ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

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Cap. clv.

An Act to enable the *Caledonian* Railway Company to make certain Branch Railways and other Works in the County of *Lanark;* and for other Purposes. [10th *July* 1854.]

WHEREAS by the *Caledonian* Railway Act, 1845, the *Caledonian* Railway Company were incorporated, and empowered to make a Railway for the Purpose of connecting the City of *Carlisle* with the Cities of *Edinburgh* and *Glasgow*, and the Northern Parts of the Kingdom of *Scotland*: And whereas, under the Powers of the *Caledonian* Railway (*Glasgow, Garnkirk, and Coatbridge* Railway Purchase) Act, 1846, the *Caledonian, Polloc and Govan*, and *Clydesdale Junction* Railways Amalgamation Act, 1846, and the *Caledonian* Railway (*Wishaw and Coltness* Railway Purchase) Act, 1849, the *Caledonian* Railway Company have acquired the Undertakings of the *Glasgow, Garnkirk, and Coatbridge*, the *Polloc and Govan*, and the *Clydesdale Junction*, and the *Wishaw and Coltness* Railway Companies respectively, and the Powers of the said several Companies in relation to their respective Undertakings: And whereas by the *Caledonian* Railway (*Glasgow, Garnkirk, and Coatbridge* Branch) Act, 1846, the *Caledonian* Railway Company were empowered to make a Branch Railway from the *Glasgow,*

8 & 9 Vict. c. clxii.

9 & 10 Vict. c. cccxxix.

9 & 10 Vict. c. ccclxxix.

12 & 13 Vict. c. lxvii.

9 & 10 Vict. c. ccxxix.

Garnkirk, and Coatbridge Railway near *Gartcosh* to the *Castlecary* Branch of the *Caledonian* Railway near *Glenboig*, which Branch Railway is now in course of Construction: And whereas, by the *Wishaw and Coltness* Railway (Deviation and Improvement) Act, 1848, the *Wishaw and Coltness* Railway Company were empowered to make a Deviation of the *Wishaw and Coltness* Railway from its Junction with the *Motherwell* Branch of the *Clydesdale Junction* Railway to a Point near the *Holytown* Station, and a connecting Branch Railway from the said Deviation near the West of *Scotland* Malleable Iron Works to the said *Motherwell* Branch; but no Part of the said Deviation, or of the said connecting Branch, has been executed, nor has any Contract been entered into, or Notice given, for the Purchase of Lands for the Purposes thereof: And whereas it is expedient that the *Caledonian* Railway Company should be authorized to complete and maintain the Branch Railway authorized by the *Caledonian* Railway (*Glasgow, Garnkirk, and Coatbridge* Branch) Act, 1846, with certain Alterations on the Line and Levels thereof, as also to make and maintain a Branch Railway from the *Wishaw and Coltness* Railway near the *Holytown* Station to the *Motherwell* Branch of the *Clydesdale Junction* near *Motherwell*, and to relinquish the Deviation and connecting Branch authorized by the *Wishaw and Coltness* Railway (Deviation and Improvement) Act, 1848, which will be rendered unnecessary by the Branch Railway last described, as also to remove the Tunnel upon that Portion of the *Wishaw and Coltness* Railway which lies between *Carnbroe* Iron Works and the *Holytown* Station, and to make and maintain an open Cutting in lieu thereof: And whereas a Portion of the *Monkland and Kirkintilloch* Railway intervenes between those Portions of the Lines of the *Caledonian* Railway Company which connect *England* with the North of *Scotland*, and is in use by that Company for the Conveyance of Traffic between those Places; and it is expedient to secure to the *Caledonian* Railway Company the Use of such intervening Portion of Railway, but these 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 Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

11 & 12 Vict. c. cxlviii.

Short Title.

I. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Caledonian* Railway (Branches and Amendment) Act, 1854."

"The Company."

II. In this Act the Expression "the Company" shall mean the *Caledonian* Railway Company.

8 & 9 Vict. cc. 19 & 33. incorporated.

III. The Lands Clauses Consolidation (*Scotland*) Act, 1845, and the Railways Clauses Consolidation (*Scotland*) Act, 1845, shall, for the Purposes

Purposes of the new Works authorized by this Act, be incorporated with this Act.

Power to execute Works according to deposited Plans.

