietors at such respective General Meetings, together with such Proxies as shall be then present, shall choose and elect, out of such of the said Proprietors as at the Time of such Election shall respectively be possessed in their own Right of Stock to the Amount of Ten Shares at the least in the said Undertaking, a Committee to manage the Affairs of the said Company of Proprietors as herein directed, and to consist of Seven or more Persons, Three of whom shall, at all Meetings of the Committee, be a Quorum; and the said Company of Proprietors shall have Power and Authority, at any such General Meeting, to remove and displace any Person or Persons who shall have been chosen a Member or Members of the said Committee, or any Officer or Officers under them, and to choose and elect others in case of Death or other Vacancy, and to revoke, alter, amend, or change any of the Rules or Directions which may have been prescribed and laid down by virtue of this Act, with regard to their Proceedings amongst themselves, as they shall think proper (the Method of calling General or Special Meetings, and their Time and Place of meeting and voting, and appointing Committees, only excepted), and shall also have Power and Authority to make such new Rules, Bye Laws, and Orders for the good Government of the said Company of Proprietors, their Agents and Workmen, for making, maintaining, and using the said Railway or other Works, and all other Conveniences, Matters, and Things that shall be made for the same, and also for and concerning all such Carriages, Minerals, Goods, and Commodities as shall be conveyed thereon, and also for the well-governing of all Persons who shall be employed in the conveying of any Minerals, Goods, and Commodities, and other Articles and Things, upon any Part of the said Railway or other Works, and from Time to Time to alter and repeal, and again to renew such Bye Laws, Orders, and Regulations, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of such General Meetings shall seem meet, not exceeding the Sum of Five Pounds for any One Offence, such Fines and Forfeitures to be levied and recovered by such Ways and Means as herein-before mentioned; which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company of Proprietors, shall be distinctly and legibly painted upon Boards, and affixed upon the several Toll Houses to be erected on the said Railway and Wharfs,

First and
other Gene-
ral Meetings.

Wharfs, and shall, when worn out, defaced, or obliterated, be from Time to Time repainted and renewed; and such Bye Laws shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided they be not repugnant to the Laws of *Scotland*, or any Directions in this Act contained; and every such General Meeting shall have Power to call for, audit, and settle all Accounts of Money received, laid out, and disbursed on account of the said Undertaking by the Treasurers, Receivers, or Collectors of the Rates, and other Officers by them appointed, or by any other Person or Persons whomsoever, employed by or concerned for or under them in and about the said Railway and the Works thereto belonging; but no Vote or Votes by Proxy shall be given, or have any Power in or as to the Audit and Settlement of Accounts; and the said Company of Proprietors shall have Power to adjourn themselves from Time to Time to such Place or Places within the said City of *Glasgow* as shall at any such General Meetings be thought proper and convenient.

Penalty for defacing Boards on which Orders, &c. are painted.

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

Committee not to be chosen unless certain Number of Persons present.

XXXVII. Provided always, and be it further enacted, That if at any such General Meeting there shall not be Persons present who shall be possessed of or entitled unto at least Two hundred Shares, or Subscriptions of Fifty Pounds or upwards, in the said Undertaking, either as Principals or Proxies, no Choice of a Committee, nor any Removal or Appointment of a Person or Persons in the Room of such of the Members of the said Committee who shall die or decline or become incapable to act, shall be made at the Time, but in such Case there shall be another Meeting of the said Company of Proprietors, at the same Place, upon that Day Se'nnight, and if a sufficient Number of Proprietors, as Principals or by Proxies, shall not then attend, the said General Meeting shall stand adjourned to the same Place on the same Day in the Week next following, and such Choice, Removal, or new Appointment of any Member of any such Committee shall then take place, and not before; and such Committee so before appointed shall continue to act, and have the same Powers as they had and were possessed of, until a new Committee shall be appointed as aforesaid.

Special Meetings may be called.

XXXVIII. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act in execution a Special General Meeting of the said Company of Proprietors is necessary to be held, it shall be lawful for any Five or more of the said Proprietors, who may each of them be possessed of or entitled to not less than Two Shares or Subscriptions of Fifty Pounds or upwards at the least in the said Undertaking, to cause Fourteen Days Notice at the least to be given in any Two of the longest established Newspapers

papers published in *Glasgow*, and in One of the *Edinburgh* Newspapers; or by giving to each Proprietor, or leaving at his or her usual Place of Abode, a Notice in Writing, signed by such Proprietors, or by the Clerk to the said Company of Proprietors for the Time being, or in such other Manner as the said Company of Proprietors shall at any General Meeting direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special General Meeting, and the Time when and Place where the same shall be held; and the said Proprietors are hereby authorized to meet pursuant thereto; and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company of Proprietors with respect to the Matters so specified only; and all such Acts of the Proprietors, or the major Part of them, met together at every such Special General Meeting, shall be as valid with respect to the Matters specified in such Notice, as if the same had been done at a General Meeting at the Time herein before appointed for holding the same.

