ANNO TRICESIMO

VICTORIÆ REGINÆ.

Cap. lx.

An Act for enabling the *Caledonian* Railway Company to make certain Branch Railways in the Counties of *Lanark* and *Midlothian*, and to acquire additional Station Ground at *Carlisle*; and for other Purposes. [31st *May* 1867.]

WHEREAS by "The *Caledonian* Railway Act, 1845," the *Caledonian* Railway Company (in this Act called "the Company") were incorporated: And whereas by "The *Caledonian* Railway (*Lanarkshire* and *Midlothian* Branches) Act, 1866," the Company were authorized to make and maintain various Branch Railways in the Counties of *Lanark* and *Midlothian*, and, among others, a Branch Railway called in that Act and in this Act "Line No. 7," commencing by a Junction with the *Clydesdale Junction* Railway near *Clyde Street* of *Hamilton*, and terminating by a Junction with the Main *Lesmahagow* Branch of the *Caledonian* Railway about Two and a Half Furlongs Southward from *Ross House*; and by Section Eighteen of that Act it was enacted that none of the Powers granted to the Company by that Act for the Acquisition of Lands or Construction of Railway should, as respects the Lands belonging or reputed to belong to *Mary* Baroness Dowager

8 & 9 Vict. c. clxii.

29 & 30 Vict. c. cccxlii.

of *Ruthven*, which on the deposited Plans of Line No. 7 are numbered 317, 319, 320, and 323 to 333, both Numbers inclusive, in the Parish of *Hamilton*, be exercised by the Company before the Thirtieth Day of *August* Eighteen hundred and sixty-seven, except as hereinafter mentioned, without the previous Consent in Writing of the said *Mary* Baroness Dowager of *Ruthven* or of the Proprietor of the said Lands for the Time being, and that if the Company should in the then next Session of Parliament obtain an Act for authorizing a Deviation of Line No. 7 which should not pass through any Lands then belonging or reputed to belong to the said *Mary* Baroness Dowager of *Ruthven*, or to which she or the Proprietor for the Time being of such Lands should consent, then and in such Case all the Powers granted to the Company by that Act in respect to the Lands numbered as aforesaid should cease and determine, and that the Company should *bonâ fide* promote and prosecute in the then next Session of Parliament a Bill for authorizing such Deviation; and that if they should do so, and such Bill should be rejected by either House of Parliament, or be withdrawn with the Consent of the said *Mary* Baroness Dowager of *Ruthven*, or of the Proprietor for the Time being of the Lands numbered as aforesaid, then all the Powers by that Act granted to the Company for the Acquisition of Lands and Construction of Railway, and otherwise in respect to the Lands numbered as aforesaid, should revive upon the Day of such Rejection or Withdrawal: And whereas the Bill for this Act as introduced into Parliament contained Provisions for authorizing the Company to make and maintain a Deviation of Line No. 7 as required by the said Section of the second-recited Act, but the said *Mary* Baroness Dowager of *Ruthven* consented in Writing to the Construction of Line No. 7 as authorized by that Act, and the Provisions with respect to such Deviation were accordingly withdrawn from the said Bill: And whereas it was provided by Section Seventeen of the second-recited Act that Line No. 7 should be carried through the Portion described in that Section of the Lands belonging or reputed to belong to the said *Mary* Baroness Dowager of *Ruthven* in covered Way, and on a Level Five Feet lower than the Level of the Railway as delineated on the Sections deposited with reference to the said Act: And whereas the said Provision was inserted in that Act for the Protection solely of the said *Mary* Baroness Dowager of *Ruthven*: And whereas it would be attended with Advantage and Convenience to the Public and to the Company if the Company were authorized to make and maintain the Branch Railways herein-after described in the said Counties of *Lanark* and *Midlothian*, and to acquire additional Land for Station Purposes at *Carlisle*: And whereas Plans and Sections showing the Lines and Levels of the said proposed Railways, and the Lands which may be required for the Purposes thereof, and for Station Purposes at *Carlisle*, with Books of Reference to the said Plans, have been deposited

deposited for public Inspection in the Office at *Edinburgh* of the Principal Sheriff Clerk of the County of *Midlothian*, in the Offices at *Glasgow*, *Hamilton*, and *Lanark* respectively of the Principal Sheriff Clerk of the County of *Lanark*, and in the Office at *Carlisle* of the Clerk of the Peace for the County of *Cumberland*, and are herein-after referred to as the deposited Plans, Sections, and Books of Reference; but the Objects aforesaid 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:

Short Title.