IV. Whereas Plans and Sections showing the Lines and Levels of the Works after mentioned, and Books of Reference to the said Plans, have been deposited for public Inspection in the Offices at *Glasgow*, *Hamilton*, and *Airdrie* respectively of the Principal Sheriff Clerk of the County of *Lanark*: It shall be lawful for the Company, with the Powers of Deviation and other Powers, and subject to the Provisions contained in this Act and in the Acts incorporated herewith, to make, complete, and maintain, in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, the several Works herein-after described, and all proper Conveniences in connexion therewith respectively, and to enter upon, take, and use such of the said Lands as they may find necessary for the said Purposes; (that is to say,)

First, to complete and maintain the Branch Railway authorized by the *Caledonian* Railway (*Glasgow, Garnkirk, and Coatbridge* Branch) Act, 1846, in the Line and according to the Levels delineated on the said Plans and Sections, in lieu of the Line and Levels delineated on the Plans and Sections referred to in that Act:

Secondly, to make and maintain a Branch Railway, commencing by a Junction with the *Wishaw and Coltness* Railway at a Point near the First Bridge over the said Railway to the South of the *Holytown* Station, and terminating by a Junction with the *Motherwell* Branch of the *Clydesdale Junction* Railway at a Point near the Village of *Motherwell*:

Thirdly, to remove the Tunnel upon that Portion of the *Wishaw and Coltness* Railway which lies between *Carnbroe* Iron Works and the *Holytown* Station, and to make and maintain an open Cutting in lieu thereof, the said open Cutting to commence at or near the Northern Extremity of the said Tunnel, near the $92\frac{3}{4}$ Mile Post from *Carlisle*, and to terminate at or near the Southern Extremity of the said Tunnel, near the $92\frac{1}{4}$ Mile Post from *Carlisle*.

Lands for extraordinary Purposes.

V. It shall be lawful for the Company to purchase, in connexion with the Works by this Act authorized to be made, any Quantity of Land not exceeding Ten Acres, for the extraordinary Purposes specified in the Railways Clauses Consolidation (*Scotland*) Act, 1845.

Powers for compulsory Purchases limited.

VI. The Powers 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.

Limiting Time for Completion of Works.

VII. The Railways by this Act authorized shall be completed within Four Years from the passing of this Act; and on the Expiration of that Period

Period the Powers hereby granted to the Company for making the said Railways shall cease, except as to so much thereof as shall then be completed: Provided always, that if the said Railways shall not be completed and opened for public Traffic within the said Period of Four Years, the Payment of any Dividend on the ordinary and unguaranteed Capital of the Company shall, after the Expiration of that Period, be suspended until the said Railways shall be so completed and opened.

Regulating the Dimensions of certain Bridges.

VIII. It shall be lawful for the Company to construct and maintain the Bridges for carrying the Branch Railways in the first and second places herein-before described over the Roads and Railway numbered as after mentioned on the Plans deposited as aforesaid in reference to this Act, of such Dimensions as they may think fit, not less than the Dimensions following respectively; that is to say,

In the Case of the Road numbered 21*a*, in the Parish of *Cadder*, the Height of the Arch shall not be less than Thirteen Feet Three Inches, as at present:

In the Case of the Railway numbered 28, in the Parish of *Old Monkland*, the Width of the Arch shall not be less than Thirty Feet, and the Height thereof not less than Fifteen Feet:

In the Case of the Road numbered 41, in the Parish of *Old Monkland*, the Width of the Arch shall not be less than Twenty Feet, and the Height thereof not less than Eleven Feet Three Inches, as at present:

In the Case of the Diversion, delineated on the said Plans, of the Road numbered 7 in the Parish of *Bothwell*, the Width of the Arch shall not be less than Twenty Feet.

Tolls for the Branch Railway first hereby authorized.

IX. It shall be lawful for the Company, subject to the Conditions, Limitations, and Provisions contained in the *Caledonian* Railway Act, 1845, to demand and recover, for the Use of the Branch Railway in the first place hereby authorized, and the Conveyance of Traffic thereon, the same Tolls, Rates, and Charges which the Company are authorized by that Act to demand and recover for the Use of the Railways thereby authorized, and the Conveyance of Traffic thereon; and the said Branch Railway shall, so far as regards Tolls, Rates, and Charges, be held and considered as a Part of the *Castlecary* Branch of the *Caledonian* Railway formed under the Authority of the said Act.

Tolls for the Branch Railway secondly hereby authorized.

