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VICTORIÆ REGINÆ.

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Cap. clxxv.

An Act for making a Railway from the *North British* (*Edinburgh and Glasgow*) Railway to near *Broxburn* in the County of *Linlithgow*; and for other Purposes. [12th *August* 1867.]

WHEREAS a Railway from the *North British* (*Edinburgh and Glasgow*) Railway, near the *Broomhouse* Station on that Railway in the Parish of *Kirkliston*, to near *Broxburn* in the Parish of *Uphall*, all in the County of *Linlithgow*, would be of public Advantage, and the Persons in this Act named, with others, are willing to form a Company and carry the Undertaking into effect: And whereas Plans and Sections of the proposed Railway showing the Line and Levels thereof, and a Book of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the Principal Sheriff Clerk for the County of *Linlithgow*, and are herein referred to as the deposited Plans, Sections, and Book of Reference: And whereas the estimated Cost of constructing the proposed Railway is Seven thousand five hundred Pounds: And whereas the aforesaid Objects 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "The *Broxburn* Railway Act, 1867."

8 & 9 Vict. cc. 17., 19., & 23., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

2. "The Companies Clauses Consolidation (*Scotland*) Act, 1845," Parts I. and III. of "The Companies Clauses Act, 1863," relating respectively to Cancellation and Surrender of Shares and to Debenture Stock, "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation (*Scotland*) Act, 1845," and Part I. of "The Railways Clauses Act, 1863," relating to Construction of a Railway, are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpretation of Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Expression "the Company" shall mean the Company incorporated by this Act; the Expressions "the Railway" and "the Undertaking" respectively shall mean the Railway and the Undertaking by this Act authorized.

Company incorporated.

4. *Walter Maclellan*, *George Auldjo Jamieson*, *Robert Bell*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway, and for other the Purposes of this Act, and for those Purposes shall be incorporated by the Name of "the *Broxburn* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and with Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes of this Act.

Power to make Railway according to deposited Plans.

5. Subject to the Provisions of this Act, the Company may make and maintain in the Line and according to the Levels shown on the deposited Plans and Sections the Railway herein-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith, and may enter upon, take, and use such of the Lands delineated on the deposited Plans and described in the deposited Books of Reference as may be required for that Purpose. The Railway herein-before referred to and authorized by this Act is,—

A Railway,

A Railway, One Mile One Furlong Five Chains and Fifty Links in Length, commencing in the Parish of *Kirkliston* in the County of *Linlithgow* by a Junction with the *Edinburgh and Glasgow* Railway, belonging to the *North British* Railway Company, near the *Broomhouse* Station on that Railway, and terminating near *Broxburn* in the Parish of *Uphall* in the said County.

Capital.

6. The Capital of the Company shall be Eight thousand Pounds, in Eight hundred Shares of Ten Pounds each.

Shares not to issue until One Fifth paid up.

7. The Company shall not issue any Share created under the Authority of this Act, nor shall any Share vest in the Person 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.

Calls.

8. One Fifth of the Amount of a Share shall be the greatest Amount of a Call, and Two Months at least shall be the Interval between successive Calls, and Four Fifths of the Amount of a Share shall be the utmost aggregate Amount of the Calls made in any Year upon any Share.

Power to borrow on Mortgage.

9. The Company may from Time to Time borrow on Mortgage any Sum not exceeding in the whole Two thousand six hundred Pounds, but no Part thereof shall be borrowed until the whole Capital of Eight thousand Pounds is subscribed for, issued, and accepted, and One Half thereof is paid up, and the Company have proved to the Sheriff who is to certify under the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," (before he so certifies,) that the whole of such Capital has been subscribed for, issued, and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share in such Capital has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and upon Production to such Sheriff of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which shall be sufficient Evidence thereof.

Arrears may be enforced by Appointment of a Receiver.

10. The Mortgagees of the Company may enforce Payment of the Arrears of Interest or Principal, or Principal and Interest, due on their Mortgages, by the Appointment of a Receiver; and in order to authorize the Appointment of a Receiver in respect of Principal, or Principal and Interest, the Amount owing to the Mortgagees by whom the Application for a Receiver is made shall not be less than Three hundred Pounds in the whole.

11. The

Debenture Stock.

11. The Company may create and issue Debenture Stock.

Monies borrowed on Mortgage to have Priority.

12. All Monies to be borrowed on Mortgage under this Act from the Time when the said Monies shall be advanced, and the Interest for the Time being due thereon, shall have Priority against the Company, and all the Property from Time to Time of the Company, over all other Claims on account of any Debts to be incurred or Engagements to be entered into by them: Provided always, that such Priority shall not prejudice or affect any Claim against the Company or their Property in respect of any Rentcharge to be granted by them in pursuance of the Provisions of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," or "The Lands Clauses Consolidation Acts Amendment Act, 1860," nor shall anything herein-before contained prejudice or affect any Claim or Lien in respect of any Land taken, used, or occupied by the Company for the Purposes of the Railway, or injuriously affected by the Construction thereof, or by the Exercise of any of the Powers by this Act conferred on the Company.