1. This Act may be cited for all Purposes as "The *Caledonian* Railway (Branches and Station) Act, 1867."

8 & 9 Vict. cc. 17., 18., 19., and 33., 23 & 24 Vict. c. 106., 25 & 27 Vict. cc. 92. & 118., incorporated.

2. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation (*Scotland*) Act, 1845," Part I. (relating to Construction of a Railway) of "The Railways Clauses Act, 1863," and 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 also 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," so incorporated with this Act, 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 authorized to issue, and to the Holders thereof.

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

herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; and in this Act, and those Acts as applied to this Act, the Expression "the Company" shall mean the *Caledonian* Railway Company, the Expression "the Special Act" shall mean this Act, the Expressions "the Railway" and "the Undertaking" respectively shall mean the Railways and the Undertaking by this Act authorized, and the Expression "Line No. 7" shall mean the Branch Railway from the *Clydesdale Junction* Railway to the *Lesmahagow* Branch of the *Caledonian* Railway authorized by the second-recited Act, and therein called "Line No. 7."

Power to make Railways herein stated.

4. Subject to the Provisions of this Act, the Company may make and maintain in the Lines and according to the Levels shown on the deposited Plans and Sections the Railways hercin-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith respectively, and may enter upon, take, and use such of the Lands delineated on the said Plans and described in the deposited Books of Reference as may be required for that Purpose, and for the Purposes of Station Accommodation, Sidings, and other Works at *Carlisle*. The Railways herein-before referred to and authorized by this Act are,—

1. A Railway (to be called the *Haywood and Addiewell* Branch) Six Miles Two Furlongs and Three Yards or thereabouts in Length, commencing by a Junction with the *Wilsontown* Branch of the *Caledonian* Railway about One Furlong Westward from the Houses of *Lower Haywood* in the Parish of *Carnwath* in the County of *Lanark*, and terminating by a Junction with the Railway called Railway No. 1 in and authorized by "The *Caledonian* Railway (*Cleland and Midcalder* Railway and Branches) Act, 1865," about Thirteen Chains Westward from the Farmsteading of *Burngrange* in the Parish of *West Calder* in the County of *Midlothian*:
2. A Railway (to be called the *Lawhead and Cleuch* Branch) One Mile Four Furlongs and One hundred and forty-three Yards or thereabouts in Length, commencing by a Junction with the said *Wilsontown* Branch about One and a Half Furlongs Eastward from the said Houses of *Lower Haywood*, and terminating on the West Side of the Turnpike Road leading from *Carnwath* to *Wilsontown* about Two Furlongs Southward from *Cleuch House* in the said Parish of *Carnwath*:
3. A Railway (to be called the *Tarbrax* Branch) One Mile Seven Furlongs and Fifty-five Yards or thereabouts in Length, commencing by a Junction with the Main Line of the *Caledonian* Railway from *Carlisle* to *Edinburgh* about One Chain

Chain North-eastward from the Point where that Line crosses the Boundary between the Counties of *Lanark* and *Midlothian*, and terminating near the Southern End of the Retorts of the *Tarbrax* Oil Works in the said Parish of *Carnwath*:

4. A Railway (to be called the *South Cobinshaw* Branch) Seven Furlongs or thereabouts in Length, commencing by a Junction with the said *Tarbrax* Branch about Two and a Half Furlongs Northward from *Greenfield House* in the said Parish of *Carnwath*, and terminating about Five Furlongs Eastward from the Farmsteading of *South Cobinshaw* in the said Parish of *West Calder*.