XXXIX. 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 One 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 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 a Majority of them, to appoint some other fit Person or Persons to be Treasurer or Clerk, in the Place of him or them so dying, being removed, or quitting the said Service, until the then next General Meeting of the said Company of Proprietors,

Company
may appoint
Officers.

prietors, when such Appointments shall be confirmed, or another Treasurer or Clerk shall be nominated and appointed in his or their Stead.

Same Person
not to be
Clerk and
Treasurer.

XL. Provided always, and be it further enacted, That it shall not be lawful for the said Company to appoint the Person or Persons who may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, the Treasurer or Treasurers for the Purposes of this Act, or to appoint any Person or Persons who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, the Clerk or Clerks to the said Company; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or 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 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 imposed may be sued for and recovered.

Powers of
Committee.

XLI. And be it further enacted, That the said Committee shall, until the next General Assembly to be holden in manner as aforesaid, meet at such Times and at such Places, and from Time to Time adjourn themselves to such other Time or Times as they shall think fit; and at all Meetings of the said Committee One of the Members present shall be appointed President or Chairman, and all Questions, Matters, and Things which shall be proposed, discussed, or considered at such Meetings, shall be finally determined by a Majority of Votes, but no Member of such Committee, although he may be a Proprietor of many Shares in the said Undertaking, shall have more than One Vote in the said Committee, except the President or Chairman, who in case of an equal Division shall always have a second or casting Vote; and the said Committee shall have Power and Authority to direct and manage all the Affairs of the said Company, as well in buying and purchasing Lands and Heritages, and Materials for the Use of the said Undertaking and Works, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing Under Officers, Clerks, Servants, Agents, and Workmen, and in making all Contracts and Bargains touching the said Undertaking, so that no Purchase, Bargain, or other Matter be done or transacted without
the

the Concurrence of a Majority of the said Committee as aforesaid then assembled.

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

Committee empowered to make Calls;

and may sue Persons neglecting to pay them.

In case of Failure of Payment in Three Months, Shares may be sold, after Notice given.

taken of the Forfeiture of any Share or Shares in the said Undertaking, until Notice shall be given by the Clerk or Treasurer of the said Company of Proprietors, to the Owner or Owners thereof, or Notice in Writing left at his, her, or their usual or last Place of Abode, nor unless the same shall be declared to be forfeited at some General Assembly of the said Company of Proprietors, which shall be held after the End of Two Calendar Months after the Forfeiture shall happen to be made; and every such Forfeiture shall be an Indemnification and Discharge to and for every Proprietor or Proprietors so forfeiting, after such Share or Shares shall have been deemed 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 Purchase Money shall be more than sufficient to pay the Arrears, Surplus to be paid to Owner.

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

Actions for Calls.

XLIV. 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, for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company of Proprietors to declare and allege that the Defendant or Defendants, or Defender or Defenders, being a Proprietor or Proprietors of such and so many Share or Shares in the said Undertaking, is or are indebted to the said Company of Proprietors in such Sum or Sums of Money as the Call or Calls in arrear shall amount to, for such or so many Call or Calls
of

of such or so many Sum. or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants, or Defender or Defenders (as the Case may happen to be) whereby an Action hath accrued to the said Company of Proprietors by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant or Defendants, or Defender or Defenders, at the Time of making such Call or Calls was or were a Proprietor or Proprietors, Subscriber or Subscribers of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls, or any other Matter whatsoever; and the said Company of Proprietors shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded the Sum of Ten *per Centum* for every Sum of One hundred Pounds, or was made within the Distance of One Calendar Month from the last preceding Call, or without Notice given as aforesaid.

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

Committees
to report to
General
Meetings.

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

Books to be
kept.