Application of Money raised under Act.

13. All Monies raised under this Act, whether by Shares, Debenture Stock, or borrowing, shall be applied for the Purposes of this Act only.

First Ordinary Meeting.

14. The First Ordinary Meeting of the Company shall be held within Three Months after the passing of this Act.

Number of Directors.

15. The Number of Directors shall be Three.

Qualification of Directors.

16. The Qualification of a Director shall be the Possession in his own Right of not less than Ten Shares.

Quorum.

17. The Quorum of a Meeting of Directors shall be Two.

First Directors.

18. *Walter Maclellan*, *George Auldjo Jamieson*, and *Robert Bell* shall be the First Directors of the Company, and shall continue in Office until the First Ordinary Meeting held after the passing of this Act; at that Meeting the Shareholders present in person or by proxy may either continue in Office the Directors appointed by this Act, or any of them, or may elect a new Body of Directors or Director to supply the Place of those not continued in Office, the Directors appointed by this Act being, if qualified, eligible for Re-election; and at the First Ordinary Meeting to be held in every Year after the First Ordinary Meeting the Shareholders present in person or by proxy shall elect Persons to supply the Places of the Directors then retiring from Office agreeably to the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," contained, and the

Election of Directors.

several

several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the same Act.

Lands for extraordinary Purposes.

19. The Quantity of Land to be taken by the Company by Agreement for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall not exceed Half an Acre.

Powers for compulsory Purchases limited.

20. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for Completion of Works.

21. The Railway shall be completed within Three Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Deposit Money not to be repaid until Line opened or Half the Capital paid up and expended, except on Execution of Bond, &c.

22. Whereas pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Six hundred Pounds, being Eight *per Centum* on Seven thousand five hundred Pounds, the Amount of the Estimate of the Expense of the Railway by this Act authorized, has been deposited in the Names of *Robert Bell*, *Walter Maclellan*, and *George Auldjo Jamieson* (being Subscribers to the Undertaking as set forth in the Schedule hereto) with the Court of Exchequer in *Scotland* in respect of the Application to Parliament for this Act: Therefore, notwithstanding anything contained in the said recited Act, the said Sum, or the Interest or Dividends thereof, shall not, except upon the Execution and Deposit of such Bond as hercin-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the Sum

so deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer in *Scotland*, and when so paid shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*: Provided that at any Time after the passing of this Act if a Bond in twice the Amount of the said Sum of Six hundred Pounds shall have been executed by the Company, with One or more Surety or Sureties, (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by, the Solicitor of the Lords Commissioners of Her Majesty's Treasury,) conditioned for the Payment to Her Majesty, Her Heirs or Successors, of the Sum so deposited if the Company shall not, within the Time limited for the Completion of the Railway, either open the Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act to the contrary notwithstanding; and the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Tolls.

23. The Company may demand and take in respect of the Use of the Railway any Tolls not exceeding the following; (that is to say,)

For Passengers and Animals.

1. In respect of Passengers and Animals conveyed on the Railway:

For any Person conveyed in or upon any Carriage, any Sum not exceeding Twopence Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding Twopence:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, not exceeding Twopence Halfpenny; and for every Ox,

Ox, Cow, Bull, or Head of Neat Cattle, not exceeding Twopence Halfpenny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding Threepence:

For every Calf or Pig, not exceeding One Penny Farthing; and for every Sheep, Lamb, or other small Animal, not exceeding One Penny Farthing; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Penny Halfpenny:

2. In respect of Goods conveyed on the Railway: Tolls for Goods.

For all Coals, Cinders, Stones for building, pitching, and paving, Dung, Compost, and all Sorts of Manure, Lime and Limestone, Clay, Sand, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton not exceeding Twopence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton not exceeding One Penny:

For all Coke, Culm, and Charcoal, all Bricks, Tiles, Slates, Ironstone and Iron Ore, Copper Ore, Tin Ore, Manganese, and all other Ores and Minerals, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per* Ton not exceeding Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton not exceeding One Penny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, and Deals, Copper, Tin, Lead, and other Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton not exceeding Threepence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton not exceeding One Penny Halfpenny:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton not exceeding Fivepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton not exceeding Twopence:

And for every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, not exceeding Eightpence;

And a further Sum of One Penny Halfpenny for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh.

24. The Toll which the Company may demand for the Use of Engines for propelling Carriages on the Railway shall not exceed One Tolls for propelling Power.

