





- borrow a farther Sum of Money on the Credit of the Tolls granted by the said Acts*; and another Act was passed in the Fourth Year of the
- 4 G. 4. c. 18. Reign of His said Majesty King *George* the Fourth, intituled *An Act to enable the Edinburgh and Glasgow Union Canal Company to borrow a farther Sum of Money*; and another Act was passed in the Seventh Year of the Reign of His said Majesty King *George* the Fourth,
- 7 G. 4. c. 45. intituled *An Act to alter and amend the Edinburgh and Glasgow Union Canal Acts, and to enable the Company to borrow a farther Sum of Money*; and another Act was passed in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act for amending the several Acts relating to the Edinburgh and Glasgow Union Canal, and for enlarging the Cobbinshaw Reservoir*; and another Act was passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for amending the Acts for making and maintaining the Edinburgh and Glasgow Union Canal, and for conferring further Powers on the Company of Proprietors thereof*; and another Act was passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for altering and amending certain Acts relating to the Forth and Clyde Navigation and the Edinburgh and Glasgow Union Canal, and for forming a Junction between the said Navigation and Canal*: And whereas an Act was passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from Edinburgh to Glasgow, to be called "The Edinburgh and Glasgow Railway," with a Branch to Falkirk*, whereby a Company was incorporated by the Name of "*The Edinburgh and Glasgow Railway Company*," with Power to make the said Railway and Branch: And whereas the Powers and Provisions of the said last-mentioned Act were altered, amended, or enlarged by other Acts relating to the *Edinburgh and Glasgow Railway* and the *Edinburgh and Glasgow Railway Company* passed respectively in the Third and Fourth, the Fifth, the Seventh and Eighth, the Eighth and Ninth, the Ninth, the Ninth and Tenth, the Tenth and Eleventh, and the Eleventh and Twelfth Years of the Reign of Her present Majesty: And whereas the *Edinburgh and Glasgow Union Canal* has been for upwards of Twenty-five Years completed and open for the Use of the Public, but the said Canal was completed at an Expenditure greatly exceeding the estimated Expense of making the same: And whereas the *Edinburgh and Glasgow Railway* has since been constructed through the same District, and nearly in the same Line with the Canal, and partly on the Lands of the Canal Company: And whereas, independently of the Canal which extends only from the City of *Edinburgh* to a Point called *Lock Number Sixteen* near *Falkirk* in the County of *Stirling*, the Cities of *Edinburgh* and *Glasgow* enjoy a Communication by Water by means of the *Forth and Clyde Navigation* and the *Firth of Forth*, whereby Vessels pass betwixt the City of *Glasgow* and *Leith* the Port of *Edinburgh*; and there are also Two Railways connecting the said Cities of *Edinburgh* and *Glasgow*, namely, the *Edinburgh and Glasgow Railway* and the *Caledonian Railway*: And whereas the Canal has, since the opening of the *Edinburgh and Glasgow Railway*, yielded little more of Revenue than has been sufficient for the Maintenance of the Canal, and for paying the Interest of the Debts affecting the same, without affording a Dividend or Return to the Shareholders for the Capital embarked by them therein,  
and

and it is expedient that the Canal should be vested in the *Edinburgh and Glasgow* Railway Company on Terms mutually agreed on by the Canal Company and the Railway Company, but this Purpose cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the Execution of a Disposition or Deed of Conveyance duly stamped for denoting the Payment of the Stamp Duty on the Sum of One hundred and fourteen thousand Pounds, which the Canal Company is hereby authorized and required to execute and to get recorded in the Books of Council and Session, the *Edinburgh and Glasgow Union* Canal and the Reservoir thereof, and the whole Embankments, Towing Paths, Ways, Roads, Locks, Tunnels, Feeders, and Bridges thereof, and also all Wharfs, Yards, Warehouses, Houses, Offices, and other Buildings, Cranes, Weighing Machines, and all other Appurtenances whatsoever of the said Canal belonging to the Canal Company, and all Lands, Heritages, and Estate and Property (except as herein-after excepted), and also the Benefit of all Contracts, Agreements, and Proceedings in any way relating thereto, of or to which the Canal Company was seised, possessed, or entitled at Law or in Equity before the passing of this Act, and all the Powers, Rights, Authorities, and Privileges which by the said recited Acts relating to the Canal, or any of them, are granted to the Canal Company, except so far as expressly repealed or altered, and subject to the Provisions in this Act contained, shall effectually and to all Intents and Purposes become vested and vest in and belong to the *Edinburgh and Glasgow* Railway Company; but excepting always from the Lands, Heritages, and Property hereby vested in the Railway Company the Lands of *Glenfuir* and other Lands, and the Houses, Feus, and Feuing Ground and other Heritages not requisite for the Use and Service of the Canal, as specified in the Schedule (A.) to this Act annexed, which are hereby reserved to the Canal Company.

Canal to be vested in Railway Company upon the Execution of a Conveyance.

II. And be it enacted, That all the Chattels, Books, Writings, Maps, Plans, and other Personal Estate and Effects, Assets and Property, (except all the Debts due to the Canal Company and Interest thereon, and except also the other Personal or Moveable Assets and Property not requisite for the Use or Service of the Canal, as specified in the Schedule (B.) to this Act annexed,) of or to which the Canal Company was possessed or entitled at Law or in Equity immediately before the passing of this Act, shall, upon the Execution of the said Disposition or Deed of Conveyance, effectually and to all Intents and Purposes become vested and vest in and belong to the Railway Company.

