



ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

Cap. lviii.

An Act to enable the *Wishaw and Coltness Railway Company* to raise a further Sum of Money; and to amend the Acts relating to the said Undertaking. [1st July 1839.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for making a Railway from Chapel in the Parish of Cambusnethan in the County of Lanark, by Coltness and Gariongill, to join the Monkland and Kirkintilloch Railway where the same passes through the Lands of Coats or Garturk in the Parish of Old Monkland and County of Lanark*, whereby the Persons thereby united into a Company, and made one Body Corporate by the Name and Style of "*The Wishaw and Coltness Railway Company*," for making, completing, and maintaining the said Railway called "*The Wishaw and Coltness Railway*," and other Works, were authorized to raise and contribute amongst themselves a competent Sum of Money, not exceeding the Sum of Sixty thousand Pounds, in One thousand two hundred Shares of Fifty Pounds each; and also to borrow, on the Credit of the said Undertaking, a further Sum not exceeding Twenty thousand Pounds, for effecting the Purposes aforesaid, and the other Purposes of the said Act: And whereas another Act was passed in the Fourth Year of the Reign of His late Majesty King *William the Fourth*, intituled *An Act for extending* 10 G. 4. c. 107.

[*Local.*] 16 H 4 W. 4. c. 41. the

1 Vict. c. 100.

Recited Acts
extended to
this Act.Company
empowered
to raise a
further Sum
of Money.New Sub-
scribers to
pay Calls
made by the
Committee.

the Time for completing the Wishaw and Coltness Railway in the County of Lanark, whereby the Time limited by the said recited Act for the Completion of the said Railway, Branches, and other Works, which expired on the First Day of *June* in the Year One thousand eight hundred and thirty-four, was extended and enlarged for the further Space of Three Years, to be computed from the passing thereof: And whereas another Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act for further extending the Time for completing the Wishaw and Coltness Railway in the County of Lanark*, whereby the Time so extended by the said last-recited Act, and which expired on the Sixteenth Day of *June* in the Year One thousand eight hundred and thirty-seven, was further extended and enlarged for the Space of Three Years, to be computed from the passing thereof: And whereas the said Company are proceeding to form and complete the Main Line of the said Railway leading to the Estates of *Wishaw, Coltness, and Allanton*, and the other unfinished Works authorized to be executed by the said first-recited Act: And whereas the said Sums of Sixty thousand Pounds and Twenty thousand Pounds are insufficient to defray the Cost of completing the said Railway and Works, and it is expedient and necessary that the said Company should be empowered to raise a further Sum of Money for effecting all the Purposes of the said recited Acts, and that the said Acts should be enlarged, altered, and amended; but the same cannot be accomplished without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and all the Powers, Authorities, Provisions, Regulations, Directions, Privileges, Penalties, and Things whatsoever therein contained, except in so far as the same are hereby altered or varied, shall extend to this Act, and shall operate and be in force, for carrying the Purposes of this Act into execution, as fully and effectually as if the same and every Part thereof were repeated and re-enacted in this Act.

II. And be it further enacted, That it shall and may be lawful to and for the said Company and they are hereby authorized and empowered, at any Time or Times hereafter, to raise any such further Sum or Sums of Money as they may deem necessary, not exceeding the Sum of Sixty thousand Pounds Sterling, by the Creation of new or additional Shares of Fifty Pounds each, of and in the Capital Stock of the said Company and Undertaking, to be contributed amongst themselves, or by new Subscribers, or partly in each or wholly in either of these Ways, and in such Shares or Proportions, and in such Manner, as to them shall seem meet.

III. And be it further enacted, That all and every Persons and Person who have or hath already subscribed or who shall hereafter subscribe any Money for or towards the Purposes of the said recited Acts and this Act, shall, and they, he, or she are and is hereby required to pay the Sums or Sum of Money by them, him, or her respectively

respectively 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 Directions of the said first-recited Act, at such Time or Times and Place or Places as shall be appointed for that Purpose by the said Committee; and in case any Person 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 so to be appointed, it shall be lawful for the said Company to sue for and recover the same, with Interest thereon, in any Court of Law or Equity.