XLVII. And be it further enacted, That every Officer and other Person who shall be appointed by virtue of this Act shall from Time to Time, when thereunto required by the said Company, by Notice in Writing to him or them respectively given, or left at his or their usual Place of Abode, or within Seven Days next afterwards, make out and deliver to the said Company, or to such Person or Persons as they shall appoint to inspect and examine the same, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof hath 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 Com-

Officers to
account.

pany shall appoint to receive the same; and if any Officer or Person shall neglect or refuse to render or deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof, when thereunto required, in Manner and within the Time aforesaid, or shall neglect or refuse, on such Requisition as aforesaid, to deliver up to the said Company, or to such Person or Persons as they shall appoint, all Books, Papers, Writings, Matters, and Things in his or their Custody or Power relating to the Execution of this Act, or which they shall have disposed of without the Consent of the said Company, then and in every such Case, Complaint being made by the said Company, where such Neglect or Refusal shall happen, or by any other Person or Persons on their Behalf, of any Neglect or Refusal, to any Justice of the Peace for the County where the Officer or Persons 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 a Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Monies, and the Charges of taking, making, keeping, and selling such Distress, or if such Officer or Person shall not appear (without having sufficient Excuse) before the said Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to the said Justice such Account in Writing as aforesaid, or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Account, or to deliver up to him all such Books, Papers, Writings, Matters, and Things as aforesaid, to be by him delivered over to the said Company, then and in any of the Cases aforesaid the said Justice is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Officer or other Person to the Common Gaol or House of Correction for the County, Burgh, or Place where he or she shall live or reside, there to remain without Bail until he or she shall have delivered in and settled such Account as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Monies that shall appear to be in the Hands of or owing from him or her to the said Company, and the reasonable Charges of such Distress and Sale (if any) as shall in that respect have been made, or until he or she shall have compounded with the said Company for such Money and Charges, and pay the Composition Money to the said

No Share to
be sold till
Call be
answered.

XLIX. And be it further enacted, That after any Call of such Money shall have been made by such Committee as aforesaid no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, although Twenty-five Pounds *per Centum* shall have been paid thereon, upon the Penalty of forfeiting his, her, or their respective Share or Shares therein to the said Company of Proprietors, in Trust for the Benefit of all the said Proprietors, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid and discharged, to the Treasurer of the said Company of Proprietors, the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred, such Forfeiture nevertheless to be notified and declared at a General Assembly in manner before directed.

Rates of
Tonnage.

L. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors from Time to Time, and at all Times hereafter, to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company of Proprietors, for the Tonnage of all Goods, Wares, and Merchandize, and other Things which shall be carried and conveyed upon the said Railway or Tram Road, or upon any Part thereof, the Rates, Tolls, and Duties hereinafter mentioned; (that is to say,)

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

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

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

And for the Use of any Waggon, Machinery, Engine, or Power belonging to the said Company, such Sum or Sums in addition to the said Rates as the said Company shall from Time to Time direct and appoint, not exceeding One Half more of the said Rates respectively :

And for all the Articles, Matters, and Things for which a Tonnage is herein-before directed to be paid, which shall pass the Inclined Planes upon the said Railway, such Sum as the said Company shall appoint, not exceeding the Sum of One Shilling *per Ton* :

And in all Cases where there shall be a Fraction of a Ton a Proportion of the same Rates shall be demanded and taken for such Fraction according to the Number of Hundred Weight contained
in

in such Fraction, and where there shall be a Fraction of a Hundred Weight the same shall be deemed a whole Hundred Weight; and in all Cases (excepting as herein-after provided) where there shall be a Fraction of One Quarter of a Mile in the Distance which any Waggon, Cart, or other Carriage shall pass upon the said Railway or Tram Road, such Fraction shall be deemed and considered as a whole Quarter of a Mile; and any such Waggon, Cart, or Carriage travelling such Fraction of a Quarter of a Mile, shall be charged with Tonnage Duty for One whole Quarter of a Mile; and in order to ascertain and calculate with greater 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 Tram Road, such Waggon shall be deemed to have passed a whole Quarter of a Mile along the said Railway, and Tonnage for such Distance shall be due and payable, although the Distance actually travelled be less than is thus computed: Provided always, that any Waggon, Cart, or other Carriage travelling a less Distance than One Half Mile along the said Railway shall be deemed to have passed One full Half Mile thereon, and Tonnage for One full Half Mile shall and may be demanded and taken for and in respect of the same, although the Distance actually travelled shall be less than One Half Mile.

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

Table of
Tolls.

LII. Provided always, and be it further enacted, That it shall and may be lawful for the said Company of Proprietors and their Successors, and also of their Committee of Management in virtue of Powers to that Effect given to them by any Annual or General Assembly of Proprietors for the Encouragement of the Trade on said Railroad, from Time to Time at any General Meeting or Assembly of the said Company, or any Special Meeting of the said Committee, to be held as herein-before directed, with Consent of the Majority assembled

Rates may
be reduced
partially or
generally.