Personal Estate of Canal Company to be vested in Railway Company.

III. Provided always, and be it enacted, That nothing herein contained shall extend or be deemed or construed to extend to defeat, affect, or prejudice any Rights, Privileges, Liberties, Powers, Easements, Accommodations, or Exemptions which, under or by virtue of the said recited Acts relating to the Canal, are specifically granted or created or reserved to or for the Benefit of particular Persons whose Estates, Properties, or Interests are, have been, or may be in any ways

Saving of Rights.



ways affected in or by the making or maintaining or otherwise on account of the Canal, or to which such Persons are or may be entitled under or by virtue of the said recited Acts relating to the Canal, or any of them, or by virtue of any Contract or Agreement entered into between them and the Canal Company, but such Persons shall be entitled to such and the like Powers and Remedies upon and against the Railway Company for securing to such Persons the Possession, Use, and Enjoyment of such Rights, Privileges, Easements, Accommodations, and Exemptions, save such of them as have been fulfilled or are inconsistent with the Provisions of this Act, as they would have been entitled to against the Canal Company if this Act had not been passed.

Canal Company dissolved, except to the effect of winding up its Affairs, and Acts in part repealed.

IV. And be it enacted, That from and after the vesting of the Canal in the Railway Company, as herein-before provided, the Canal Company shall, except to the Effect of selling and realising the Lands, Debts, and others contained in the Schedules (A.) and (B.) to this Act annexed, which the Canal Company is hereby authorized and empowered to do, and applying and disposing of the Proceeds thereof, and winding up its Affairs and carrying this Act into execution, be dissolved; and except to the Effect foresaid all the Clauses, Powers, Provisions, Matters, and Things contained in the said recited Acts relating to the Canal in reference to the Capital Stock of the Canal Company, the Number and Amount of Shares therein, and the Purchase, Sale, Transfer, and Acquisition of such Shares, and the Right of voting in respect thereof, and the Registration of the Names of Holders or Proprietors thereof, and in reference to the Meetings and Proceedings of such Proprietors, and to the Appointment, Qualification, Powers, and Duties of the Committee of Management of the Canal Company and of the Officers and Servants thereof, and to the Division of the Profits arising from the said Canal and Works thereof, and to any future borrowing of Money by the Canal Company on Mortgage or otherwise, shall be and the same are hereby, from and after the vesting of the Canal in the Railway Company, repealed.

Actions not to abate.

V. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatsoever, commenced either by or against the Canal Company previous to the passing of this Act, shall abate or be discontinued or prejudicially affected by this Act, but the same shall continue and take effect both in favour of and against the Railway Company in the same Manner in all respects as the same would or might have continued and taken effect for or against the Canal Company if this Act had not been passed.

Rights of Mortgagees not to be prejudiced.

VI. And be it enacted, That nothing herein contained shall prejudice or affect the Rights of the Mortgagees or other Persons to whom at the passing of this Act any Debts were due by the Canal Company, or in whose Favour any Sums of Money were secured upon the Canal and Works thereof, or other Property of the Canal Company.

Deeds to or by Canal Company

VII. And be it enacted, That all Conveyances, Contracts, Mortgages, and other Deeds made or entered into before the passing of this Act



Act to, with, in favour of, or by or on behalf of the Canal Company, and all Claims to which the Canal Company were liable or to which they had Right, shall be and remain as valid and effectual for or against or with reference to the Railway Company, and may be proceeded on and enforced by or against the Railway Company in such and the like Manner to all Intents and Purposes as if the Railway Company had by the said recited Acts relating to the Canal been invested with the Powers and Capacities of the Canal Company, and had been a Party to and executed such Conveyances, Contracts, Mortgages, and other Deeds, or had been named or referred to therein instead of the Canal Company.

to be for the Benefit of or to bind Railway Company.

VIII. And be it enacted, That all Rules, Bye Laws, Regulations, and Orders made under the Authority of the said recited Acts relating to the Canal, and which were in force immediately before the vesting of the Canal in the Railway Company, shall continue to be in full Force and Effect until such Rules, Bye Laws, Regulations, and Orders shall be repealed, altered, or varied by the Railway Company under the Powers hereby vested in them; and the said Rules, Bye Laws, Regulations, and Orders, and all Penalties and Forfeitures thereby imposed, shall and may be enforced, recovered, and applied by or in the Name of the Railway Company in such and the like Manner in all respects as such Rules, Bye Laws, Regulations, and Orders might have been enforced, and such Penalties and Forfeitures might have been recovered and applied, if the said Rules, Bye Laws, Regulations, and Orders, and the said Penalties and Forfeitures, had been actually made and imposed by the Railway Company under the Powers of this Act.

Bye Laws and Orders to continue in force until altered.