One Penny Farthing for each Passenger or Animal or for each Ton of Goods, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Regulation as to Tolls.

25. The following Provisions and Regulations shall apply to the fixing of all Tolls and Charges payable under this Act; (that is to say,)

For a Fraction of a Ton the Company may demand Tolls according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for small Parcels and single Articles of great Weight.

26. With respect to small Parcels not exceeding Five hundred Pounds in Weight, and single Articles of great Weight, notwithstanding anything in this Act, the Company may demand and take any Tolls not exceeding the following; (that is to say,)

For the Carriage of small Parcels on the Railway, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Threepence;

For any Parcel exceeding Seven Pounds in Weight but not exceeding Fourteen Pounds in Weight, Fivepence;

For any Parcel exceeding Fourteen Pounds in Weight but not exceeding Twenty-eight Pounds in Weight, Sevenpence;

For any Parcel exceeding Twenty-eight Pounds in Weight but not exceeding Fifty-six Pounds in Weight, Ninepence;

And for Parcels exceeding Fifty-six Pounds in Weight but not exceeding Five hundred Pounds in Weight the Company may demand any Sum which they think fit:

Provided always, that Articles sent in large aggregate Quantities, although made up in separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but that Term shall apply only to single Parcels in separate Packages:

For the Carriage of single Articles of great Weight on the Railway:

For the Carriage of any One Boiler, Cylinder, Bob, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Sixpence *per* Ton:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Maximum Rates of Passengers.

27. The maximum Rate of Charge to be made by the Company for the Conveyance of Passengers upon the Railway, including the Tolls for the Use of the Railway, and for Carriages and locomotive Power, and every other Expense incidental to such Conveyance, shall not exceed the following; (that is to say,)

For every Passenger conveyed in a First-class Carriage, the Sum of Fourpence:

For every Passenger conveyed in a Second-class Carriage, the Sum of Threepence:

For every Passenger conveyed in a Third-class Carriage, the Sum of Twopence.

Maximum Rates for Animals and Goods.

28. The maximum Rate of Charge to be made by the Company for the Conveyance of Animals and Goods (except such small Parcels and single Articles of great Weight as aforesaid) on the Railway, including the Tolls for the Use of the Railway, and for Waggons or Trucks and locomotive Power, and for every other Expense incidental to the Conveyance (except a reasonable Charge for loading and unloading Goods at any Terminal Station in respect of such Goods, and for Delivery and Collection, and any other Service incidental to the Business or Duty of a Carrier, where any such Service is performed by the Company), shall not exceed the following Sums; (that is to say,)

For every Horse or other Beast of Draught or Burden before classed with Horses, the Sum of Fivepence:

For every Ox, Cow, Bull, or Head of Neat Cattle, the Sum of Twopence Halfpenny *per* Head:

For every Calf or Pig, One Penny each:

For Sheep and small Animals, One Penny each:

For every Carriage not weighing more than One Ton, the Sum of Sixpence, and a further Sum of One Penny Halfpenny for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh:

For Coals and other Articles herein-before classed therewith, the Sum of One Penny Halfpenny *per* Ton:

For Coke, Ores, Minerals, and other Articles herein-before classed therewith, the Sum of Twopence Halfpenny *per* Ton:

For Sugar and other Articles herein-before classed therewith, the Sum of Fourpence *per* Ton:

For Cotton and other Goods and Articles herein-before classed therewith, the Sum of Fivepence *per* Ton.

Passengers Luggage.

29. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twenty Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Company may take increased Charges by Agreement.

30. Nothing in this Act shall prevent the Company from taking any increased Charges, over and above the Charges by this Act limited, for the Conveyance of Animals or Goods of any Description, by Agreement with the Owners or Persons in charge thereof, either by reason of any special Service performed by the Company in relation thereto, or in respect to the Conveyance of Animals or Goods (other than small Parcels) by Passenger Trains.

Interest not to be paid on Calls paid up.

31. The Company shall not, out of any Money by this Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not 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."

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

32. The Company shall not, out of any Money by this Act authorized to be raised, pay or deposit any Sum which, by any Standing Order of either House of Parliament now or hereafter in force, may require to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

Railway not exempt from Provisions of present and future General Acts.

33. Nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized 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, authorized by this Act.

Expenses of Act.

34. 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.

SCHE-

SCHEDULE

Containing the Names, Residences, and Descriptions of the Contributors to the Deposit with the Court of Exchequer in Scotland.

Names.	Residences.	Descriptions.	Amounts.
Robert Bell - -	Broxburn - -	Shale Oil Manufacturer.	£400
Walter Maclellan -	Trongate, Glasgow -	Iron Merchant -	£100
George Auldjo Jamieson.	St. Andrew Square, Edinburgh.	Accountant - -	£100
			£600

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