[*Local.*]

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at

at such Meetings respectively, to lessen or reduce all or any of the Rates, Tolls, and Duties herein-before granted, on all or any Sort of Goods or other Articles passing upon the Whole or any Part of the said Railroad, and afterwards from Time to Time at any such Meetings or Assembly respectively to advance all or any of the said Rates, Tolls, and Duties so lessened, to any Sum or Sums not exceeding the Rates or Duties before mentioned.

Regulation
of Rates as
to Distances.

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

Evasion of
Rates.

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

Weight
ascertained.

LV. And for better ascertaining the Tonnage of Timber, Goods, and other Things to be charged with the Payment of such Rate as aforesaid, be it further enacted, That One hundred and twelve Pounds Weight shall, for the Purposes of this Act, be deemed, rated, or estimated as for One Hundred Weight, any Usage to the contrary notwithstanding.

LVI. And

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

Company may establish Carriages for Passengers;

and may lease their Right.

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

Power to make and use locomotive or moveable Engines on the Railway.

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

For regulating the Conduct of Collectors of Tolls.

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ing Five Pounds for every such Offence, as the Justice or Justices before whom the Information shall be laid shall adjudge; and such Penalty shall be levied, recovered, and applied in such and the same Manner as other Penalties are by this Act directed to be levied, recovered, and applied.

On Payment
of Rate a
Ticket to be
delivered.

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

Rates how
to be levied.

LX. And be it further enacted, That the Rates herein authorized to be demanded and taken shall be paid to such Person or Persons, at such Place or Places at or near the said Railway, in such Manner and under such Regulations, as the said Company of Proprietors at some General or Special Assembly or Assemblies shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rates, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company of Proprietors may sue for the same by Action in any Court competent in *Scotland*, or the Person or Persons to whom the Rates ought to have been paid may and he or they is and are hereby authorized to seize the Goods, Beasts, or other Things for or in respect whereof any such Rates ought to have been paid, or any Part thereof, and the Waggon or other Carriage laden with such Goods or other Things, and retain the same until such Payment shall be made, and also until Payment of all Arrears of any Rate which may be due from the Owner or Owners of such Waggon or other Carriage, as the Case may be, to the said Company of Proprietors, together with the reasonable Charges for such Seizure and Detention; and if such Beasts or Goods shall not be redeemed within Three Days next after the taking thereof the same shall be distrained, appraised, and sold, returning the Overplus (if any there be), upon Demand, to the Owners thereof, after such Rates, and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid; and the said Company of Proprietors shall have full Power from Time to Time, at any General Assembly, to lower or reduce all or any of the said Rates, and again to raise the same, as they shall think proper, not exceeding the Rates before mentioned, as often as shall be deemed necessary.

For settling
Disputes.

LXI. And be it further enacted, That if any Dispute shall happen about the Amount of the Rates granted by this Act, or the Charges of making, keeping, or selling any Distress, it shall and may be lawful for the Collector or the Person so distraining to retain such Distress, or the Money arising from the Sale thereof (as the Case may happen), until the Amount of the Rates due, and the Charges of the Distress and Sale, and of keeping the Distress, be ascertained
1 by

by some Justice of the Peace for the County or Place wherein such Dispute shall happen to arise, who, upon Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or other Witness or Witnesses (which Oath such Justice is hereby authorized to administer), and shall determine the Amount of the Rates due, and shall award such Costs and Charges to either Party, as to the said Justice shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Warrant under the Hand of such Justice, rendering the Overplus (if any), upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Effects shall have been so distrained and sold.

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

Rates may
be leased.

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

Account of
the Lading
of Waggons
to be given.

[Local.]

33 F

and

and other Things, and also in proportion for any less Quantity than a Ton which shall be in any such Waggon or other Carriage, of which such Account shall be so refused to be given, or which shall be fraudulently delivered out as aforesaid, as the Case shall happen to be, over and above the respective Rates directed by this Act to be paid for the same.

Waggons
may be
measured
or weighed.

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

Railway, on
Payment of
Rates, to be
free.

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

Waggons to
be properly
constructed.

LXVI. And provided always, and be it further enacted, That no Waggon or other Carriage shall be allowed to pass along the said Railway, unless the same be constructed in such a Manner as to be fitted to the said Railway, to the Satisfaction of the Surveyor or Engineer of the

the said Company, and so as no Damage shall be done by the same, or by its Loading, to the said Railway; and that if any Person or Persons shall pass on any Part of the said Railway with any Cart, Waggon, or other Carriage not so constructed, he, she, or they so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds to the said Company of Proprietors, besides paying any Damage done to the said Railway, and the said Company of Proprietors shall be entitled to stop such Waggon or other Carriage from passing along the said Railway.