IX. And be it enacted, That from and after the vesting of the Canal in the Railway Company all the Powers, Authorities, Rights, Privileges, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Rules, Clauses, Matters, and Things in the said recited Acts relating to the Canal contained, and not now or heretofore specifically repealed, shall, with reference to the Canal, and the Wharfs, Locks, and other Works thereof, and Premises, to be vested in the Railway Company, and with reference to the Rates, Tolls, Duties, and Charges upon the Canal, and the Wharfs, Locks, and other Works thereof, granted by this Act, or in respect thereof or in anywise arising therefrom, and in reference to all Works, Matters, and Things which, if this Act had not been passed, might have been done or claimed under or by virtue of the said recited Acts relating to the Canal by the Canal Company in anywise in relation to the Canal, and the Wharfs, Locks, and other Works or Premises, or the Use thereof, save only so far as the same or any of them are inconsistent with the Provisions and Purposes of this Act, and subject to the Provisions herein contained, be fully and effectually exercised, enjoyed, executed, and carried into effect, and observed by and be applied and be applicable to the Railway Company, their Directors, Officers, and Servants, in every respect, and as fully and effectually to all Intents and Purposes, as if the Name of the Railway Company had in every Case been written or inserted in the said recited Acts relating to the Canal instead of the Name of

Powers of Canal Company to extend to and be exercised by Railway Company.

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the Canal Company, and as if the Directors of the Railway Company had been therein inserted in all Cases instead of the Committee of Management of the Canal Company.

As to Tolls  
to be levied  
on the Canal.

X. And be it enacted, That from and after the vesting of the Canal in the Railway Company the several Tolls, Rates, and Duties authorized to be levied under and by virtue of the said recited Acts relating to the Canal for or in respect of the Use of the Canal, and the Wharfs, Locks, and other Works thereof, shall be and the same are hereby repealed; and it shall be lawful for the Railway Company to demand, levy, and recover for the Use and Benefit of the Railway Company, for or in respect of all Passengers, Goods, Articles, Matters, and Things which shall pass upon the Canal, or any Part thereof, any Tolls and Duties not exceeding the several Tolls and Duties herein-after specified; (that is to say,)

For all Passengers, One Halfpenny *per Passenger per Mile* :

For all Limestone, Lime, Marl, Dung, Compost, and all Sorts of Manure (except Street or Police Manure), broken Stone, Stone for building, Paving Stone, Flags, Coal, Coke, Culm, Bricks, Tiles, Slates, Ores, Earth, Sand, Clay, Peats, Ironstone, Iron, Pig Iron, and other Iron not manufactured into Articles of Merchandize, One Penny *per Ton per Mile* :

For all Street or Police Manure, One Penny *per Ton per Mile* for the first Eight Miles, and One Halfpenny *per Ton per Mile* for the next Eight Miles; and no Tolls or Duties to be charged for any farther Distance than Sixteen Miles which such Manure may pass upon the Canal :

For all Timber, Deals, Bark, and Wood of every Kind, Two-pence *per Ton per Mile* :

For all Corn or other agricultural Produce, Two-pence Halfpenny *per Ton per Mile* :

For all Gunpowder, Four-pence *per Ton per Mile* :

For all Goods, Wares, Merchandize, Articles, Matters, and Things not before specified, Three-pence *per Ton per Mile* :

And in all Cases where any Passenger, or any Goods, Articles, Matters, or Things whatsoever, shall pass upon the Canal for any Space less than a Quarter of a Mile, such Passenger, Goods, Articles, Matters, or Things shall pay the same Tolls and Duties as if the same had passed One whole Quarter of a Mile; and in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Boat or Vessel navigating or passing on the Canal, a Proportion of the said Tolls and Duties may be demanded and levied for such Fraction, according to the Number of Quarters of a Ton contained therein; and where there shall be a Fraction of a Quarter of a Ton in such Weight of Lading, such Fraction shall be deemed a Quarter of a Ton.

Tonnage for  
Vessels  
empty or in  
Ballast.

XI. And be it enacted, That from and after the vesting of the Canal in the Railway Company it shall be lawful for the Railway Company to demand, levy, and recover for the Tonnage of all Boats and Vessels which shall pass upon the Canal without a Lading, or in Ballast only, or having less than Fifteen Tons of Goods or other Commodities on board, any Sum not exceeding Three-pence *per Ton per Mile* on  
Fifteen



Fifteen Tons: Provided always, that if any Boat or Vessel which shall have passed without a Lading or in Ballast only shall return upon the Canal with a Lading at any Time within the Space of Fourteen Days immediately after passing as aforesaid, Allowance and Deduction of the Amount of Tonnage paid by such Boat or Vessel when so passing shall be made by the Railway Company to the Owners, Masters, or Navigators of such Boat or Vessel out of the Tolls and Duties payable for such Lading, but that only rateably and in proportion to the Distance for which such Lading shall be liable to Payment of the said Tolls and Duties; and any Boat or Vessel which shall have passed with a less Quantity than Fifteen Tons shall on Return be allowed in the same Proportion a Deduction of what may be the Difference between the actual Tolls and Duties on the Goods on board and the Tonnage first paid for: Provided also, that if the Tonnage so paid by any Boat or Vessel which shall have passed without a Lading or in Ballast, or having less than Fifteen Tons on board, shall amount to a larger Sum than the Tolls and Duties payable for the Lading of such Boat or Vessel on returning, the Difference between such Tonnage and such Tolls and Duties shall be repaid by the Railway Company to the Owners, Masters, or Navigators of such Boat or Vessel, under Deduction, in the Case of a Boat or Vessel which shall have passed with a Lading of less than Fifteen Tons, of the Tolls and Duties chargeable in respect of such last-mentioned Lading, at the Rate or respective Rates leviable according to the Classification of Tolls and Duties herein-before contained, in respect of the particular Article or Articles of which such Lading may have consisted.

