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VICTORIÆ REGINÆ.

Cap. cclxxxix.

An Act for enabling the *Caledonian* Railway Company to make a Railway from their Line near *Cleland* in the County of *Lanark* to their Line near *Mid-Calder* in the County of *Edinburgh*, with Branches to the Mineral Fields and Works in that District; and for other Purposes.

[5th *July* 1865.]

WHEREAS by "The *Caledonian* Railway Act, 1845," the *Caledonian* Railway Company (in this Act called "the Company") were incorporated, and under the Powers of that Act the Company have formed (among other Works) a Main Line of Railway from the City of *Carlisle* to the City of *Edinburgh*: And whereas, under the Provisions of "The *Caledonian* Railway (*Wishaw and Coltness* Railway Purchase) Act, 1849," all the Railways, Works, Lands, and Property of the *Wishaw and Coltness* Railway Company, including their *Cleland* Branch, were vested in the Company, and became a Part of their Undertaking: And whereas it would be attended with Advantage and Convenience to the Public if the Company were authorized to make and maintain a Railway from their said *Cleland* Branch to their Main Line near *Mid-Calder*, with Branch Railways to the Mineral Fields and Works in that District:

8 & 9 Vict. c. clxii.

12 & 13 Vict. c. lxvii.

The Caledonian Railway (Cleland and Mid-Calder Railway and Branches) Act, 1865.

District: And whereas Plans and Sections showing the Lines and Levels of the said proposed Railways, and the Lands which may be required to be taken for the Purposes thereof, with a Book of Reference to the said Plans, have been deposited for public Inspection in the Offices at *Hamilton*, *Airdrie*, and *Glasgow* respectively, of the Principal Sheriff Clerk of the County of *Lanark*, in the Office at *Linlithgow* of the Principal Sheriff Clerk of the County of *Linlithgow*, and in the Office in *Edinburgh* of the Principal Sheriff Clerk of the County of *Edinburgh*; 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; (that is to say,)

Short Title.

1. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Caledonian* Railway (*Cleland and Mid-Calder* Railway and Branches) Act, 1865."

8 & 9 Vict. cc. 19. & 33., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

2. Subject to the Provisions of this Act, "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 incorporated with this Act.

8 & 9 Vict. c. 17., and 26 & 27 Vict. c. 118. incorporated.

3. Subject to the Provisions of this Act, 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 Remedies of Creditors of the Company against the Shareholders, 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, and with respect to the Provision to be made for affording Access to the Special Act by all Parties interested, and also Part I. of "The Companies Clauses Act, 1863," relating to Cancellation and Surrender of Shares, and Part II. of that Act relating to additional Capital, are incorporated with this Act; and all the Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," so incorporated with this

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: Provided always, that each Year, out of the Profits of which the Preference Shares or Preference Stock issued under the Authority of this Act shall be entitled to the Preferential Dividend assigned thereto, shall end on the Thirty-first Day of *January*.

Interpretation of Terms.

4. In construing for the Purposes of this Act the Acts wholly and partly incorporated herewith, and in construing this Act, the following Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Expression "the Special Act" shall mean this Act:

The Expression "the Company," or "the Promoters of the Undertaking," shall mean the *Caledonian* Railway Company:

Other Expressions to which Meanings are assigned in the Acts wholly or partly incorporated herewith shall respectively have the same Meanings in this Act.

Power to raise Money by the issue of Ordinary or Preference Shares or Stock.

5. It shall be lawful for the Company 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 Four hundred and fifty thousand Pounds, by the Issue of new Ordinary Shares or new Ordinary Stock, or of new Preference Shares or new Preference Stock, or at the Option of the Company by any of those Modes.

Shares or Stock not to issue until One Fifth paid up.

6. It shall not be lawful for the Company to issue any Share or Portion of Stock under the Powers of this Act, nor shall any such Share or Portion of Stock vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share or Portion of Stock shall be paid up in respect thereof.

Votes in respect of new Shares or Stock.