LXVII. 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.

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

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

Names of Owners of Waggon to be painted on them.

LXIX. And be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing upon the said Railway, or of the Horse

Owners of Waggon to be liable for Horse

Damage
done.

Horse or Horses or Cattle drawing the same, shall be and is and hereby are made answerable for any Damage or Mischief that shall be done by his, her, or their Waggon or other Carriage, or any of his, her, or their Waggoners, or other Persons belonging to or employed by him, her, or them, in or about the same respectively, to the Railway or other Works to be made by virtue of this Act, or by loading or unloading any Waggon or other Carriage, and for any Trespass or Damage that shall and may be done to the Owners or Occupiers of any Buildings, Lands, Tenements, or other Property adjoining or lying near to the same, or any of them, or any other Trespass whatsoever; and the said Owner or Owners of such Waggon or other Carriage shall for every such Damage, upon Conviction of such Person or Persons before any Justice of the Peace, either by the Confession of the Party or Parties offending, or upon Oath of One or more credible Witness or Witnesses (which Oath or Oaths such Justice is empowered and required to administer), pay to the Person or Persons injured the Damages, to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Five Pounds; and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Twenty Shillings, and all Costs, Charges, and Expences attending such Conviction; which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Effects of the Owner or Owners of such Waggon or other Carriage, by Warrant or Warrants under the 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 Damage shall exceed the Sum of Five Pounds, then and in such Case the Owner or Owners of such Waggon or other Carriage shall and may be prosecuted for the same in any Court competent in *Scotland*; and if Judgment be given against him or her, the Pursuer in such Case shall recover his Damages thereby sustained, with full Costs of Suit: Provided always, that in case the Owner or Owners of any Waggon or other Carriage or Horses or Cattle as aforesaid shall be compelled to pay any Penalty, or to make Satisfaction for any Damage by reason of any wilful Neglect or Default done or committed by his, her, or their Servant or Servants, such Servant or Servants shall be liable to repay such Penalty or Satisfaction to such Owner or Owners; and in case of Nonpayment upon Demand thereof, and Oath made by such Owner or Owners of the Payment by him, her, or them of such Penalty or Satisfaction, and that the same hath not been paid to him, her, or them by such Servant or Servants, although demanded, (such Oath to be made before any Justice of the Peace,) the same Penalty and Satisfaction shall be levied by Warrant of such Justice, by Distress and Sale of the Goods and Effects of such Servant, together with all Costs and Charges attending such Distress and Sale, and the said Penalty and Satisfaction, when recovered, shall be paid to such Owner or Owners, in discharge of such Penalty and Satisfaction so paid by him for the wilful Act or Default of such Servant or Servants as aforesaid; and in case no sufficient Distress can be had, such Justice of the Peace shall and is hereby required to commit such

Servants to
repay their
Masters for
Damage
by wilful
Neglect.

Servant

Servant to the Common Gaol or House of Correction for the County where the Offender shall be found, there to remain for any Time not exceeding Six Calendar Months.

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

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

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

Penalty on Waggons remaining on Railway.

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

Penalty on Obstructions on Railway.

Penalty for
damaging the
Works.

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

Gates,
Bridges, &c.
to be erected.

LXXIV. And be it further enacted, That the said Company of Proprietors shall at their own proper Costs and Charges, after any Part of the said Railway shall be laid out and formed, make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Gates in and upon the said Railway, and also all Bridges, Arches, Culverts, Ditches, Drains, and Passages over and by the Side of the said Railway, of such Dimensions and in such Manner as the said Company of Proprietors shall at any of their Meetings from Time to Time judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands and Grounds through which such Railway shall be made, or for protecting the said Lands and Grounds from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof from straying or escaping thereout, by reason of such Railway or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, Bridges, Arches, Ditches, Drains, and Passages, so to be made as aforesaid, shall from Time to Time and at all Times thereafter be supported, maintained, and kept in sufficient Repair and Condition by the said Company of Proprietors; and in case the said Company of Proprietors shall refuse or neglect to make, erect, and set up such Gates, Bridges, Arches, Ditches, Drains, and Passages as herein-before directed, or to maintain and support the same or any of them when erected, set up, and made in manner as aforesaid, for the Space of Twenty Days next after being thereto required by the Owners and Occupiers of the contiguous Lands and Grounds, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said Lands and Heritages, who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal, to make, erect, and set up all such Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages, and to maintain, repair, and support the same from Time to Time as occasion shall require, so that in making and maintaining such Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages as aforesaid, the said Railway and other Things hereby authorized to be made or erected by the said Company of Proprietors shall not be obstructed or injured for any longer Space of Time or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof shall be repaid to the respective Owners or Occupiers of the said Lands or Heritages, who shall have so erected and made, repaired or maintained such Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages as aforesaid, by the said Company of Proprietors, within the Space of Ten Days next after the same shall have been so completed or repaired, and an Account and Demand in Writing shall have been delivered and made thereof, to and from the said Company of Proprietors,

