

**A COLLECTION OF THE PUBLIC GENERAL
ACTS RELATING TO RAILWAYS IN
SCOTLAND: INCLUDING THE
COMPANIES, LANDS, AND RAILWAYS
CLAUSES CONSOLIDATION (SCOTLAND)
ACTS. 1838-1846. WITH GENERAL INDEX**

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A Collection of the Public General Acts Relating to Railways in Scotland: Including the Companies, Lands, and Railways Clauses Consolidation (Scotland) Acts. 1838-1846. With General Index by Various

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T. H. Gt. Britain. Laws, statutes, etc.
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CONSOLIDATION (SCOTLAND) ACTS.

1838—1846.

WITH GENERAL INDEX.



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CONTENTS.

	PAGE
1 & 2 VICT., CAP. 98.—An Act to Provide for the Conveyance of the Mails by Railways	1
3 & 4 VICT., CAP. 97.—An Act for Regulating Railways ...	10
5 & 6 VICT., CAP. 55.—An Act for the better Regulation of Railways, and for the Conveyance of Troops	17
7 & 8 VICT., CAP. 85.—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	27
8 VICT., CAP. 17.—An Act for Consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a Public Nature in Scotland ...	39
8 VICT., CAP. 19.—An Act for Consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a Public Nature in Scotland	82
8 & 9 VICT., CAP. 33.—An Act for Consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways in Scotland	129
8 & 9 VICT., CAP. 96.—An Act to restrict the Powers of selling or leasing Railways contained in certain Acts of Parliament relating to such Railways	179
9 VICT., CAP. 20.—An Act to amend an Act of the Second Year of her present Majesty, for providing for the Custody of certain Monies paid, in pursuance of the Standing Orders of either House of Parliament, by Subscribers to Works or Undertakings to be effected under the Authority of Parliament	180
9 & 10 VICT., CAP. 28.—An Act to facilitate the Dissolution of certain Railway Companies	184
9 & 10 VICT., CAP. 57.—An Act for Regulating the Gauge of Railways	195
9 & 10 VICT., CAP. 105.—An Act for constituting Commissioners of Railways	198
—	
GENERAL INDEX	203

PROVISIONS IN THESE ACTS

WHICH HAVE BEEN AMENDED OR REPEALED.

-
- 1 & 2 VICT., c. 98, s. 1—(so far as relates to the Rate of Speed of Mail Trains.)—Amended by the 7 & 8 Vict., c. 85, s. 11.
- 3 & 4 VICT., c. 97, s. 1 & 2—(Opening of Railways.)—Repealed by the 5 & 6 Vict., c. 55, s. 3.
- s. 5. (Officers of Railway Company ineligible to the Appointment as Inspectors of Railways.)—Repealed by the 7 & 8 Vict., c. 85, s. 15.
- s. 11 & 12. (Prosecutions to enforce Provisions of Railway Acts.)—Repealed by the 7 & 8 Vict., c. 85, ss. 16 & 18.
- s. 13. (Railway Servants guilty of Misconduct.)—Amended by the 5 & 6 Vict., c. 55, s. 17.
- 5 & 6 VICT., c. 55, s. 20—(Conveyance of Military and Police.)—Amended by the 7 & 8 Vict., c. 85, s. 20.

The Provisions which have been Amended or Repealed, are printed in Italic Type.

PROVISIONS IN SPECIAL ACTS

AMENDED OR REPEALED BY THESE ACTS.

- BOARD OF TRADE.—The Provisions applying to the Board of Trade to be deemed to apply to the Commissioners of Railways.—9 & 10 Vict., c. 105, s. 2.
- BRANCH RAILWAYS.—Provisions empowering Justices to decide Disputes.—Repealed by the 3 & 4 Vict., c. 97, s. 18.
- BYE LAWS.—Provisions requiring the approval or concurrence of any Justice of the Peace, Court of Quarter Sessions, &c.—Repealed by the 3 & 4 Vict., c. 97, s. 10.
- CARRIAGES.—Provisions restricting the Weight to Four Tons.—Repealed by the 5 & 6 Vict., c. 55, s. 16.
- LEVEL CROSSINGS.—Provisions requiring Gates to be kept closed across the Railway.—Repealed by the 5 & 6 Vict., c. 55, s. 9.
- SELLING OR LEASING RAILWAYS.—Restricted by the 8 & 9 Vict. c. 26, s. 1.