XII. And be it enacted, That from and after the vesting of the Canal in the Railway Company it shall be lawful for the Railway Company, in addition to the Tolls and Duties before specified, to demand, levy, and recover, for the Use and Benefit of the Railway Company, for or in respect of all Goods, Articles, Matters, and Things (excepting as herein-after mentioned) loaded or unloaded at any Basin, Wharf, or other Place on the Canal which may belong to the Railway Company, any Wharfage Dues not exceeding the Sums herein-after specified; (that is to say,) Wharfage  
Dues.

For all Coal and Charcoal loaded on any Part of the Canal, Two-pence *per* Ton:

For all Potatoes and Turnips loaded or unloaded on any Part of the *Broxburn* or *Linlithgow* Stages of the Canal, Two-pence *per* Ton for loading and Two-pence *per* Ton for unloading:

For all Rubble Stone (not Road Metal nor other Whinstone) loaded or unloaded on any Part of the *Edinburgh* Stage of the Canal, One Halfpenny *per* Ton for loading and One Halfpenny *per* Ton for unloading:

For all Goods, Articles, Matters, and Things not before specified, and not hereby expressly exempted, which shall be loaded or unloaded on any Part of the *Edinburgh* or *Linlithgow* Stages of the Canal, One Penny *per* Ton for loading and One Penny *per* Ton for unloading:

For all Goods, Articles, Matters, and Things not before specified, and



and not hereby expressly exempted, which shall be loaded or unloaded on any Part of the *Broxburn* or *Redding* Stages of the Canal, Two-pence *per* Ton for loading and Two-pence *per* Ton for unloading :

And for the Purposes of this Act the *Edinburgh* Stage of the Canal shall be held as commencing at *Edinburgh* (including the Basins and Wharfs at *Edinburgh*), and extending to the Commencement of the Ninth Mile from *Edinburgh* ; the *Broxburn* Stage as commencing at the Western Termination of the *Edinburgh* Stage, and extending to the Commencement of the Seventeenth Mile from *Edinburgh* ; the *Linlithgow* Stage as commencing at the Western Termination of the *Broxburn* Stage, and extending to the Commencement of the Twenty-fifth Mile from *Edinburgh* ; and the *Redding* Stage as commencing at the Western Termination of the *Linlithgow* Stage, and extending to the Western Termination of the Extension Cut of the Canal, and to the Junction with the *Forth and Clyde* Navigation.

Exemptions  
from Wharf-  
age Dues,  
&c.

XIII. And be it enacted, That all Slates, Tiles, Bricks (not being Fire Bricks), Sand, Soil, Rubbish, Peats, Dung, and Manure loaded or unloaded on any Part of the Canal, and all Dross loaded on the *Redding* Stage of the Canal, and all Road Metal or Whinstone loaded or unloaded on the *Linlithgow* or *Redding* Stages of the Canal, and all Potatoes or Turnips loaded or unloaded on the *Edinburgh* or *Redding* Stages of the Canal, shall severally be exempted from Wharfage Dues ; and it shall not be lawful to demand or take for any Limestone, Lime, Marl, Dung, Compost, or other Sorts of Manure, broken Stone, Stone for building, Paving Stone, Flags, Coals, Coke, Dross, Culm, Bricks, Tiles, Slates, Ores, Earth, Sand, Clay, Peats, Ironstone, Iron, Pig Iron, or other Iron not manufactured into Articles of Merchandize, loaded or unloaded at *Edinburgh*, or within One Mile thereof, any Sums for Wharfage and other Dues, and for the Use of any Cranes which the Railway Company may furnish, in respect of such loading or unloading, and for City Dues, exceeding One Penny *per* Ton in all.

Rates on  
Goods re-  
maining on  
Wharfs.

XIV. And be it enacted, That if any Goods, Articles, Matters, or Things which shall pass upon the Canal shall lie or remain upon any Wharf or Quay on the Canal which may belong to the Railway Company, or on the Banks of the Canal, for any Space exceeding Forty-eight Hours, it shall be lawful for the Railway Company to demand, levy, and recover for the Time such Goods, Articles, Matters, or Things shall so lie or remain exceeding the said Space such reasonable Rates, over and above the Tolls, Duties, and Dues herein-before authorized to be levied, as shall be fixed by the Railway Company, not exceeding Two-pence *per* Ton for each Day of Twenty-four Hours, or for any Part of a Day.

Dues for  
Passage of  
Locks.

XV. And be it enacted, That, in addition to the Tolls, Duties, and Dues herein-before specified, it shall be lawful for the Railway Company to demand, levy, and recover, for the Use and Benefit of the Railway Company, for or in respect of the Cargo or Lading of any Boat or Vessel passing through the Locks of the Canal or any of them,  
and



and in respect of all Timber passing through the Locks of the Canal or any of them, such Sum not exceeding One Penny *per* Ton in respect of each such Lock passed through by such Boat or Vessel or Timber as shall from Time to Time be fixed by the Railway Company: Provided always, that if any Boat or Vessel or Timber so passing the said Locks or any of them shall also pass upon any Part of the Canal, all Sums which shall have been paid in respect of the Passage through any Lock or Locks shall be deducted from the Tolls and Duties which may be payable for such Cargo or Lading or Timber in respect of such Passage along the Canal, if such Tolls and Duties shall amount to as much as shall have been paid for such Passage of any Lock or Locks; and if such Tolls and Duties shall not amount to as much as shall have been paid for such Passage of any Lock or Locks, then such Tolls and Duties shall be held as extinguished in respect of the Sums paid as aforesaid for such Passage through any Lock or Locks of the Canal.

