



CHAPTER cxix.

An Act for confirming an Agreement for the maintenance, working and management of the undertaking of the Cathcart District Railway Company by the Caledonian Railway Company; for enabling the Caledonian Railway Company to contribute to and hold Shares in that undertaking, to acquire the remaining Shares in the Busby Railway Company, and to provide a hotel at their central station in Glasgow; for dissolving the Busby Railway Company and vesting their undertaking in the Caledonian Railway Company; and for other purposes.

A.D. 1881

[18th July 1881.]

WHEREAS by the Cathcart District Railway Act, 1880, the Cathcart District Railway Company (herein-after called "the Cathcart Company") were incorporated and authorised to make and maintain certain railways (herein-after called "the Cathcart Railways"):

43 & 44 Vict.
c. ccix.

And whereas the Cathcart Railways are directly connected with the central station line of the Caledonian Railway Company (herein-after called "the Company"), and might with advantage to the said Companies and to the public be maintained, worked and managed by the Company:

And whereas the said Companies have entered into an agreement, subject to the sanction of Parliament, that the Company shall, on the terms therein mentioned, maintain, work and manage the Cathcart Railways, and contribute to, and take and hold shares in the capital of the Cathcart Company; and it is expedient that the said agreement, which, as altered by Parliament in pursuance of article twelfth thereof, is set forth in the schedule to this Act, should be confirmed:

And whereas by the Caledonian Railway (Additional Powers) Act, 1874 (herein-after called "the Act of 1874"), on the recital that the Company had by previous Acts been authorised to maintain and work in perpetuity the railways of the Busby Railway Company

37 & 38 Vict.
c. cxxvi.

[Ch. cxix.] *Caledonian Railway (Additional [44 & 45 VICT.] Powers) Act, 1881.*

A.D. 1881. (herein-after called "the Busby Company,") and to contribute in the whole fifty-two thousand pounds towards the undertaking of that Company, and to take and hold shares in the capital thereof to that amount, and that the capital of the Busby Company consisted of sixty thousand pounds of ordinary shares, of which thirty-seven thousand pounds were then held by the Company and sixteen thousand six hundred and fifty pounds had been surrendered, and of forty-five thousand pounds of preference shares bearing a preferential dividend of five per centum per annum, of which fifteen thousand pounds were then held by the Company, it was enacted that the Company might purchase the remaining ordinary and preference shares in the capital of the Busby Company, not previously vested in the Company or surrendered, at such price not exceeding the nominal amount of the said shares as might be agreed upon between the Company and the holders thereof; and that on the first day of February or first day of August first occurring after the Company should have purchased the whole of such remaining shares, and given intimation thereof in the Edinburgh Gazette, the Busby Company should be dissolved, their share capital extinguished, and their undertaking vested in the Company:

And whereas the whole of the ordinary shares in the Busby Company have now been purchased by the Company or surrendered, except thirty shares standing in the register of shareholders in the name of the now deceased William Reid, but upon which no money was ever paid; and the whole of the preference shares in the Busby Company have now been purchased by the Company, except shares of the nominal amount of two thousand nine hundred and forty pounds:

And whereas the Company are willing, instead of paying for the last-mentioned preference shares a price not exceeding the nominal amount thereof, to transfer to the respective holders thereof shares in the Company of equal nominal amount, and bearing the same rate of preferential dividend; and it is expedient that the Company should be empowered to take and acquire the said remaining preference shares in the capital of the Busby Company upon those terms, and that the said thirty ordinary shares therein on which no money has been paid should be cancelled, and that the Busby Company should be dissolved, and their undertaking vested in the Company, so as to terminate the inconvenience and expense of the separate management of that undertaking:

And whereas it is expedient that the Company should be empowered to erect or complete, furnish, and maintain a hotel and appurtenances thereof, at their central station in Glasgow, and to conduct and manage, or to let the same:

[44 & 45 VICT.] *Caledonian Railway (Additional Powers) Act, 1881.* [Ch. cxix.]

And whereas it is expedient that the Company should be authorised to raise additional capital for the purposes of this Act : A.D. 1881.