PUBLIC GENERAL ACTS

RELATING TO

RAILWAYS.

1 & 2 VICT. cap. 98.

*An Act to provide for the Conveyance of the Mails
by Railways.* [14th August, 1838.]

WHEREAS it is expedient that provision should be made Preamble.
by law for the conveyance of the mails by railways at a
reasonable rate of charge to the public :

1. Be it enacted, by the Queen's most excellent Majesty, *Conveyance*
by and with the advice and consent of the Lords spiritual *of Mails.*
and temporal, and Commons, in this present Parliament
assembled, and by the authority of the same, That in all Postmaster
cases of railways already made or in progress, or to be General
hereafter made within the United Kingdom, by which may require
passengers or goods shall be conveyed in or upon carriages company
drawn or impelled by the power of steam, or by any loco- to convey
motive or stationary engines, or animal or other power the mails
whatever, it shall be lawful for the Postmaster-General, on their
by notice in writing under his hand delivered to the com- railway,
pany of proprietors of any such railway, to require that
the mails or post letter bags shall, from and after the day
to be named in any such notice, (being not less than
twenty-eight days from the delivery thereof,) be conveyed
and forwarded by such company on their railway, either
by the ordinary trains of carriages, or by special trains, as either by
need may be, at such hours or times in the day or night ordinary
as the Postmaster-General shall direct, together with the or special
guards appointed and employed by the Postmaster-General trains, with
in charge thereof, and any other officers of the post-office ; guards and
and thereupon the said company shall, from and after the other off-
day to be named in such notice, at their own costs, pro- cers.
vide sufficient carriages and engines on such railways for
the conveyance of such mails and post letter bags to the
satisfaction of the Postmaster-General, and receive, take
up, carry, and convey by such ordinary or special trains
of carriages or otherwise, as need may be, all such mails
or post letter bags as shall for that purpose be tendered to
them, or any of their officers, servants, or agents, by any
officer of the post-office and also receive take up, carry,

Conveyance of Mails. and convey, in and upon the carriages carrying such mails or post letter bags, the guards in charge thereof, and any other officers of the post-office, and shall receive, take up, deliver, and leave such mails or post letter bags, guards, and officers at such places in the line of such railway, on such days, at such hours or times in the day or night, and subject to all such reasonable regulations and restrictions as to speed of travelling, places, times, and duration of stoppages, and times of arrival, as the Postmaster-General shall in that behalf from time to time order or direct :

Amended by the 7 & 8 Vict. c. 85, s. 11. *Provided always, that the rate of speed to be required shall in no case exceed the maximum rate of speed prescribed by the directors of such railway or railways for the conveyance of passengers by their first class trains; but that no alteration in the rate of speed of any train by which the mails shall be conveyed shall be made until six calendar months previous notice shall be given to the Postmaster-General of any such intended alteration.*

Carriages to be exclusively appropriated. 2. And be it enacted, That it shall be lawful for the Postmaster-General (if he shall see fit) to require that the whole of the inside of any carriage used on any railway for the conveyance of mails or post letter bags shall be exclusively appropriated for the purpose of carrying the mails.

Separate carriages for sorting letters, to be provided by the company. 3. And be it enacted, That the company of proprietors of any such railway shall, on being required so to do by the Postmaster-General, provide and furnish (in addition to the carriages aforesaid) a separate carriage or separate carriages, fitted up as the Postmaster-General, or such person as he shall nominate in that behalf, shall direct, for the purpose of sorting letters therein, and shall forward the same carriage or carriages by their railway, at such hours or times, and subject to all such reasonable regulations as aforesaid, as the Postmaster-General shall in that behalf order or direct; and such company of proprietors shall receive, take up, carry, and convey in any such last-mentioned carriage or carriages all such post letter bags and officers of the post-office as the Postmaster-General shall reasonably require, and shall deliver and leave any post letter bags and officers of the post-office at such places on the line of the railway as the Postmaster-General shall in that behalf from time to time reasonably order and direct.