Regulating Construction of Line No. 7 authorized by second-recited Act.

5. Notwithstanding anything contained in Section Eighteen of the second-recited Act, the Company may construct Line No. 7 in the Manner authorized by and subject to the Provisions of the other Sections of that Act, and specially in the Manner authorized by and subject to the Provisions of Section Seventeen thereof: Provided always, that the Company may, with the previous Consent in Writing of the said *Mary* Baroness Dowager of *Ruthven*, or of her Successor in the Lands referred to in Section Seventeen of that Act, carry Line No. 7 through the Portion of the said Lands specified in that Section, or any Part thereof, to which such Consent shall apply, in open Cutting and upon such Level within the Limits of vertical Deviation authorized by "The Railways Clauses Consolidation (*Scotland*) Act, 1845," as they shall think fit.

Power to raise Money by Ordinary or Preference Shares or Stock.

6. The Company may from Time to Time 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 One hundred and forty thousand Pounds by the Creation and Issue of new Ordinary Shares or Stock or new Preference Shares or Stock in their Capital, or, at the Option of the Company, by any One or more of those Modes: 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.

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 such 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.

Votes in respect of new Shares or Stock.

8. Each Holder of new Shares or Stock in the Capital by this Act authorized 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 Capital authorized by the first-recited Act would have conferred upon him.

Capital under several Acts of this Session may be raised by Shares or Stock of One Class.

9. If by any other Act or Acts passed in the present Session of Parliament, whether before or after the passing of this Act, the Company be authorized to raise any Capital by the Issue of new Shares or Stock (whether ordinary or preference), the Company may, if they think fit, subject to the Provisions of such other Act or Acts and of this Act, raise by the Issue of Shares or Stock of one and the same Class, and entitled to the same Privileges, all or any Part or Parts of the aggregate Capital which they are by such other Act or Acts and this Act authorized to raise by the Issue of Shares or Stock.

Power to borrow on Mortgage.

10. The Company may from Time to Time borrow on Mortgage any Sum not exceeding in the whole Forty-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, but no Part of such Sum shall be borrowed until the whole additional Capital of One hundred and forty thousand Pounds by this Act authorized to be raised 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 the said additional 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 so issued has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such additional Capital was issued *bonâ fide*, and is held by the Persons to whom the same was issued, or their Executors, Administrators, or Assignees, and that such Persons or their Executors, Administrators, or Assignees 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 Certificate shall be sufficient Evidence thereof.

Arrears may be enforced by Appointment of a Judicial Factor.

11. The Mortgagees of the Company may enforce Payment of Arrears of Interest or Principal, or Principal and Interest, due on their Mortgages by the Appointment of a Judicial Factor, and in order to authorize the Appointment of a Judicial Factor in respect of Principal, or Principal and Interest, the Amount owing to the Mortgagees

Mortgagees by whom the Application for a Judicial Factor is made shall not be less than Ten thousand Pounds in the whole.

Existing Securities to have Priority.

12. All Mortgages and Bonds granted by the Company in pursuance of the Powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages and Bonds have Priority over any Mortgages to be granted by virtue of this Act.

Debenture Stock.

13. The Company may create and issue Debenture Stock.

Application of Monies.

14. All Monies raised under this Act, whether by Shares or Stock, or Debenture Stock, or borrowing, shall be applied in the first instance for the Purposes of this Act, and subject thereto shall be applicable to the Purposes authorized by the other Acts relating to the Undertaking of the Company, and to those Purposes only.

Lands for extraordinary Purposes.

15. The Quantity of Land to be acquired by Agreement by the Company for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall not exceed Eight Acres, in addition to the Lands which they are authorized by this Act to take compulsorily, and by any other Acts to take compulsorily or acquire by Agreement.

Powers for compulsory Purchases limited.

16. 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 Three Years from the passing of this Act.

Period for Completion of Railways, and Security for their Completion.