XVI. And be it enacted, That it shall not be lawful for the Railway Company, their Agents, Officers, or Servants, to give any Preference to any Persons, Vessels, or Goods whatsoever as against any other Persons, or other similar Vessels or similar Goods whatsoever, as respects the Use of the Canal, or the Wharfs, Locks, or other Works and Conveniences thereunto belonging, or any Cranes which the Railway Company may furnish, or the Dues charged for such Use; and in case the Railway Company, their Agents, Officers, or Servants, shall give any such Preference, the Railway Company shall upon Conviction for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds, to be recovered and applied in manner directed by "The Companies Clauses Consolidation (*Scotland*) Act, 1845."

Penalty on Railway Company for giving undue Preference.

XVII. And be it enacted, That all Persons whomsoever shall have free liberty to use with Horses, Cattle, and Carriages the Roads, Ways, and Passages belonging at the passing of this Act to the Canal Company leading to the Canal (except the Towing Paths) for the Purpose of conveying any Passengers, Merchandize, Timber, Goods, Matters, and Things to or from the Canal, or any Part thereof, without making any Payment for the Use of such Roads, Ways, and Passages, and also to navigate and pass upon and use the Canal and Locks thereof with Boats or Vessels, and to use and employ the Wharfs and Quays for taking on board and landing Passengers, and for loading or unloading Merchandize, Timber, Goods, Matters, and Things, and also to use the said Towing Path with Horses or other Cattle for towing such Boats and Vessels, upon Payment of such Tolls, Duties, and Dues as shall be demanded, not exceeding the respective Sums by this Act authorized to be levied, and subject to the Rules, Regulations, and Bye Laws made, or which shall be from Time to Time in force.

Canal to be free on Payment of Rates.

XVIII. And whereas the Debts due by the Canal Company amount to the Sum of One hundred and sixteen thousand one hundred and seventy-nine Pounds One Shilling and One Penny or thereby, and the estimated Value of the Lands and other Heritages and of the Debts

Railway Company to raise Money for Payment of

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Debts secured on Canal.

and other Personal or Moveable Property herein reserved to the Canal Company amounts to the Sum of Twenty-one thousand and seventy-five Pounds Four Shillings and Four-pence, leaving a Balance of Ninety-five thousand one hundred and three Pounds Sixteen Shillings and Nine-pence: Be it enacted, That it shall be lawful for the Railway Company to raise and take up on Mortgage (over and above any other Sum or Sums which they may be authorized to raise or take up on Loan by any Act or Acts passed or to be passed in the present Session of Parliament) a Sum or Sums of Money not exceeding Ninety-five thousand Pounds, to be applied in Payment of the Debts due by the Canal Company as aforesaid, and to grant Mortgages for the same; and the Railway Company are hereby required to pay to the Persons who at and immediately before the passing of this Act were Mortgagees or Creditors of the Canal Company, according to the Priority and Preference under the said recited Acts relative to the Canal of their respective Rights, the Sums of Money due to them respectively to the Extent in all of a Sum not exceeding Ninety-five thousand Pounds, with Interest thereon from the Time of the passing of this Act.

Former Mortgages and Guarantees to have Priority.

XIX. Provided always, and be it enacted, That all Mortgages, or Guarantees of Interest, or Guarantees of Dividends on Shares or Stock, or Guarantees of Rents or surplus Profits of Railways, made or granted by the Railway Company, or for which the Railway Company were liable, before the passing of this Act, under or by virtue of any Act passed in any former Session of Parliament, and which shall be in force at the Time of the passing of this Act, shall have Priority and Preference on the Funds of the Railway Company over any Dividends on new Shares or Stock to be made or granted in virtue of this Act.

Railway Company authorized to create Stock for Shareholders of Canal Company.

XX. And whereas the Capital Stock of the Canal Company consists of Two hundred and forty thousand five hundred Pounds, divided into Four thousand eight hundred and ten Shares of Fifty Pounds each, of which Stock there has been paid up the Sum of Two hundred and forty thousand four hundred Pounds, being the whole of the said Shares, with the Exception of Two Shares: And whereas the Expense of making and completing the Canal, including a Sum of Money set apart for Compensation to Landowners and others, amounted to Two hundred and twenty-one thousand two hundred and sixty Pounds more than the said Capital, which Sum of Two hundred and twenty-one thousand two hundred and sixty Pounds was in virtue of and under the Powers contained in the said recited Act of the Seventh Year of His Majesty King *George* the Fourth allocated among and constituted a Debt affecting each of the said Four thousand eight hundred and ten Shares, amounting to the Sum of Forty-six Pounds on each Share: And whereas the said Debt of Forty-six Pounds *per* Share has been paid up upon the Stock of the Canal Company to the Extent of Three thousand one hundred and seventy-four Shares, which constitute the unburdened Shares or Stock of the Canal Company, and there still remain One thousand six hundred and thirty-six Shares of the Canal Company on which the said Debt of Forty-six Pounds *per* Share has not been paid up, which constitute the burdened Shares or Stock:



Stock: Be it enacted, That it shall be lawful for the Railway Company and they are hereby required to create new Stock of the Railway Company to the Extent (over and above any new Stock which they may be authorized to create by any Act or Acts passed or to be passed in the present Session of Parliament) of a Sum not exceeding One hundred and fourtzen thousand Pounds, which new Stock shall have the same Rights and Privileges, and be subject to the same Rules, Restrictions, and Regulations, as the other Stock of the Railway Company; and the Railway Company are hereby required, within One Month after the passing of this Act, to dispose of and apply such new Stock as follows; (that is to say,) to divide the Sum of One hundred and five thousand eight hundred Pounds thereof among the Persons who at and immediately before the vesting of the Canal in the Railway Company were Holders or Proprietors of unburdened Shares or Stock of the Canal Company according to the Proportion of the unburdened Shares or Stock held by them respectively, and to divide the remaining Sum of Eight thousand two hundred Pounds of such new Stock among the Persons who at and immediately before the vesting of the Canal in the Railway Company were Holders or Proprietors of burdened Shares or Stock of the Canal Company according to the Proportion of burdened Shares or Stöck held by them respectively.