Proprietors, by Delivery of such Accounts, on Demand, to the Treasurer or Clerk of the said Company of Proprietors for the Time being; and in default of Payment of the said Costs and Charges within the Time aforesaid, any Two Justices of the Peace for the County of *Lanark* shall be and are hereby required, upon the Application of such Owner or Occupiers, by Warrant under their Hands, to levy the said Costs and Charges by Distress and Sale of the Goods and Effects of the said Company of Proprietors, for the Use of such Person or Persons who shall have so incurred such Costs and Charges, rendering to the said Company of Proprietors the Overplus (if any), after deducting the reasonable Charges of making such Distress and Sale, to be settled by such Justices; and every or any of the said Owners or Occupiers, upon Refusal or Neglect of the said Company of Proprietors to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them, or any of them, for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act directed.

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

Gates, &c.
may be
erected and
maintained
by the
Owners of
Lands.

LXXVI. Provided also, and be it further enacted, That the said Company of Proprietors shall and they are hereby empowered and required at their own proper Charges, after any Land shall be taken for the Use of the said Railway, to divide and separate and keep constantly divided and separated, the same from the Lands or Grounds adjoining to such Railway, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, and at their own proper Costs and Charges from Time to Time to maintain and support the said

Company to
erect Fences.

said Posts, Rails, Hedges, Ditches, Mounds, or other Fences so to be made as aforesaid, in case the Owners or Owner of such Lands and Grounds adjoining to such Railway, or any of them respectively, shall at any Time desire the same to be fenced off, or in case the said Company of Proprietors shall think proper to fence off the same instead of the Gates being erected as aforesaid; and the said Company of Proprietors shall also make and maintain all necessary Gates in all such Fences to be made as aforesaid, all such Gates being made to open towards such Lands and Grounds; then and in every such Case the Powers, Provisions, Directions, and Regulations hereinbefore contained with respect to the Gates and other Works as aforesaid shall extend and apply and be applicable to the making and maintaining of such Fences, as fully and effectually to all Intents and Purposes as if the said Powers, Provisions, Directions, and Regulations were now repeated and re-enacted with respect to such Fences.

The Fences
to be made
on the
Owners
Lands.

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

Company to
pay Owners
for fencing
their Lands.

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

ner as is herein-after directed with regard to the Recovery of Penalties or Forfeitures.

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

LXXX. And be it further enacted, That after Ten Days Notice in Writing given to the Proprietors of the said Railway, it shall and may be lawful for any Body Politic, Corporate, or Collegiate, or any other Owner of any Grounds adjoining the said Railway, to lay down a Branch or Branches from his or her Lands or Grounds to communicate with the said Railway, and to make, at his, her, or their own Expence, such Openings into the Ledges or Flanches of the said Railway, not injuring the same, as may be necessary and convenient for effecting such Communication or Crossing, without the said Company being entitled to receive Tonnage Rates for the passing of Minerals, Goods, or other Things along such Branch or Branches, but without Prejudice nevertheless to their receiving such Tonnage Rates for the passing of such Minerals, Goods, or other Things along the Railway belonging to the said Company. Proprietors of Land may make Branches to join the Railway.

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

LXXXII. And be it further enacted, That if any Wharfinger or other Servant belonging to the said Company of Proprietors shall give any Preference or shew any Partiality to any Person or Persons in loading or unloading any Minerals, Goods or Commodities at any of the Wharfs, Warehouses, Weighbeams, Cranes, and other Machines belonging to the said Company of Proprietors, and shall thereof be convicted before One of His Majesty's Justices of the Peace, every Penalty on Officers shewing Partiality.
[Local.] 33 H Person

Person so offending shall forfeit and pay for every Offence any Sum not exceeding the Sum of Forty Shillings.

Owners of
Lands may
erect Wharfs.