X. It shall be lawful for the Company, subject to the Conditions, Limitations, and Provisions contained in the *Caledonian* Railway (*Wishaw and Coltness* Railway Purchase) Act, 1849, to demand and recover for the Use of the Branch Railway secondly hereby authorized, and the Conveyance of Traffic thereon, the same Tolls, Rates, and Charges which the Company are authorized by that Act to demand and recover for the Use of the *Wishaw and Coltness* Railway, and the

Conveyance

Conveyance of Traffic thereon, and the said Branch Railway shall, so far as regards Tolls, Rates, and Charges, be held and considered as a Part of the *Wishaw and Coltness* Railway: Provided always, that in the Case of Traffic on the *Wishaw and Coltness* Railway passing from the Point of *Junction* of that Railway with the *Motherwell* Branch of the *Clydesdale Junction* Railway near *Motherwell* to the Point of Junction of the *Wishaw and Coltness* Railway with the said Branch Railway secondly hereby authorized, near *Holytown*, or *vice versâ*, by means of the said Branch Railway, and of a Portion of the said *Motherwell* Branch, the Tolls, Rates, and Charges to be levied by the Company for the Use of the said Branch Railway secondly hereby authorized, and the Conveyance of such Traffic thereon, together with the Tolls, Rates, and Charges to be levied by the Company in respect of the said Portion of the said *Motherwell* Branch, shall not exceed the Tolls, Rates, and Charges which might have been demanded and recovered by the Company, under the Powers of the last-mentioned Act, for the Use of the Portion of the *Wishaw and Coltness* Railway between the said Points of Junction and the Conveyance of such Traffic thereon.

Power to raise Money by Creation of new Shares.

XI. It shall be lawful for the Company, with Consent of Three Fifths of the Votes of the Shareholders present personally or by Proxy at any Extraordinary Meeting to be convened for the Purpose, from Time to Time to raise, in addition to the Sums which they are or may be authorized to raise by any other Act of Parliament, any further Sums of Money, not exceeding in the whole the Sum of Eighty thousand Pounds, by the Creation of new Shares or Stock, bearing, if the Company shall think fit, a guaranteed or preferential Dividend of such Amount as the Company may appoint, not exceeding Five Pounds *per Centum per Annum*, which Sum shall be applicable only to the Objects and Purposes by this Act authorized, and shall be raised subject to the like Conditions and Restrictions, as to the maximum Amount of each Call, and the Interval between the successive Calls, as are prescribed by the said first-recited Acts in relation to the Capital thereby authorized to be raised; and the new Shares or Stock created by virtue of this Act shall become Part of the general Capital of the Company: Provided always, that any Guarantee or Priority of Dividend which may be granted in respect of such new Shares or Stock in pursuance hereof shall not prejudice or affect any Guarantee, Preference, or Priority in the Payment of Interest or Dividend or any other Shares or Stock which may have been granted by the Company in pursuance of, or which may have been created or confirmed by, any previous Act of Parliament, or which may be otherwise lawfully subsisting.

Power to borrow Money on Mortgage.

XII. After the whole of the said Sum of Eighty thousand Pounds shall have been subscribed, and One Half thereof shall have been paid up, it shall be lawful for the Company from Time to Time to borrow on Mortgage

Mortgage or Bond, and if paid up again to borrow, any Sum or Sums of Money not exceeding in all Twenty-six thousand six hundred Pounds, in addition to the Amount which they are or may be authorized to borrow by any other Act of Parliament: Provided always, that the Sums so to be borrowed under the Powers of this Act shall be applicable only to the Objects and Purposes by this Act authorized: Provided also, that all Mortgages, Bonds, and Debenture Stock, for which or for the Interest whereof the Company are lawfully liable, and which shall be in force at the Time of the passing of this Act, and all Renewals thereof, shall during their Subsistence have Priority over any Mortgage, Bond, or other Security for Money to be granted by the Company under the Powers of this Act.

10 & 11 Vict. c. xvi. incorporated.