And whereas the purposes of this Act 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, as follows :—

1. This Act may be cited as the Caledonian Railway (Additional Powers) Act, 1881. Short title.

2. The clauses and provisions of the Companies Clauses Consolidation (Scotland) Act, 1845, with respect to the following matters (that is to say) the distribution of the capital of the Company into shares, the transfer or transmission of shares, the payment of subscriptions and the means of enforcing the payment of calls, the forfeiture of shares for nonpayment of calls, the remedies of creditors of the Company against the shareholders, the borrowing of money by the Company on mortgage or bond, the conversion of the borrowed money into capital, the consolidation of the shares into stock, the general meetings of the Company and the exercise of the right of voting by the shareholders, the making of dividends, the giving of notices, and the provision to be made for affording access to the special Act by all parties interested ; and Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock), of the Companies Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act ; and all the provisions of the Companies Clauses Consolidation (Scotland) Act, 1845, which relate to stock into which shares in the capital of the Company have been converted or consolidated, shall apply to the stock which the Company are by this Act authorised to issue, and to the holders thereof. Incorporation of general Acts.
8 & 9 Vict.
c. 17.

26 & 27 Vict.
c. 118.

3. In this Act the several words and expressions, to which meanings are assigned by the Acts wholly or partially incorporated herewith, have the same respective meanings, unless there be something in the subject or context repugnant to such construction ; and in the Acts wholly or partially incorporated with this Act, as applied to this Act, the expression "the Company" means the Caledonian Railway Company ; the expression "the special Act" means this Act ; and the expression "the undertaking" means the undertaking of the Company. Interpretation of terms.

[Ch. cxix.] *Caledonian Railway (Additional [44 & 45 VICT.] Powers) Act, 1881.*

A.D. 1881.

Confirmation of agreement with Cathcart Company.

4. The agreement between the Cathcart Company and the Company, as set forth in the schedule to this Act, is hereby sanctioned and confirmed; and the Company may take and hold eight thousand seven hundred and fifty shares in the capital of the Cathcart Company, and shall take and hold the same in the events provided for in article second of the said agreement: Provided always that the Company shall not transfer or dispose of any such shares which may have been taken by them.

Repeal of certain sections of 37 & 38 Vict. c. cxxvi.

Shares in Busby Company cancelled.

5. Sections thirty-nine, forty, and forty-one of the Act of 1874 are hereby repealed, and in lieu thereof the four next following sections of this Act shall have effect.

6. The said thirty ordinary shares in the capital of the Busby Company, standing in the register of shareholders of that Company in the name of William Reid, are hereby cancelled and extinguished.

Company may acquire remaining preference shares in Busby Company.

7. The Company, after three months' notice in writing to the respective holders of any preference shares in the capital of the Busby Company, not exceeding the nominal amount of two thousand nine hundred and forty pounds, which at the time of the passing of this Act have not been already purchased by the Company, may take and acquire such shares, by executing or procuring to be executed in favour of, and delivering or tendering to, such holders respectively valid and effectual transfers of fully paid-up shares in the capital of the Company of equal nominal amount with the shares in the capital of the Busby Company vested in such holders respectively, and bearing a preferential dividend at the rate of five per centum per annum in perpetuity, from and after a date not later than the expiration of the period in respect of which the preferential dividend then last payable on such shares in the capital of the Busby Company was made; and upon such execution and delivery or tender to the respective holders of such shares, the same shall be vested in the Company.

On completion of such acquisition, Busby Company to be dissolved and their undertaking vested in Company.

8. When the Company shall have acquired the whole of the said remaining preference shares in the capital of the Busby Company, they shall give intimation thereof in the Edinburgh Gazette; and upon the first day of February or the first day of August, as the case may be, which shall first occur after such intimation, the Busby Company shall be dissolved, and their share capital shall be extinguished, and the undertaking of that Company and all their property and powers, subject to their debts and liabilities, shall be transferred to and vested in the Company, and become part of their undertaking: Provided always, that within three months from the

date of such vesting, the Company shall produce to the Commissioners of Inland Revenue a copy of this Act printed by Her Majesty's printers, and duly stamped with the ad valorem stamp duty of the same amount as would have been payable in respect of the debts and incumbrances affecting the undertaking of the Busby Company, if the transfer of that undertaking had been by a deed of conveyance; and if the Company shall not within the said period of three months produce to the said Commissioners such copy of this Act, duly stamped as aforesaid, the said ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of vesting to the day of payment, shall be recoverable from the Company with full costs of suit and all costs and charges attending the same.