IV. And be it further enacted, That it shall and may be lawful for the said Company and they are hereby authorized from Time to Time to borrow and take up at Interest on the Credit and Security of the said Undertaking, in the Manner provided by the said first-recited Act, any further Sum or Sums of Money not exceeding One Third Part of the then existing Capital Stock of the said Company, including in such further Sum or Sums the Sum of Twenty thousand Pounds authorized to be borrowed by the said first-recited Act: Provided always, that before any such further Sum or Sums of Money shall be so borrowed and taken up at Interest the Amount of such Capital Stock shall have been actually paid up to the said Company.

Company may borrow a further Sum of Money, under certain Restrictions.

V. Provided always, and be it further enacted, That on the Repayment of the Sums of Money by the said first-recited Act and this Act authorized to be borrowed, or any Part or Parts thereof, it shall and may be lawful to and for the said Company again to borrow and take up at Interest, from Time to Time, on the Credit and Security of the said Undertaking, to the Extent of the Sum or Sums so repaid, or such Part or Parts thereof as to them shall seem meet and convenient, but so that the whole Money borrowed and due and owing under the said Act and this Act shall not at any Time exceed the Sums thereby and hereby authorized to be borrowed.

On the Repayment of borrowed Money the same Amount may be again borrowed.

VI. Provided also, and be it further enacted, That the whole Monies hereby authorized to be raised and borrowed, or so much thereof as shall be so raised or borrowed, shall be laid out and applied towards the Purposes of the said recited Acts and this Act, and to or for no other Purpose whatsoever.

Application of Monies to be raised or borrowed.

VII. Provided also, and be it further enacted, That nothing herein contained shall be held or construed to alter, affect, or diminish any Security or Securities, or Mortgage or Mortgages, granted for Money borrowed under the Authority of the said recited Acts, but that the same shall remain good, valid, and effectual, and shall have Priority and be preferable to any Securities or Mortgages which shall be granted by virtue of this Act; any thing in this Act contained to the contrary thereof notwithstanding.

Prior Mortgages not to be affected by this Act.

VIII. And be it further enacted, That the Charges by the said recited Acts or either of them authorized to be made for the Carriage of Passengers, Goods, Animals, or other Matters or Things to be conveyed

Rates of Carriage to be charged equally.

veyed by the said Company, or for the Use of any Steam Power or Carriage to be supplied by the said Company, shall be at all Times charged equally to all Persons, and after the same Rate *per* Mile, or *per* Ton *per* Mile, in respect of all Passengers, and of all Goods, Animals, or Carriages of a like Description, and conveyed or propelled by a like Carriage or Engine, passing on the same Portion of the Line; and no Reduction or Advance in any Charge for Conveyance by the said Company, or for the Use of any locomotive Power to be supplied by them, shall be made, either directly or indirectly, in favour of or against any particular Company or Person travelling upon or using the same Portion of the said Railway.

Bye Laws to be invalid unless allowed by the Sheriff.

IX. And be it further enacted, That no Bye Laws or Regulations already made by the said Company under the Authority of the said first-recited Act (except such as relate solely to the Proprietors or Committee of the said Company, or to any of their Officers or Servants,) shall continue in force for a longer Space of Time than Six Calendar Months next after the passing of this Act, unless the same shall previously to the Expiration of that Period have been submitted to and approved by the Sheriff Depute of the County of *Lanark* or any one of his Substitutes; and that no Bye Law or Regulation (except as aforesaid) which shall be made by the said Company after the passing of this Act shall have any Operation or Effect until the same shall have been in like Manner approved by the said Sheriff Depute or one of his Substitutes; but every such Bye Law or Regulation, when approved as aforesaid, shall be binding and conclusive upon all Persons whomsoever.

Procedure authorized before Justices to be equally competent before Sheriffs.

X. And be it further enacted, That in all Cases where Provision is made by the said recited Acts or either of them for Punishment of Offences against the same, or against the Bye Laws or Regulations made in virtue thereof, by Procedure before any Justice or Justices of the Peace, such Procedure shall be lawful and equally competent before the Sheriff Depute of the said County of *Lanark* and his Substitutes.

Special Constables may be appointed by Justices of the Peace.