XIII. Subject to the Provisions of this Act, all the Clauses and Provisions of the Companies Clauses Consolidation (*Scotland*) Act, 1845, with respect to the Distribution of the Capital of the Company into Shares, and with respect to the Transfer or Transmission of Shares, and with respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls, and with respect to the Forfeiture of Shares for Nonpayment of Calls, and with respect to the borrowing of Money by the Company on Mortgage or Bond, and with respect to the Conversion of the borrowed Money into Capital, and with respect to the Consolidation of the Shares into Stock, and with respect to the General Meetings of the Company and the Exercise of the Right of voting by the Shareholders, shall be incorporated with this Act, and shall be applicable to the Moneys hereby authorized to be raised and borrowed: Provided always, that each Holder of new Shares or Stock in the Capital hereby or by any other Acts authorized to be raised by the Company shall be entitled to the same Number of Votes in respect thereof which the Possession of an equal nominal Amount in Money of the Capital authorized by the said first-recited Act would have conferred upon him.

Interest not to be paid on Calls paid up.

XIV. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay to any Shareholder Interest or Dividend on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in that Behalf of the Companies Clauses Consolidation (*Scotland*) Act, 1845.

Deposits for future Bills not to be paid out of

XV. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which by

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 Company to construct any other Railway, or execute any other Work or Undertaking. Company's Capital.

XVI. The Powers and Provisions of the *Wishaw and Coltness* Railway (Deviation and Improvement) Act, 1848, with respect to the before-mentioned Deviation and connecting Branch Railway thereby authorized, shall be and the same are hereby repealed. Certain Provisions of Act 11 & 12 Vict. c. cxlviii. repealed.

XVII. Whereas by the Twenty-fifth Section of the *Caledonian* Railway Arrangements Act, 1851, it was provided that the Company should pay to the *Wishaw* Railway Guaranteed Company the fixed Annuity therein specified, at the Dates and subject to the Provisions mentioned in the Twenty-seventh and Twenty-eighth Sections of the said Act: And whereas by the Forty-third Section of the same Act, it was provided that the last-named Company should have a real Lien or Security for Payment of the said fixed Annuity over and in the Railways, Branch Railways, and Works constructed or authorized to be constructed under the Acts relating to the *Wishaw and Coltness* Railway Company, including the whole Revenues thereof, which real Lien or Security should be of the Nature and subject to the Provisions and rendered effectual in the Manner specified and referred to in the Forty-third and subsequent Sections of the said Act: And whereas the Branch Railway from the *Wishaw and Coltness* Railway to the *Motherwell* Branch of the *Clydesdale Junction* Railway secondly authorized by this Act, may to a certain Extent be used in lieu of a Portion of the Main Line of the *Wishaw and Coltness* Railway: And whereas the Company have agreed that such real Lien or Security should be extended over the said Branch Railway: Be it enacted, That from and after the Completion and Opening of the said Branch Railway secondly authorized by this Act the *Wishaw* Railway Guaranteed Company shall have the same real Lien or Security over and in the said Branch Railway and whole Revenues thereof for Payment of the said fixed Annuity, and the same Means of rendering such real Lien or Security effectual over the said Branch Railway and Revenues thereof, which they now have as aforesaid in relation to the Railways, Branch Railways, and Works constructed under the Acts relating to the *Wishaw and Coltness* Railway Company and Revenues thereof. Extending Lien of Wishaw Railway Guaranteed Company over Branch Railway secondly authorized by this Act.

XVIII. It shall be lawful for the Company, during the Period of Fifty-seven Years from and after the Fifteenth Day of *May* One thousand eight hundred and fifty-four, determinable always as herein-after provided, to use and pass over with their own Engines, Coaches, Waggons, Power to use a Portion of Monkland and Kirkintilloch Railway.

Waggons, and other Carriages of every Description, and with Engines, Coaches, Waggons, and other Carriages of every Description using or passing over their Lines of Railway, or any of them, or any Part thereof, so much of the Line of the *Monkland and Kirkintilloch* Railway (forming Part of the Undertaking of the *Monkland* Railways Company) as is situated between the Point of Junction of the last-mentioned Railway with the *Glasgow, Garnkirk, and Coatbridge* Railway near *Gartsherrie* Station, and the Point of Junction of the said *Monkland and Kirkintilloch* Railway with the *Castlecary* Branch of the *Caledonian* Railway near *Garnqueen*, in the Manner and upon Payment of the Consideration herein-after specified.

Passenger Traffic of Company to have Priority of Accommodation thereon.