A.D. 1881.

9. In exercising the power of borrowing moneys upon mortgage now vested in the Busby Company, and which will, under the provisions of this Act, be transferred to the Company as aforesaid, the Company may, if they think fit, borrow such moneys upon the security of their entire undertaking or any part thereof, instead of upon the security of the undertaking of the Busby Company.

Power to borrow.

10. The Company may erect or complete, furnish and maintain a hotel and appurtenances thereof at their central station in Glasgow, and may conduct and manage the same, or may from time to time let the same for any term not exceeding ten years at any one time.

Company may provide hotel.

11. Subject to the provisions of Part II. of the Companies Clauses Act, 1863, the Company may, for the purposes of this Act, raise any additional capital not exceeding in nominal amount one hundred and eighty thousand pounds, by the issue, at their option, of new ordinary shares or stock, or new preference shares or stock, or wholly or partially by any one or more of those modes respectively; but the Company shall not issue any share of less nominal value than ten pounds, nor shall any share vest in the person or corporation accepting the same, unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof: Provided that, if in any year ending on the thirty-first day of January there are not profits available for the payment of the full amount of preferential dividend or interest for that year on any such new preference shares or stock, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

Power to raise additional capital.

12. Except as by this Act otherwise provided, the capital in new shares or stock created by the Company under this Act, and the new

New shares or stock to be subject

[Ch. cxix.] *Caledonian Railway (Additional [44 & 45 VICT.] Powers) Act, 1881.*

- A.D. 1881. shares or stock therein, and the holders thereof respectively, shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges and incidents whatsoever, in all respects, as if that capital were part of the now existing capital of the Company of the same class or description, and the new shares or stock were shares or stock in that capital.
- to same incidents as other shares or stock.
- Capital. **13.** The capital in new shares or stock so created shall form part of the capital of the Company.
- Dividends on new shares or stock. **14.** Every person who becomes entitled to such new shares or stock shall, in respect of the same, be a holder of shares or stock in the Company, and shall be entitled to a dividend, with the other holders of shares or stock of the same class or description, proportioned to the whole amount from time to time called and paid on such new shares, or to the whole amount of such stock, as the case may be.
- Right of voting in respect thereof. **15.** Each holder of new shares or stock in the capital by this Act authorised to be raised shall be entitled to the same number of votes in respect thereof which the possession of an equal nominal amount of the existing capital stock of the Company would have conferred upon him: Provided always, that except as otherwise expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any such new shares or stock to which a preferential dividend shall be assigned.
- New shares or stock issued under this Act and any other Act of past or present sessions may be of same class. **16.** Subject to the provisions of any Act already passed, by which the Company are authorised to raise capital by new shares or stock, and to the provisions of this Act, and of any other Act passed in the present session of Parliament, whether before or after the passing of this Act, by which the Company may be authorised to raise capital by new shares or stock, the Company may if they think fit raise, by the creation and issue of new shares or stock of one and the same class, all or any part of the aggregate capital which they are by such other Acts and this Act respectively authorised to raise by the creation and issue of new shares or stock.
- Application of moneys. **17.** All moneys raised under this Act, whether by shares or stock, shall be applied for the purposes of this Act only.
- Company may apply corporate funds to purposes of Act. **18.** The Company may apply towards the purposes authorised by this Act any capital or funds belonging to or authorised to be raised by them, which may not be required for the purposes for which the same were authorised to be raised or directed to be applied.
- Interest not to be paid on calls paid up. **19.** The Company shall not, out of any money by this Act or any other Act relating to the Company authorised to be raised, pay

[44 & 45 VICT.] *Caledonian Railway (Additional Powers) Act, 1881.* [Ch. cxix.]

interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made, as is in conformity with the Companies Clauses Consolidation (Scotland) Act, 1845.