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

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

LXXXIV. And be it further enacted, That if any such Owner or Owners shall not within the Space of Six Calendar Months next after the Notice given in Writing to him, her, or them, or left at his, her, or their usual Place or Places of Abode, by or on behalf of the said Company of Proprietors, that any Part of such Lands or Grounds is necessary and proper to be used by them for the Purpose of erecting and making Wharfs, Depôts, Warehouses, and Buildings for the Use of the said Railway, make, erect, and lay out, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Depôts, Warehouses, and Buildings for the Use of the said Railway, on the respective Part or Parts of the Lands and Grounds described in such Notice, then and in every such Case the said Company of Proprietors shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Lands or Grounds (not being the Ground whereon any House or other Building stands, or any Garden, Orchard, Yard, Policies, Paddock, planted Walk, or an Avenue to any House,) for erecting and building proper and sufficient Wharfs, Depôts, Warehouses, and Buildings respectively, agreeably to such Notice as aforesaid, they the said Company of Proprietors first making Satisfaction for the same in such Manner as is herein-before directed with respect to any other Lands or Grounds which shall be taken or used by the said Company of Proprietors for the Purposes of this Act; and then and in such Case all Rates or Tolls which shall be paid for the Use and Benefit of such last-mentioned Wharfs, Depôts, Cranes, Weighbeams, and Warehouses respectively, shall be and the same are hereby accordingly vested in the said Company of Proprietors and their Successors.

Penalty on
Evasion of
Tolls, &c.

LXXXV. And be it further enacted, That if any Person or Persons working or employed in working any Waggon or other Carriage upon the said Railway shall load, unload, or take into any such Waggon or other

other Carriage any Minerals, Goods, or Commodities whatsoever, liable to pay any of the Tolls, Rates, or Duties herein-before mentioned, for the Purpose of evading the said Tolls, Rates, or Duties, or any of them, at any other Place or Places than at the Wharfs or Quays hereby authorized to be made, such Person or Persons shall forfeit a Sum not exceeding Five Pounds.

LXXXVI. And be it further enacted, That no more than the Sum of One Halfpenny *per* Ton shall be demanded or taken by any such Land Owner or Owners who shall make, erect, or build any such Wharfs or Depôts in pursuance of the Notice to be given by or on behalf of the said Company of Proprietors to such Owner or Owners for that Purpose as aforesaid, or by the said Company of Proprietors under the Power herein-before for that Purpose contained (as the Case may be), for the Wharfage of any Coals, Culm, Lime, Limestone, Clay, Ironstone, Stone, Bricks, Gravel, Hay, Straw, Corn in the Straw, or Manure; nor more than One Penny *per* Ton for the Wharfage of any Iron, Lead Ore or any other Ore, Tin, Timber, Tiles, and Slates; nor more than Two-pence *per* Ton for the Wharfage of any other Goods, Wares, Merchandize, or Things whatsoever, where the same shall be respectively placed and remain upon any such Wharf or Depôts, and shall not continue thereupon for a longer Space of Time than Six Months: Provided nevertheless, that in case any of the said Articles shall be left and remain in and upon any such Wharfs for the Space of Six Days over and above the said Six Months, then the Owner or Owners of such Articles shall pay the Proprietors of such Wharfs the following Rates of Wharfage *per* Month, and so in proportion for more or less than a Month, for the Time which the same shall remain on the Wharf after the Expiration of the said Six Months; *videlicet*, for any Coals, Culm, Lime, Limestone, Clay, Ironstone, Stone, Bricks, Gravel, Hay, Straw, Corn in the Straw, or Manure, One Farthing *per* Ton, and for Iron, Lead Ore or any other Ore, Tin, Timber, Tiles, and Slates, One Halfpenny *per* Ton; and for any other Goods, Wares, Merchandize, or Things, One Penny *per* Ton: Provided always, that it shall be lawful for the said Company of Proprietors to erect, repair, and use any Cranes or Weighing Machines upon any such Wharfs last-mentioned, for the more convenient loading and unloading and weighing of any such Minerals or other Goods, Wares, Merchandize or Commodities, in case the Proprietors of such Wharfs shall neglect or refuse to make and erect the same for the Space of Six Calendar Months after they shall have received Notice in Writing for that Purpose from the said Company of Proprietors, or when so erected neglect or refuse to keep the same in repair; any thing in this Act contained to the contrary thereof notwithstanding.

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

Rates of
Wharfage.

Company
not entitled
to use pri-
vate Wharfs.

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.

Abatement
of Rates.