XIX. During the said Period of Fifty-seven Years, determinable as after mentioned, the Passenger Traffic of the Company, including all Passenger Trains and Mixed Trains conveying Passengers using or passing over the Lines of Railway of the Company, or any Part thereof, shall have Priority of Accommodation upon the said Portion of the *Monkland and Kirkintilloch* Railway, to all other Traffic whatsoever, and the *Monkland* Railways Company shall and are hereby required to keep their said Portion of Railway clear of all other Traffic for a reasonable Time before each of such Passengers Trains and Mixed Trains shall from Time to Time be due thereon, and until after the same have passed, and to make and enforce such Byelaws and Regulations as may from Time to Time be necessary for that Purpose.

Payments to be made for such Use.

XX. During the said Period of Fifty-seven Years, determinable as after mentioned, and whether the Company shall or shall not avail themselves of the Powers hereby granted to them of using the said Portion of the *Monkland and Kirkintilloch* Railway, the Company shall and are hereby required to pay to the *Monkland* Railways Company in consideration of the said Powers, and in lieu of all Tolls, Rates, and Charges leviable by the *Monkland* Railways Company in respect of all Traffic of every Description (excepting as after mentioned) which may be conveyed by the Company over the said Portion of Railway, the Sum of Seven hundred and fifty Pounds *per Annum*, which Sum shall be payable by equal Portions at the Terms of *Whitsunday* and *Martinmas* in each Year, commencing at the Term of *Martinmas* One thousand eight hundred and fifty-four, for the Half Year preceding, with the legal Interest of each Term's Payment from the Term at which the same shall become due until paid: Provided always, that in addition to the said yearly Sum the Company shall pay to the *Monkland* Railways Company, in respect of all Traffic which may be conveyed by the Company over the said Portion of Railway to or from any Point to the Westward of the aforesaid Point of Junction near *Gartsherrie* Station, after the Completion and opening for Traffic of the Branch Railway in the first place herein-before described, such Tolls as shall be fixed by Agreement,

and

and, failing such Agreement, the same Tolls which shall at the Time be levied by the *Monkland* Railways Company in respect of similar Traffic passing over the same Portion of Railway.

Power to either Party to terminate such Use on Three Years Notice.

XXI. It shall be lawful for the Company, if they think fit, to terminate the Powers hereby granted to them, and the Payments hereby appointed to be made by them, in respect of the Use of the said Portion of the *Monkland and Kirkintilloch* Railway, at the Term of *Whit Sunday* One thousand eight hundred and seventy-three, or at the Term of *Whit Sunday* One thousand eight hundred and ninety-two, by giving to the *Monkland* Railways Company Notice in Writing of their Intention to terminate the same at least Three Years previously to such Term; and it shall in like Manner be lawful for the *Monkland* Railways Company, if they think fit, to terminate the said Powers and Payments at either of the Two Terms above mentioned, by giving to the Company Notice in Writing of their Intention to terminate the same at least Three Years previously to such Term, and the said Powers and Payments shall, unless the Parties otherwise agree, terminate accordingly, anything herein contained notwithstanding.

Company to be subject to Provisions of 1 & 2 Vict. c. 98. 3 & 4 Vict. c. 97. 5 & 6 Vict. c. 55. 7 & 8 Vict. c. 85. 9 & 10 Vict. c. 57. 14 & 15 Vict. c. 64.

XXII. Nothing in this Act contained shall be held to exempt the Company, or the Railways hereby authorized to be made, from the Provisions of the following Public General Acts, viz., First and Second *Victoria*, Chapter Ninety-eight, intituled *An Act to provide for the Conveyance of the Mails by Railways*; Third and Fourth *Victoria*, Chapter Ninety-seven, intituled *An Act for regulating Railways*; Fifth and Sixth *Victoria*, Chapter Fifty-five, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; Seventh and Eighth *Victoria*, Chapter Eighty-five, 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*; Ninth and Tenth *Victoria*, Chapter Fifty-seven, intituled *An Act for regulating the Gauge of Railways*; and Fourteenth and Fifteenth *Victoria*, Chapter Sixty-four, intituled *An Act to repeal the Act for constituting Commissioners of Railways*; but such Provisions shall be in force in respect to the Company and the said Railways so far as the same are applicable thereto.

Railways not exempt from Provisions of any General Act.

XXIII. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act or the said recited Acts authorized to be made 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 this Act or the said recited Acts, and of the Rates for small Parcels.

Expenses of Act.

XXIV. All the Costs, Charges, and Expenses of applying for and obtaining this Act, and in any way incidental thereto, shall be paid by the Company.

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