A.D. 1881.

20. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament, now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any railway or to execute any other work or undertaking.

Deposits for future Bills not to be paid out of capital.

21. Nothing in this Act contained shall exempt the Company, or the railways by the recited Acts authorised to be made, from the provisions of any general Act relating to railways, or 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 or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by the said recited Acts.

Provision as to general Railway Acts.

22. All costs, charges, and expenses of and incident to the preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

Expenses of Act.

A.D. 1881.

SCHEDULE referred to in the preceding Act.

AGREEMENT between the Cathcart District Railway Company incorporated by the Cathcart District Railway Act, 1880, herein-after called "the Cathcart Company," of the first part, and the Caledonian Railway Company, herein-after called "the Caledonian Company," of the second part.

WHEREAS the parties hereto have agreed and hereby agree and bind and oblige themselves with and to each other in manner after written, therefore it is hereby provided and agreed as follows, videlicet,

First. The Cathcart Company shall take all necessary steps, under the provisions of the Cathcart District Railway Act 1880, for creating the prescribed capital of one hundred and seventy-five thousand pounds sterling, in seventeen thousand five hundred shares of ten pounds sterling each, of which eight thousand seven hundred and fifty shall be offered to the public on the conditions herein-after mentioned, and eight thousand seven hundred and fifty shall be reserved for the Caledonian Company in manner herein-after provided. The capital of the Cathcart Company shall not be increased beyond the above-mentioned one hundred and seventy-five thousand pounds sterling of share capital, and fifty-eight thousand three hundred and thirty pounds sterling of loan capital, without the consent of the Caledonian Company under their common seal.

Second. The Caledonian Company shall, in the next session of Parliament, apply for and use their best endeavours to obtain power to take and hold the said eight thousand seven hundred and fifty shares in the capital of the Cathcart Company reserved for them as aforesaid, and, failing their obtaining such power in next session, they shall apply for and use their best endeavours to obtain such power in the immediately succeeding session, and if necessary in the next session thereafter, and shall on such power being obtained take and hold the said shares: Provided always that the Caledonian Company shall not be bound to take the said shares, or any of them, unless or until the remaining eight thousand seven hundred and fifty shares in the Cathcart Company have been bonâ fide subscribed for and taken up by other parties, and two pounds in respect of each such share shall have been paid thereon, nor in any event unless such remaining shares have been so subscribed for and taken up, and two pounds shall have been paid in respect of each such share, previously to the expiration of three years from the date of passing of the Cathcart District Railway Act 1880.

Third. So soon as the said remaining shares have been subscribed for and taken up, and two pounds upon each share have been paid thereon as aforesaid, and the power to the Caledonian Company to take and hold the other half of the said share capital has been obtained, the Cathcart Company shall immediately proceed with the construction of the railways; the Caledonian Company being consulted on, and their consent being obtained to, all steps relative thereto, and in particular the working drawings and specifications shall be prepared and the railways

[44 & 45 VICT.] *Caledonian Railway (Additional Powers) Act, 1881.* [Ch. cxix.]

shall be constructed all to the satisfaction of the engineer of the Caledonian Company. A.D. 1881.

Fourth. When the railways, or from time to time when any portion thereof which in the opinion of the Caledonian Company can be advantageously worked, shall have been completed and authorised by the Board of Trade to be opened to the public for traffic, the Caledonian Company shall in perpetuity maintain the same in good order, and efficiently work and manage the traffic thereon, and shall provide the locomotive power, rolling stock, and plant of every kind necessary for effectually working the traffic on the same, but that always on the terms herein-after mentioned.

Fifth. The Caledonian Company shall have the power (save as herein-after mentioned in this article) of selecting, appointing, suspending and dismissing all officers, agents, book-keepers, booking and other clerks, enginemen, guards, servants, porters, carters, surfacemen and others employed on or connected with the railways and works, or required for keeping in their general offices the accounts connected with the same, or employed in superintending or directing, or actually engaged in conducting the said traffic; and the said officers, agents, servants and others above mentioned shall be paid by the Caledonian Company, and shall be exclusively under their control; and the Cathcart Company shall have the selection, appointment and control of, and shall pay the secretary or other officers required by them in the management of the capital, financial and directorial departments of their undertaking.