XI. And be it further enacted, That it shall be lawful for any Two Justices of the Peace for the County of *Lanark*, and they are hereby required, on the Application of the said Company, to appoint; from Time to Time, such fit and proper Persons as they shall think proper to be Special Constables upon the said Railway and other Works and every or any Part thereof; and every Person so appointed shall make a solemn Declaration, to be administered by any One Justice of the Peace, that he shall duly execute the Duties of Special Constable upon and for the said Premises; and every Person so appointed, and having made such Declaration as aforesaid, shall have Power to act as a Constable for the Preservation of the Peace, and for the Security of Persons and Property against Felonies and other unlawful Acts, within the Limits of the said Premises, and within One Mile therefrom, and shall have, use, exercise, and enjoy all such Powers, Authorities, Protections, and Privileges, for apprehending Offenders, as well by Night as by Day, and for doing all Acts, Matters, and Things for the Prevention, Discovery, and Prosecution of Felonies and other Offences,

Offences, and for the Preservation of the Peace, as Constables duly appointed now have by the Laws and Statutes of this Kingdom; and it shall be lawful for any Two Justices of the said County to dismiss or remove any such Constable from his Office of Constable, and upon every such Dismissal or Removal all Powers, Authorities, Protections, and Privileges by virtue of such Appointment as aforesaid vested in any Person so dismissed or removed shall cease; and every Person so appointed by such Justices as aforesaid shall, during such Time as he shall act as Constable for the Purposes aforesaid, receive from the said Company such Remuneration as may be agreed upon between him and the said Company, or, for Want of such Agreement, as any Two such Justices shall appoint.

XII. And be it further enacted, That it shall be lawful for any Constable appointed as aforesaid, and for any Officer or Agent of the said Company, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Residence shall be unknown to such Constable, Officer, or Agent, who shall commit any Offence against the said recited Acts and this Act, or any or either of them, or the Bye Laws, Rules, and Regulations thereby authorized, and convey such Person, with all convenient Despatch, before any Magistrate by the said recited Acts and this Act or either of them authorized to take cognizance of such Offence, without any Warrant or other Authority than this Act; and such Magistrate is hereby empowered and required to proceed with all convenient Despatch to the hearing and determining of the Complaint; and it shall be lawful for any such Constable, and the Officers, Agents, and Servants of the said Company, in every Case of Infraction or Non-observance of any of the said Bye Laws, Rules, and Regulations which shall be attended with Danger to the Public, or Annoyance to Travelers, summarily to interfere and obviate such Danger, or to remove or prevent the same.

Persons offending against Acts may be apprehended, and certain dangerous Obstructions may be removed.

XIII. And be it further enacted, That the Rules, Orders, and Regulations of the said Company, and the Tables of Rates, Tolls, and Duties leviable by them, which are directed by the said recited Act to be painted on Boards for the Purpose of Publication, may either be so painted or may be legibly printed on Paper pasted on such Boards, and affixed, published, and renewed as by the said recited Act directed, and such Publication shall be effectual for the Purposes of the said recited Act and this Act.

Rules and Regulations, and Tables of Rates, may be printed instead of being painted.

XIV. And whereas it was provided by the said first-recited Act that no Action, Suit, or Complaint should be brought, commenced, or prosecuted against any Person or Persons for any thing done or to be done in pursuance of the said Act, or in execution of any of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under the said Act, unless Fourteen Days previous Notice in Writing should be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Complaint, to the said Company, or to their Clerk or Treasurer for the Time being, or unless such Action, Suit, or Complaint should be brought and commenced within Six Calendar Months next after the Fact committed,

Repeal of Limitation of Actions.

or in case there should be a Continuation of Damage, then within Six Calendar Months next after the doing or committing such Damages should cease, and not afterwards; and the Defender or Defenders in such Action, Suit, or Complaint should and might give the said 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 the said Act; and if it should appear to have been so done, or if such Action, Suit, or Complaint should 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 should be given for the Defender or Defenders; and if any such Action, Suit, or Complaint should be dismissed or found irrelevant, or if the same should be suffered to fall asleep, or if Judgment should be given against the Pursuer or Pursuers, the Defender or Defenders should have Treble Costs or Expences, and should have such Remedy for the same as any Defender hath for Costs of Suit in any other Case by Law: And whereas it is expedient that the said Limitation of Actions, Suits, or Complaints should be repealed, be it therefore enacted, That the said recited Provision shall be and the same is hereby repealed.

Costs of Act.

XV. And be it further enacted, That the Costs and Charges of obtaining and passing this Act shall be paid and defrayed by the said Company out of the Monies, Tolls, or Rates raised, borrowed, or received, or to be first raised, borrowed, or received, in virtue of the said recited Acts and this Act, or either of them.

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

XVI. And be it further enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to Railways which may pass during the present or any future Session of Parliament.

Public Act.

XVII. 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.

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