XXI. And be it enacted, That if within One Month after the passing of this Act the Debt due by the Canal Company, including the Sum of Two thousand three hundred and ninety-two Pounds Six Shillings and Four-pence still remaining of the Amount set apart as Compensation Money to Landowners and others, shall not have been reduced to the Sum of Ninety-five thousand Pounds, then and in such Case the Railway Company shall retain from the Amount of Stock to be made over to the respective Proprietors of Stock of the Canal Company a Sum not exceeding Ten *per Centum* upon the Amount of the Stock of the Railway Company so directed to be made over to such Proprietors respectively; which Sum so retained shall remain as a Guarantee for the Reduction of the Debts of the Canal Company to Ninety-five thousand Pounds, and shall, on the said Debts being reduced to the said Sum, be made over by the Railway Company to the Persons from whom the said Retention was made, their Heirs, Executors, Administrators, and Assigns, with the corresponding Dividends from the Date of Retention; and if any Part of the Stock so retained shall require to be applied for Reduction of the said Debts to Ninety-five thousand Pounds, the same shall be sold and applied accordingly by the Railway Company at the sight of the Committee of Management of the Canal Company, or their Quorum, and the Balance only of the said Stock retained, with the corresponding Dividends, shall be made over as aforesaid.

Provision in case Balance of Canal Company's Debt shall exceed 95,000*l*.

XXII. And whereas the burdened Stock of the Canal Company extends to One thousand six hundred and thirty-six Shares, each of which Shares is subject to the Sum of Forty-nine Pounds Five Shillings and One Penny Halfpenny of Debt affecting the same, being the Amount of Debt constituted a Burden thereon as aforesaid and Interest: Be it enacted, That if any of the Persons who at the passing

Proviso in case of Holders of burdened Canal Shares paying up of



Debt affect-  
ing the  
same.

of this Act are Holders or Proprietors of burdened Shares of the Canal Company shall, within Twelve Months after the passing of this Act, pay up to the Railway Company the Debt affecting their respective Shares and Interest thereon till paid, such Persons shall be entitled to receive from the Railway Company Stock of the Railway Company to the same Amount *per* Share as shall have been or shall be allotted to the Holders of unburdened Shares, together with a Sum corresponding to the Dividends thereon declared by the Railway Company from and after the Lapse of a Month after the passing of this Act, subject in the event foresaid to the like Retention as aforesaid; and in such Case it shall be lawful for the Railway Company, after the Lapse of Twelve Months from the passing of this Act, to create as much additional new Stock of the Railway Company as shall be sufficient for enabling them to make over, or to make over and retain, as the Case may be, to or for the Persons so paying up the Debt on their burdened Shares, Stock or Shares of the Railway Company corresponding in manner foresaid to the Canal Shares the Debt affecting which shall be so paid up, not exceeding in all the Sum of Forty-six thousand three hundred and thirty-three Pounds Six Shillings and Eight-pence, which additional new Stock shall have the same Rights and Privileges, and be subject to the same Rules, Restrictions, and Regulations, as the other Stock of the Railway Company; and in such Case the Powers of borrowing and taking Money on Loan hereby granted to the Railway Company shall be and the same are hereby restricted, so as that the total Amount to be borrowed or taken up permanently on Loan shall be diminished by Deduction from the foresaid Sum of Ninety-five thousand Pounds of the Sum of Forty-nine Pounds Five Shillings and One Penny Halfpenny for every burdened Canal Share, the Debt on which shall have been so paid up: Provided always, that all such Persons, Holders or Proprietors of burdened Shares of the Canal Company, as shall not, within the said Space of Twelve Months, pay up the said Debt affecting their Shares and Interest thereon, shall have no Claim against the Railway Company, except for their Proportion of the said Sum of Eight thousand two hundred Pounds of new Stock as aforesaid: Provided also, that the Railway Company shall have no Claim or Demand against the Holders or Proprietors of burdened Shares of the Canal Company in respect of their said Shares, or the Debt affecting the same, or Interest thereon.

Registra-  
tion Fee to  
be paid on  
Canal  
Stock.

XXIII. And be it enacted, That for each Share of Canal Stock in respect of which any Person shall obtain Railway Stock as aforesaid there shall, at or prior to the Entry of the Name of such Person as a Shareholder in the Books of the Railway Company for such Railway Stock, and before such Person shall have Right to such Stock, or to receive Dividends in respect thereof, be payable and paid to the Railway Company a Registration Fee at the Rate of One Pound for each unburdened Share, and Five Shillings for each burdened Share, belonging to any such Person.

Forfeiture  
in case of  
Nonpay-  
ment of  
Registraticn  
Fee.