Sixth. The Caledonian Company shall fix the tolls, rates, and charges payable in respect of all traffic (whether local or through traffic) passing over or using the railways or any part thereof, not exceeding the maximum tolls, rates and charges authorised to be taken on the railways, and shall collect and receive all revenues due and payable for and in respect thereof, and all other revenues of the Cathcart Company, except transfer fees; and shall on or before the last day of every month, or as soon thereafter as possible, make up a statement of the gross earnings during the preceding month, and render to the Cathcart Company statements and abstracts of the same; and the proportion thereof due and payable to the Cathcart Company as herein-after provided shall thereupon be paid over to the Cathcart Company, or their treasurer or secretary, or such banker or other person as the Cathcart Company shall direct and appoint.

Seventh. The gross revenues of the Cathcart Company shall include (first) all receipts in respect of local traffic, (that is to say traffic which shall both arise and terminate on the railways of the Cathcart Company); (second) a mileage proportion of all receipts in respect of through traffic, (that is to say traffic which shall pass over the railways of the Cathcart Company or any part thereof, and which shall pass likewise over part of the railways of the Caledonian Company or any other railways), corresponding to the distance for which such traffic is conveyed over the said several railways respectively; provided that before calculating such mileage proportion there shall be deducted from such receipts the Government duties in respect of passengers, the terminals payable in respect of other traffic (which shall belong and be paid to the Companies respectively entitled thereto), and the expense of cartage when included in the through rate;

*Caledonian Railway (Additional [44 & 45 VICT.]
Powers) Act, 1881.*

A. ... (d) the terminals payable to the Cathcart Company in respect of such through traffic; and (fourth) rents for the use of any property of the Cathcart Company, and all other revenues of the Cathcart Company to be collected and received by the Caledonian Company under article sixth of this Agreement. The Caledonian Company shall be entitled to retain forty-five per centum of such gross revenues (except rents of superfluous property) as their remuneration for maintaining the railways of the Cathcart Company, and working and managing the traffic thereon, and collecting the said revenues; and shall pay over the balance to or for behoof of the Cathcart Company, in manner provided in the next preceding article of this Agreement.

Eighth. Out of the balance belonging to the Cathcart Company as aforesaid, the Cathcart Company shall pay (first) all feu duties (if any) payable in respect of any lands acquired by them; (second) all compensation to tenants (if any) in respect of any lands acquired or injuriously affected by them, so far as not chargeable against the capital of the Cathcart Company; (third) all taxes, rates and local burdens of every kind payable in respect of their railways, works and lands; (fourth) all interest upon money borrowed or owing by them, whether upon mortgage, debenture stock, or in any other manner; and (fifth) the expense of the directorial and financial management of the Cathcart Company, including the salaries of the secretary, treasurer, or other officers who may be employed by them in those departments, and such other charges and expenses as may be reasonably incurred on behalf of the Cathcart Company.

Ninth. If the free balance available for dividend upon the share capital of the Cathcart Company, in any half year ending on the thirty-first day of January or thirty-first day of July, shall not be sufficient to pay a dividend thereon at the rate of four and a half per centum per annum, the Caledonian Company shall, out of their mileage proportion (calculated as herein-before mentioned) of the receipts from through traffic, for the distance between the junction of the Cathcart Company's railways with the Caledonian Railway on the one hand, and the Caledonian Company's central station in Glasgow, or the point (intermediate between the said central station and the said junction) referred to in article tenth of this Agreement on the other hand, contribute such amount, not exceeding one third part of such mileage proportion, after deducting therefrom forty-five per centum for working expenses, as may be required towards making up the dividend on the share capital of the Cathcart Company for such half year to the rate of four and a half per centum per annum.