17. The Railways by this Act authorized shall be completed within Five Years from the passing of this Act; and if those Railways are not completed and opened for public Traffic within the said Period of Five Years the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due to the Crown, for every Day after the Expiration of the said Period of Five Years until the said Railways shall be completed and opened for public Traffic: Provided always, that no Penalty shall accrue in respect of any Time during which it shall appear by a Certificate from the Board of Trade that the Company were prevented from completing or opening the said Railways by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

Inclinations of certain Roads.

18. In altering for the Purposes of this Act the Roads next herein-after mentioned the Company may make the same of any Inclinations

The Caledonian Railway (Branches and Station) Act, 1867.

Inclinations not steeper than the Inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
		HAYWOOD AND ADDIEWELL BRANCH.	
17	West Calder -	Parish -	1 in 15 on the one Side and level on the other Side.
		LAWHEAD AND CLEUCH BRANCH.	
214	Carnwath -	Turnpike -	1 in 12 on the one Side and level on the other Side.

Dimensions of certain Bridges.

19. The Company may make the Arches of the Bridges for carrying the Railway over the Roads next herein-after mentioned of any Heights and Spans not less than the Heights and Spans herein-after mentioned in connexion with those Roads respectively; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
		HAYWOOD AND ADDIEWELL BRANCH.		
			Feet.	Feet.
17	West Calder - -	Parish - -	14	20
		LAWHEAD AND CLEUCH BRANCH.		
214	Carnwath - -	Turnpike - -	15	25

And the Company may make the Bridge for carrying the Road numbered as after mentioned on the deposited Plans over the Railway of such Width between the Fences as they may think fit, provided that such Width be not less than the Width herein-after specified; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Width between Fences.
		LAWHEAD AND CLEUCH BRANCH.	
			Feet.
94	Carnwath - -	Parish - - -	15

Power to stop up Road, &c.

20. The Company, notwithstanding the Provisions of "The Railways Clauses Consolidation (*Scotland*) Act, 1845," incorporated with

with this Act, may permanently stop up the Road and Tramways next herein-after mentioned, without substituting others therefor; (that is to say,)

No. on deposited Plan.	Parish.	Description.
	HAYWOOD AND ADDIEWELL BRANCH.	
39 40	Carnwath - -	Old Road.
71	Carnwath - -	Tramways.

Powers of lateral Deviation.

21. The Company may, notwithstanding the Provisions of "The Railways Clauses Consolidation (*Scotland*) Act, 1845," incorporated with this Act, deviate from the Lines of the Railway as delineated on the deposited Plans to any Extent within the Limits of Deviation delineated on those Plans.

Notice to be given of taking Houses of Labouring Classes.

22. The Company shall, not less than Eight Weeks before they take in any City, Town, or Parish Fifteen Houses or more occupied either wholly or partially by Persons belonging to the Labouring Classes as Tenants or Lodgers, make known their Intention to take the same by Placards, Handbills, or other general Notice placed in public View upon or within a reasonable Distance from such Houses; and the Company shall not take any such Houses until they have obtained the Certificate of a Justice that it has been proved to his Satisfaction that the Company have made known their Intention to take the same in manner herein-before required.

Tolls.

23. The Company may demand and take in respect of the Use of the Railways by this Act authorized to be made, and of Carriages and Engines thereon, and in respect of Accommodation and Services provided by them in connexion with those Railways, any Tolls, Rates, and Charges not exceeding the Tolls, Rates, and Charges which the Company are by the second-recited Act authorized to demand and take in respect of the Use of the Railways by that Act authorized to be made, and of Carriages and Engines thereon, and in respect of Accommodation and Services provided by them in connexion therewith; and the Railways by this Act authorized to be made shall for the Purposes of Tolls and Charges and for all other Purposes form Part of the Railways authorized to be made by the second-recited Act as if authorized by that Act.

Interest not to be paid on Calls paid up.

24. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls

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.

25. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised, pay or deposit any Sum which, by any Standing Order of either House of Parliament now or herein-after 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 to execute any other Work or Undertaking.

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

26. Nothing herein contained shall be deemed or construed to exempt the Railways 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.

27. 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.

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