XXIV. And be it enacted, That in case the Lapse of Twelve Months from the passing of this Act there shall be any Shares of the Canal Company in respect of which the said Registration Fee shall not have been paid, it shall be lawful to the Railway Company to declare a  
Forfeiture



Forfeiture of the Right to the Railway Stock corresponding to such Shares, and to sell and dispose of the Stock so forfeited in manner provided in the Case of the Forfeiture and Sale of Stock in respect of unpaid Calls by the Companies Clauses Consolidation (*Scotland*) Act, 1845, the Railway Company thereupon paying to the Persons entitled to such Stock the Proceeds of the Stock so sold and any Dividends thereon, under Deduction of Expenses, and also under Deduction of any Portion corresponding thereto of the Excess (if such shall be) of the Debt of the Canal Company beyond the said Sum of Ninety-five thousand Pounds.

XXV. And be it enacted, That the Railway Company shall and they are hereby required, from Time to Time, and at all Times from and after the vesting of the Canal in the Railway Company, to keep and maintain the Canal and the Works thereto belonging, and every Part thereof respectively, in good working Order and Condition, and preserve the same Supplies of Water as heretofore, so that the Canal and every Part thereof may at all Times be kept open and navigable for Vessels of the same Burden as at the Time of the passing of this Act ordinarily use the same, for the Use of all Persons desirous to navigate the said Canal, and that without any unnecessary Hindrance, Interruption, or Delay and in case the Railway Company shall not so keep and maintain the Canal, and the several Towing Paths, Buildings, and Works belonging thereto, in such good working Order and Condition, and preserve the Supplies of Water as aforesaid, then and in every such Case it shall be lawful for the Commissioners of Railways, if they think fit, upon the Complaint and at the Cost of any Persons using or desirous of using the Canal, and after giving Fourteen Days Notice in Writing to the Railway Company, to cause an Inquiry and Examination to be made as to the State and Condition of the Canal, and the several Towing Paths, Buildings, and Works belonging thereto; and if upon such Inquiry and Examination the same shall not be found to be in such good working Order and Condition as aforesaid, it shall be lawful for the said Commissioners to cause a Notice to be given to the Railway Company to put the same and every Part thereof in such good working Order and Condition; and in default of their putting the same into such good Order and Condition within Sixty Days from the Delivery of such Notice as aforesaid, it shall be lawful for the said Commissioners to cause the same to be put into such good Order and Condition as aforesaid; and the Costs, Charges, and Expenses of making such Inquiry and Examination, and of putting the Canal and Works into such good Order and Condition, shall be borne and paid by such Party and in such Manner as the said Commissioners shall order and direct, and if not so paid, the Party entitled to receive such Costs, Charges, and Expenses shall and may recover the same by Action at Law in any competent Court in *London* or *Edinburgh* against the Party or Parties ordered to pay the same.

Railway  
Company to  
keep Canal  
in working  
Order.

XXVI. And be it enacted, That if at any Time after the vesting of the Canal in the Railway Company it shall appear to the said Commissioners that any Evil or Inconvenience has arisen or is likely to arise to the Public, directly or indirectly, from the Transference of the  
[Local.]

6 U

Canal

Commis-  
sioners of  
Railways  
may remedy  
Incon-  
veniences.



Canal to the Railway Company, whereby the Use of the Canal by the Public has been or may be injuriously affected, it shall be lawful for the said Commissioners to require the Railway Company forthwith to adopt all Measures necessary for the effectual Prevention or Correction of such Evil or Inconvenience; and upon the Failure or Inability of the Railway Company to comply with such Requisition within a Period of Six Months from the Date thereof, it shall be lawful for the said Commissioners to serve the Railway Company with Notice to introduce into Parliament in the then existing Session of Parliament, if Parliament be then sitting, and if not, in the next ensuing Session, a Bill for amending this Act in such Particulars as shall be specified by the said Commissioners, and thereupon the Railway Company shall and they are hereby required to introduce such Bill accordingly, and duly to prosecute the same, in default whereof it shall be lawful for the said Commissioners to introduce or prosecute, as the Case may be, such Bill at the Expense of the Railway Company.

As to Duty payable to the City of Edinburgh.

XXVII. And whereas under the Act first herein recited Magistrates and Town Council of the City of *Edinburgh* are entitled and have been in use to receive a Duty of One Penny *per* Ton upon all Goods, Wares, Merchandize, and other Articles, except Manure, loaded, shipped, or landed at or on the Basins, Quays, or Wharfs at the East End of the Canal, or within One Mile's Distance of such East End, the yearly Amount of which Duty, upon an Average of the last Fifteen Years, is Five hundred and twenty-nine Pounds Eleven Shillings and One Penny: And whereas it is equitable that the Rights and Interests of the said City should be protected: Be it enacted, That the Railway Company shall levy, collect, account for, and pay the said Duty to the Treasurer of the said City for behoof of the ordinary Revenues thereof in the same Way and Manner as the Canal Company have heretofore been in use to do; and if, after the vesting of the Canal in the Railway Company the said Duty for the Year commencing on the First Day of *July* in the present Year One thousand eight hundred and forty-nine, and ending on the Thirtieth Day of *June* One thousand eight hundred and fifty, or for any Year from the First Day of *July* of one Year to the Thirtieth Day of *June* of the Year succeeding in Time to come, shall fall in Amount below the said average yearly Sum of Five hundred and twenty-nine Pounds Eleven Shillings and One Penny, the Railway Company shall, when and so often as the same shall happen, be liable and bound to pay to the Treasurer of the said City the Amount of Difference between the Sum actually received and the said Sum of Five hundred and twenty-nine Pounds Eleven Shillings and One Penny: Provided always, that should the Sums received by the said Magistrates and Town Council, through their Treasurer as aforesaid, for any One or more of such Years, exceed the said average yearly Sum, they shall notwithstanding be entitled to receive such Duty, to whatever Sum it may amount, as they have hitherto been entitled and accustomed to do: Provided also, that if in any Year or Years the Sum so received shall exceed the said average yearly Sum, the Excess shall be applied towards making up the said average yearly Sum in any future Year or Years in which there may be Deficiency.