Tenth. In calculating the mileage proportion of receipts from through traffic, whether for the purposes of article seventh or article ninth hereof, there shall not be included, as part of the distance for which such traffic passes along the railways of the Caledonian Company, the distance which such traffic may be carried, for the purpose merely of arrangement or marshalling, between the said central station on the one hand, and the point (intermediate between the said central station and the junction of the Cathcart Company's railways with the Caledonian Railway) at which such traffic might have left or joined that portion of the Caledonian Railway had it not been for the purpose of arrangement or marshalling, on the other hand.

Eleventh. The Caledonian Company shall have the option, upon the thirty-first day of January or the thirty-first day of July in any year hereafter, but not later than three years after the opening of the railways or any portion thereof, of purchasing the shares in the Cathcart Company other than those reserved for them as aforesaid, on payment to the Cathcart Company for behoof of the proprietors of such shares, of sums equal to the amounts called up and paid by them respectively to the Cathcart Company in respect thereof at the date of the notice after mentioned, with interest thereon at the rate of five per centum per annum from the respective dates of such payments by such proprietors till the date of such opening, and an addition or premium of ten per centum on the amounts so paid: Provided always that the Caledonian Company shall give notice to the Cathcart Company of their intention to exercise the said option of purchase, not less than three months previously to the day on which it is to be exercised, and that such purchase shall not prejudice the right of the previous proprietors of the said shares to any dividend which may become payable by the Cathcart Company, in respect of their financial half year ending on the date of such purchase or on any preceding day. The certificates of shares in the Cathcart Company, issued to parties other than the Caledonian Company, shall bear that they are issued subject to such contingent powers of purchase.

Twelfth. This Agreement is made subject to the sanction of Parliament, and to such alterations as Parliament may think fit to make therein; and the Caledonian Company bind themselves to apply for and to use their best endeavours to obtain in the next, and if necessary in each of the two succeeding sessions of Parliament, an Act for confirming the same; and the Cathcart Company shall be bound to consent to such application, and to use their best endeavours towards obtaining such confirmation; but if any alteration which Alexander Bennett McGrigor, LL.D., Glasgow, whom failing the Dean of the Faculty of Procurators in Glasgow for the time being, may consider materially unfavourable to either party be made therein by Parliament, it shall be competent to such party to withdraw therefrom. In witness whereof these presents, written upon this and the four preceding pages of paper duly stamped by John McDougall, clerk to the said Caledonian Railway Company in their solicitor's office in Glasgow, are (under the declaration that the word "such" occurring on the thirty-first line of page first, and the word "by" occurring on the thirty-second line of page third, were written on erasures before subscription) executed as follows, videlicet:—They are subscribed by Daniel Ainslie and James Badenach Nicolson, Esquires, two of the directors, and by Archibald Gibson, secretary, all of the said Caledonian Railway Company, for and on behalf of that Company, and sealed with the common or corporate seal of said Company, all at Glasgow, upon the fourteenth day of December, eighteen hundred and eighty, before these witnesses Robert Gibb and William James Clarke, both clerks to the said Caledonian Railway Company, in their secretary's office in Glasgow, and they are also subscribed by George Browne, Esquire, shipowner, Beechholm, Crosshill, and Robert Galbraith Sommerville, Esquire, shipowner, Port Glasgow, two of the directors, and by John Macmillan Robertson, writer, Glasgow, secretary, all of the said Cathcart District Railway Company, for and on behalf of that Company, and sealed with the common or corporate seal of said Company, all at Glasgow, upon the sixteenth day

[Ch. cxix.] *Caledonian Railway (Additional [44 & 45 VICT.] Powers) Act, 1881.*

A.D. 1881. of the last-mentioned month and year, before these witnesses, Thomas Watt, junior, clerk to Messieurs J. M. and J. H. Robertson, writers, Glasgow, and Alexander Calder Martin, apprentice to the said John Macmillan Robertson.

THOMAS WATT, Jr., Witness.
ALEXANDER C. MARTIN, Witness.



GEORGE BROWNE, Director.
R. G. SOMMÉRVILLE, Director.
J. M. ROBERTSON, Secy.

ROBT. GIBB, Witness.
WM. JAS. CLARKE, Witness.



DAN. AINSLIE, Dr.
J. BADENACH NICOLSON, Director.
ARCH. GIBSON, Secy.

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