LXXXVIII. Provided always, and be it enacted, That as soon as the said Company of Proprietors, out of the Funds or Monies collected by levying the aforesaid Tonnages or such Part thereof as to them may seem necessary, shall receive a Dividend on the Amount of the said Capital Stock, equal to Ten Pounds *per Centum per Annum* on the said Stock, with Ten Pounds *per Centum per Annum* on the said Stock from the Time the same shall have been advanced till within One Year of their declaring and paying such Dividend of Ten Pounds *per Centum*, then and in that Case the said Company of Proprietors shall be bound not to increase, and they are hereby debarred from increasing their said Dividends, aye and until they shall have reduced the Charges for Tonnage respectively on Distances not exceeding Three Miles to Three Fourth Parts, and on Distances exceeding Three Miles to One Half of the Rates hereby granted, provided that for Distances exceeding Three Miles none of the Rates exacted shall be less than Four-pence Halfpenny.

How Da-
mages not
provided for
to be reco-
vered.

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

In case of
Nonpay-
ment of Sa-
tisfaction for
Lands or
Damages,
the same
may be
levied by
Distress of
the Goods
vested in the
Company.

XC. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Lands, Houses, Materials, or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made from the Clerk to the said Company or their Treasurer, in which Demand the Order of the Sheriff or Justice making the same shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by any such Sheriff or Justice under his Hand and Seal, or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Lands, Houses, Materials, Costs, Damages, Spoil, or In-
jury

jury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Company, or to their Treasurer for the Time being, as the Case may be; provided always, that it shall and may be lawful for such Treasurer to retain out of the Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

XCI. 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 Company, or left at his last or usual Place of Abode, or upon the Clerk of the said Company, or at the Office of the said Clerk, or left at his last or usual Place of Abode, or at the Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any Agent or other Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Notices how
to be served
on the Com-
pany.

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

Penalties
how to be
recovered.

[*Local.*]

33 I

particularly

particularly directed, shall go and belong to the said Company of Proprietors, and be applied for the Purposes of this Act.

Distress not
unlawful for
Want of
Form.

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

Proceedings
not to be
quashed for
Want of
Form.

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

Form of
Conviction.

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

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

Appeal.

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

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

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

Limitation
of Actions.

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

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

XCIX. And be it further enacted, That all and every Person and Persons who have or hath already subscribed or who shall hereafter subscribe any Money for and towards the making and maintaining the said Railway and other Works hereby authorized to be made as aforesaid, shall and they are hereby required to pay the Sum or Sums of Money by him, her, or them respectively subscribed or to be subscribed, or such Part or Parts thereof as shall from Time to Time be called for by the Committee of the said Company, by virtue of the Powers and pursuant to the Direc-

Subscrip-
tions to be
paid up.

tions

tions of this Act, at such Time and Times and Place and Places as shall be appointed for that Purpose by the said Committee; and in case any Person or Persons shall neglect or refuse to pay the Sum or Sums so to be called for from him, her, or them, at the Time or Times, Place or Places, and in the Manner to be appointed for that Purpose, it shall be lawful for the said Company to sue for and recover the same in any Court of Law or Equity.

Public Act.

C. 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.

SCHEDULE referred to in the Act.

Owners or Occupiers.	Description of Property.	Parish.
James Campbell - -	Plantation - -	Cadder.
John Lang - -	Ditto - -	Ditto.
Ditto - -	Ditto or Copse, &c. - -	Ditto.
Mark Sprot - -	Plantation - -	Ditto.
Ditto - -	Garden - -	Ditto.
Ditto - -	Plantations - -	Ditto.
Ditto - -	Gardens - -	Ditto.
Ditto - -	Ditto - -	Ditto.
Ditto - -	Ditto - -	Ditto.
Ditto - -	Plantations - -	Ditto.
Mrs. Rae Crawford - -	Ditto - -	Barony.
Dunlop's Representatives - -	Garden - -	Ditto.
Captain Lockhart - -	Pasture - -	Ditto.
Ditto - -	Ditto - -	Ditto.
Ditto - -	Ditto - -	Ditto.
James Campbell - -	Plantation - -	Inner High Church.
Ditto - -	Pasture - -	Ditto.
Robert Hill's Heirs - -	Ditto - -	Ditto.
Ditto - -	Road - -	Ditto.
James Dow - -	Garden - -	Ditto.
William Jones - -	Ditto - -	Ditto.
Duncan Gillies - -	Ditto - -	Ditto.
Dr. Pinkston - -	Meadow - -	Ditto.
Ditto - -	Pasture - -	Ditto.
C. Tennant and Co. - -	Garden and Pasture - -	Ditto.
Miss Edgar - -	Garden - -	Ditto.
Ditto - -	Ditto - -	Ditto.