7. 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.

8. 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

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.

9. When and so soon as the said additional Capital of Four hundred and fifty thousand Pounds shall have been issued and taken up, and One Half of the said Sum shall have been paid up, it shall be lawful for the Company from Time to Time to borrow on Mortgage, and if paid off again to borrow, any Sum or Sums of Money not exceeding in the whole the Sum of One hundred and fifty thousand Pounds, in addition to the Amount which they are or may be authorized to borrow by any other Act of Parliament: Provided always, that no Part of such Sum shall be borrowed until the Company shall have proved to the Sheriff who is to certify, under the Provisions contained in the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," that the whole of such additional Capital has been issued and taken up *bonâ fide*, and that One Half thereof has been paid up, and that a Sum not less than One Fifth Part of the Amount of each Share and of each Portion of Stock so issued had been paid up thereon at the Time of the Issue and Acceptance thereof, and that the whole of the said Shares or Stock are held by the Persons to whom the same were issued, or their Executors, Administrators, or Assignees, and for which such Persons or their Executors, Administrators, or Assignees are legally liable.

Reserving Priority of existing Securities.

10. 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, shall during their Subsistence have Priority over any Mortgage to be granted by the Company under the Powers of this Act.

Application of Monies.

11. All Monies raised under the Powers of this Act by the Issue of new Shares or Stock, or by borrowing on Mortgage, shall be applied in the first instance to the Purposes by this Act authorized, and subject thereto shall be applicable to the Purposes authorized by the other Acts relating to the Company.

Powers for compulsory Purchases limited.

12. The Powers 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.

Lands for extraordinary Purposes.

13. In addition to the Lands herein-before authorized to be taken by the Company, it shall be lawful for the Company to purchase, by Agreement, in connexion with the Railways by this Act authorized, any

any Quantity of Land near or adjoining thereto, not exceeding Seven Acres, for the extraordinary Purposes specified in "The Railways Clauses Consolidation (*Scotland*) Act, 1845."

Power to construct Railways.

14. 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 wholly and partly incorporated herewith, to make and maintain in the Lines and upon the Lands delineated on the Plans and described in the Book of Reference deposited as aforesaid, and according to the Levels defined on the Sections deposited therewith, the Railways herein-after described, and all proper Stations, Approaches, Roads of Access, and other Works and Conveniences in connexion therewith respectively, and to enter upon, take, and use such of the said Lands as may be necessary for the Purposes authorized by this Act and those Acts.

Description of Railways.

15. The Railways by this Act authorized to be constructed are,

1. A Railway (in this Act called Railway No. 1.) commencing by a Junction with the Company's said *Cleland* Branch near the Bridge in the Parish of *Bothwell* by which the Turnpike Road from *Motherwell* to *Newarthill* is carried over that Branch, and terminating by a Junction with the Company's said Main Line about Fifteen Chains Eastward from the Farm Steading of *West Langton* in the Parish of *Kirknewton*:
2. A Branch Railway (in this Act called Railway No. 2.) commencing by a Junction with Railway No. 1. about Five Chains South-westward from *Scarhill* Cottage in the Parish of *Shotts*, and terminating by a Junction with the Companies *Drumbowie* Branch about Twenty Three Chains Northward from the Farm Steading of *Langbyres* in the same Parish:
3. A Branch Railway (in this Act called Railway No. 3.) commencing by a Junction with Railway No. 1. about Three Furlongs and a Half North-westward from the Farm Steading of *Leadloch* in the Parish of *Cambusnethan*, and terminating about Four Furlongs South-eastward from the Farm Steading of *Benhar* in the Parish of *Shotts*:
4. A Branch Railway (in this Act called Railway No. 4.) commencing by a Junction with Railway No. 1. about Four Chains North-eastward from the Eastern End of the Row of Cottages called *Bridge End* in the Parish of *West Calder*, and terminating in the same Parish in the Lands of *Muldron*, about Three Chains Westward from the Eastern March Wall of those Lands, and about Two Furlongs Southward from the Turnpike Road leading from *Muldron Bridge* to *West Calder*:

5. A Branch Railway (in this Act called Railway No. 5.) commencing by a Junction with Railway No. 1. in *Nether Longford Moss* in the Parish of *West Calder* about Three Furlongs and Three Quarters Eastward from the Farm Steading of *Blackhill*, and terminating about One Furlong Eastward from the Farm Steading of *Woodmuir* in the same Parish:

6. A Branch Railway (in this Act called Railway No. 6.) commencing by a Junction with Railway No. 1. about Three Furlongs South-westward from the Farm Steading of *Muirhousedykes Mains* in the Parish of *West Calder*, and terminating by a Junction with Railway No. 1. about Fifteen Chains Eastward from the Cottage called *Chapelton* in the same Parish:

7. A Branch Railway (in this Act called Railway No. 7.) commencing by a Junction with the Company's said Main Line at or near the level Crossing of that Line in the Parish of *Kirknewton* by the Road leading from *Kirknewton* by *Hillhouse* towards *Hatton House*, and terminating about Eighteen Chains Northward from the Farm Steading of *Burn House* in the same Parish.

Notice to be given of taking of Houses of Labouring Classes.

16. The Company shall, not less than Eight Weeks before they take in any Parish Houses amounting to Fifteen in Number 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.

A certain Road may be crossed on the Surface.

17. It shall be lawful for the Company to carry the Railway No. 6., so long as that Railway remains a Single Line of Railway, by not more than One Line of Rails, and if and when that Railway shall be doubled then by not more than Two Lines of Railway, across and on the Level of the Parish Road numbered 419. in the Parish of *West Calder* on the Plans deposited as aforesaid: Provided always, than an Archway for Foot Passengers with a Height of not less than Seven Feet and a Span of not less than Ten Feet shall be made under the Railway at the Point of Crossing.

Regulating the Inclinations of certain

18. It shall be lawful for the Company to alter the Inclinations of the Roads and Railway numbered as after mentioned on the Plans deposited as aforesaid to such an Extent as they may think fit, provided

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provided that such altered Inclinations be not steeper than those herein-after specified respectively; (that is to say,) Roads and of a private Railway.

Description.	Number on Plans.	Parish.	Inclination.
On Railway No. 1.			
Parish Road - -	188	Shotts -	1 in 13.
Parish Road - -	232	Shotts -	1 in 17 on one Side of the Railway and level on the other Side.
Parish Road - -	283	Shotts -	1 in 17 on one Side and level on the other.
Road - - - -	24	West Calder -	1 in 15 on one Side of the Railway and level on the other Side.
Private Railway -	33	West Calder -	1 in 25.
Turnpike Road -	63	West Calder -	1 in 18 on one Side and level on the other.
Statute Labour Road -	179	West Calder -	1 in 15.
Turnpike Road -	20	Mid Calder -	1 in 20 on one Side of the Railway and 1 in 30 on the other Side.

19. It shall be lawful for the Company to construct the Arches of the Bridges for carrying the Railway No. 1. over the Roads and Railways numbered as after mentioned on the Plans deposited as aforesaid of such Dimensions as they may think fit, provided that such Dimensions be not less than those herein-after specified respectively; (that is to say,) Regulating the Dimensions of certain Bridges.

Description.	Number on Plans.	Parish.	Height of Arch.	Width of Arch.	
			Feet.	Feet.	Inches.
Caledonian Railway (Drumbowie Branch).	81	Shotts -	14	30	0
Parish Road - -	102	Shotts -	15	15	0
Parish Road - -	157	Shotts -	15	20	0
Parish Road - -	211	Shotts -	15	20	0
Parish Road - -	283	Shotts -	13	20	0
Private Railway -	103	Whitburn -	11	15	0
Private Railway -	104	Whitburn -	11	15	0
Occupation Road -	125	Whitburn -	12	11	10
Edinburgh and Glasgow Railway (Morningside Branch).	134	Whitburn -	14	30	0
Occupation Road -	125	West Calder -	12	20	0
Turnpike Road - -	215	West Calder -	16	25	0
Statute Labour Road -	65	Mid Calder -	13	20	0
Turnpike Road - -	80	Mid Calder -	16	25	0
Statute Labour Road -	90	Mid Calder -	14	20	0

20. It

Power to stop up certain Roads and private Railways.