XXVIII. And



XXVIII. And be it enacted, That it shall not be lawful for the Railway Company, out of any Money by this Act or any other Act relating to the Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Railway Company to construct any other Railway, or execute any other Work or Undertaking.

Deposits for future Bills not to be paid out of Money authorized to be raised.

XXIX. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Canal from the Provisions of any general Act relating to this Act, or of any general Act relating to Canals, or to Canals amalgamated with Railways, or of any Act relating to the Railway, now in force or which may pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the Tolls, Rates, and Duties authorized to be taken by this Act.

Canal not exempted from future general Acts.

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

Railway Company to be subject to the Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. 105.

XXXI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by the said recited Acts relating to the Railway Company authorized to be made, or the Railway Company, from the Provisions of any general Act relating to such Acts, or of any general Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force, or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by the said recited Acts or this Act.

Railway not to be exempt from Provisions of any general Act.

XXXII. And



Definition of  
Terms.

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

Words importing the Singular shall include the Plural Number, and

Words importing the Plural shall include the Singular Number :

Words importing the Masculine Gender shall include Females :

The Word "Persons" shall include Companies or Corporate Bodies :

The Expression "Canal" shall mean the *Edinburgh and Glasgow Union Canal* :

The Expression "Canal Company" shall mean the *Edinburgh and Glasgow Union Canal Company* :

The Word "Railway" shall mean the *Edinburgh and Glasgow Railway* :

The Expression "Railway Company" shall mean the *Edinburgh and Glasgow Railway Company* :

The Word "Mortgages" shall include Bonds and Assignations or other Securities granted or to be granted under the Provisions of the said recited Acts or any of them, or of this Act ; and the Word "Mortgagees" shall include the Creditors under any such Mortgages.

## Short Title.

XXXIII. And be it enacted, That in reciting this Act in other Acts of Parliament, and in legal Instruments, Deeds, and Proceedings, it shall be sufficient to use the Expression "The *Edinburgh and Glasgow Railway and Edinburgh and Glasgow Union Canal Amalgamation Act, 1849.*"

Expenses  
of Act.

XXXIV. And be it enacted, That the Expenses of passing this Act or incidental thereto, and of the said Disposition or Deed of Conveyance and Stamp or incidental thereto, shall be paid by the Railway Company out of the Rates, Tolls, and Duties levied on the Railway and Canal after the vesting of the Canal in the Railway Company, and in preference to any other Payment whatsoever.

## Public Act.

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



SCHEDULES to which this Act refers.

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SCHEDULE (A.)

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1. The Lands of Glenfuir in the County of Stirling, and also that Part of the Lands of Dorator acquired by the deceased Walter Ferrier from the late Michael Bruce, and that Part of the Lands of Bantaskine acquired by the deceased Walter Ferrier from Adam and John Livingstone, and that Part of the Lands of Bantaskine, extending to Eighteen Acres or thereby, lying on the East of the said Lands of Glenfuir, all in the County of Stirling, with the Mansion House and other Buildings, and a Right to the Use for the said Lands, Mansion House, and others of the Road from Lock Number Sixteen of the Forth and Clyde Navigation to Lock Number Eleven of the Edinburgh and Glasgow Union Canal; but excepting always from this Schedule those Parts of the said Lands sold to James Russell and Henry Aitken, and also those Parts of the said Lands which lie on the West Side of the Locks of the Edinburgh and Glasgow Union Canal, and all the Portions of the said Lands occupied by the Canal itself, and the Locks, Ponds, Basin, and Works thereof, and also the Right of Property of the Road before mentioned.

2. Union Hotel and Offices and Garden attached thereto, and Field on the West and South-west thereof, situated at Lock Number Sixteen of the Forth and Clyde Navigation.

3. Inn and House, Fountain Bridge, Edinburgh, possessed by Murdoch Fraser.

4. Land at Murray's Burn in the County of Edinburgh, possessed by William Lowrie.

5. Ground at Linlithgow, occupied by William Clark.

6. Houses and Gardens at Tiend Barns, Linlithgow, occupied by John Meikle and Alexander Robertson.

7. Superiority of Grounds at Linlithgow, feued to Edward Amory Jardine, Donald M'Kenzie, and James Hill.

8. Lands of Tolcross, Edinburgh, so far as the same lie to the East of Downie Place, Lothian Road, Edinburgh.

9. The Teinds of the various Lands and others before mentioned.

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## SCHEDULE (B.)

1. All Debts due to the Canal Company.
  2. All Arrears of Tolls.
  3. All Arrears of Rents and Feu Duties.
  4. All Cash in Cashiers, Collectors, and Bankers Hands.
  5. Two Steam Tugs.
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