Mail coaches and carts to be conveyed on railway. 4. And be it enacted, That in case the Postmaster-General shall at any time be desirous of sending by any such railway any of her Majesty's mail coaches or mail carts, with the mails or post letter bags and guards thereof, and carriages for sorting letters, with any officers of the post-office therein, instead of sending the said mails or

post letter bags, guards, and officers of the post-office by carriages to be provided by such railway company as aforesaid, then and in any such case such railway company shall, at the request of the Postmaster-General, signified by such notice as aforesaid, cause such mail coaches or mail carts, with the mails or post letter bags and guards thereof, and carriages for sorting letters, with any officers of the post-office therein, to be conveyed by the usual or proper trucks or frames on their said railway, subject to such regulations and restrictions of the Postmaster-General as hereinbefore mentioned.

5. And be it enacted, That for the greater security of the mails or post letter bags so to be carried or conveyed by railways, the company of proprietors of such respective railways along which such mails or post letter bags, mail coaches, or carts and carriages for sorting letters, shall be so required by the Postmaster-General to be conveyed, and their respective officers, servants, and agents, shall obey, observe, and perform all such reasonable regulations respecting the conveyance, delivering, and leaving of such mails and post letter bags, guards and officers of the post-office, mail coaches, or carts and carriages, on any such railways, or on the line thereof, as the Postmaster-General, or such officer of the post-office as he shall nominate in that behalf, shall in his discretion from time to time give or make: Provided always, that it shall not be lawful for any officer or servant of the post-office to interfere with or give orders to the engineer or other person having the charge of any engine upon any railway along which mails or post letter bags shall be conveyed; but if any cause of complaint shall arise, the same shall be stated to the conductor or other officer of the railway company having the charge of the train, or to the chief officer at any station upon the railway; and in case of any default or neglect on the part of any officers or servants of the railway company to comply with any of the regulations of the Postmaster-General or other officer of the post-office so to be nominated as aforesaid, the railway company shall be wholly responsible for the same.

6. And be it enacted, That every company of proprietors of any railway along which such mails or post letter bags, mail coaches, carts, or carriages shall be so required by the Postmaster-General to be conveyed, shall be entitled to such reasonable remuneration to be paid by the Postmaster-General to any such company of proprietors for the conveyance of such mails, post letter bags, mail guards, and other officers of the post-office, mail coaches, carts, and carriages, in manner required by such Postmaster-General, or by such officer of the post-office as he shall in

Conveyance of Mails. that behalf nominate as aforesaid, as shall (either prior to or after the commencement of such service) be fixed and agreed on between the Postmaster-General and such company of proprietors, or in case of difference of opinion between them, then as shall be determined by arbitration as hereinafter provided, but so that the services which may be required by the Postmaster-General, or by such officer of the post-office as he in that behalf shall nominate as aforesaid, to be performed by any such company of proprietors, be not suspended, postponed, or deferred by reason of such remuneration not having been then fixed or agreed on between the said Postmaster-General and such company of proprietors, or by reason of the award on any reference to arbitration to determine the remuneration not having been then made.

7. And be it enacted, That notwithstanding any agreement entered into between the Postmaster-General and any such company, or any award to be made on any such reference as aforesaid, fixing the amount of remuneration to be paid to such company for any services to be rendered by them as aforesaid, it shall be lawful and competent to and for the Postmaster-General, by notice in writing, to require, from and after the day to be named in any such notice, not being less than twenty-eight days from the delivery thereof, any addition to be made to the services in respect of which such agreement shall be entered into or award made; and in any such case, and also in case of a discontinuance of any part of such services as hereinafter provided, a fresh agreement shall be entered into between the Postmaster-General and such company, regulating the future amount of remuneration to be paid by the Postmaster-General to such company for such increased or diminished services, as the case may be; or if the parties cannot agree on such amount, the same shall be referred to arbitration in like manner as hereinbefore is mentioned and hereinafter provided as to any original agreement; and such arbitrators shall have power to award any compensation they may consider reasonable to be paid to any railway company for any loss that may have been occasioned to them by the discontinuance or alteration of the services previously agreed to be performed by them by any train or carriage specially required by the Postmaster-General to be forwarded for the conveyance of the mails, but so that nevertheless such increased or diminished services shall not be suspended, postponed, or deferred by reason of the amount of such increased or diminished remuneration not having been then fixed or agreed on between the Postmaster-General and such company of proprietors, or by reason of the award on any reference to

Agreements as to remuneration, &c., to be altered in case of addition to, or discontinuance of, any part of services of company.