20. It shall be lawful for the Company permanently to stop up the Roads and private Railways numbered as after mentioned on the Plans deposited as aforesaid, without substituting others therefor; (that is to say,)

Description.	Number on Plans.	Parish.
On Railway No. 1.		
Private Railway - - - -	3	Bothwell.
Private Railway - - - -	56	Shotts.
Private Railway - - - -	58	Shotts.
Private Railway - - - -	129	Shotts.
Private Railway - - - -	159	Shotts.
Private Railway - - - -	17	Kirknewton.
On Railway No. 3.		
Private Railway - - - -	183	Whitburn.
Track of old Parish Road - - -	187	Whitburn.

Limiting Time for Completion of Railways, and Security for their Completion.

21. The Railways by this Act authorized shall be completed and opened for public Traffic within Five Years from the passing of this Act; and if the said Railways shall not be 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, but 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 was prevented from completing or opening the said Railways by unforeseen Accident or Circumstances beyond their Control: Provided always, that Deficiency of Funds shall not be held to be a Circumstance beyond the Control of the Company.

Tolls.

22. 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 Railways by this Act 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, as if the said Railways by this Act authorized had been original Parts of the *Caledonian* Railway, and had been constructed under the Powers of the said Act: Provided always, that from and after the opening of Railway No. 1., it shall not be lawful for the Company to demand any

any greater Sum in respect of the Conveyance of Passengers from *Glasgow* to *Edinburgh*, or from *Edinburgh* to *Glasgow*, *viâ* Railway No. 1., or for any shorter Distance, from either of those Terminal Stations, or any Station on the said Route between them, to any other of such terminal or intermediate Stations, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance, than the following; *videlicet*,

By Ordinary Trains, Five Shillings and Sixpence for each First-class Passenger, Four Shillings for each Second-class Passenger, and Two Shillings and Sixpence for each Third-class Passenger:

By Express Trains, Six Shillings and Sixpence for each First-class Passenger, and Five Shillings for each Second-class Passenger:

Provided also, that in the Case of Passengers conveyed by Ordinary Trains on the Route between *Edinburgh* and *Glasgow viâ* Railway No. 1. for Distances less than the total Distance by that Route between those Terminal Stations, but not less than Fifteen Miles, the maximum Charge in respect of such Conveyance shall not exceed One Penny Three Farthings *per* Mile for each First-class Passenger, nor in Trains in which there are no Third-class Carriages, One Penny Farthing *per* Mile for each Second-class Passenger; and that the Company shall be bound to issue Return Tickets entitling the same Passenger to be conveyed from *Glasgow* to *Edinburgh*, or from *Edinburgh* to *Glasgow* and back, on the same Day, or (if the Ticket be issued on *Friday*) on the same Day or on the next succeeding *Saturday* or *Monday*, or (if the Ticket be issued on *Saturday*) on the same Day or on the next succeeding *Monday*, and in a Carriage of the same Class, at Rates not exceeding the following; *videlicet*,

For each First-class Passenger, Nine Shillings and Sixpence:

For each Second-class Passenger, Seven Shillings:

For each Third-class Passenger, Four Shillings.

Interest or Dividend not to be paid on Calls paid up.

23. 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 Company's Capital.

24. 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 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.

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

25. Nothing herein contained shall be deemed or construed to exempt the Railways by this or the other Acts relating to the Company authorized to be made from the Provisions 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 and of the Rates for small Parcels authorized by this Act or the other Acts relating to the Company.

Expenses of Act.

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

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