ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

Cap. cxxxvi.

An Act to enable the *Caledonian* Railway Company to make certain Deviations of their authorized Lines of Railway called the "*Cleland* Branch Extension" and the "*Omoa* Branch," in the County of *Lanark*; and for other Purposes.

[7th *July* 1862.]

WHEREAS by "The *Caledonian* Railway Act, 1845," the *Caledonian* Railway Company were incorporated: And whereas by "The *Caledonian* Railway (*Cleland* Extension and Branches) Act, 1861," the *Caledonian* Railway Company (in this Act called "the Company") were authorized to make and maintain an Extension to *Morningside* of the *Cleland* Branch of that Portion of their Undertaking known as the *Wishaw and Coltness* Railway (which Extension is in the said Act and this Act called the "*Cleland* Branch Extension"), and a Branch Railway therefrom to the *Omoa* Ironworks (which Branch Railway is in the said Act and this Act called the "*Omoa* Branch"), and certain other Branch Railways: And whereas by the Thirteenth Section of the last-recited Act it was enacted, that none of the Powers thereby granted to the Company for the Purchase of Lands or Construction of Railway should, as regards the Lands numbered on the Plans deposited with reference to that Act 43, 44, 47, 48, 49, 50, 51, 52,

8 & 9 Vict. c. clxii.

24 & 25 Vict. c. ccxxix.

52, 59, 60, and 61, in the Parish of *Bothwell*, which belonged to the Right Honourable the Earl of *Stair*, and as regards the Lands numbered on the said Plans 3 to 16, both Numbers inclusive, and 18 to 23, both Numbers inclusive, in the Parish of *Shotts*, which belonged to the Right Honourable Lord *Belhaven and Stenton*, be exercised by the Company before the Thirtieth Day of *August* One thousand eight hundred and sixty-two, except as therein mentioned, without the Consent in Writing of the said Earl of *Stair* and of the said Lord *Belhaven* respectively, or of their respective Successors in the said Lands: And whereas it was further enacted by the said Section, that if the Company should in the then next Session of Parliament obtain an Act for authorizing a Deviation Northward of the *Cleland* Branch Extension which should not interfere with the Lands above specified, then and in such Case all the Powers granted to the Company by the said last-recited Act in respect to those Lands should cease and determine; and it was further enacted, that in that Case the said Earl of *Stair*, or his Heirs or Successors, should sell to the Company, at such Price as should be fixed under the Provisions of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," all the Lands belonging to him which the Company might require for the Purposes of such Deviation: And whereas it was further enacted by the said Section, that the Company should *bonâ fide* promote and prosecute a Bill in the then next Session of Parliament for authorizing such Deviation: And whereas it is expedient that the Company should be authorized to make Deviations of the said *Cleland* Branch Extension and *Omoa* Branch, so as to avoid the taking of the said Lands referred to in the said Section of the second-recited Act: And whereas it is expedient that the Company should be authorized to take and acquire additional Lands for enlarging and improving the Station at *Brocket's Brae* in the Parish of *Lesmahagow* on the Line of Railway from the *Motherwell* Branch of the *Clydesdale Junction* Railway to the Lands of *Bankend*, which forms Part of the *Lesmahagow* Branches of their Undertaking; but these Purposes 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* Extension and Branches Deviation, &c.) Act, 1862."

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

2. Subject to the Provisions of this Act, "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation Acts

Acts Amendment Act, 1860," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with this Act. 23 & 24 Vict. c. 106. incorporated.

3. Whereas Plans and Sections showing the Lines and Levels of the Deviation Lines of Railway after described, and the Lands to be taken for the Purposes thereof, and Plans showing the Lands to be taken for the Purpose of enlarging and improving the said Station at *Brocket's Brae*, together with Books of Reference to the said several Plans, have been deposited for public Inspection in the Offices at *Hamilton*, *Airdrie*, *Lanark*, and *Glasgow* 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 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 Deviation Lines of Railway herein-after described, and all proper Works and 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, and for the Purpose of enlarging and improving the said Station. Power to execute Deviations, and to acquire Lands for the Purposes thereof, and for improving the Brocket's Brae Station.

4. The Lines of Railway by this Act authorized to be constructed shall be— Description of Deviation Lines of Railway.

First, a Deviation of the Line of Railway called the *Cleland* Branch Extension, authorized by the second-recited Act, commencing at or near a Point in the Parish of *Bothwell* on the said authorized Line of Railway about a Furlong and a Half Eastward from the Bridge by which the Turnpike Road leading from *Motherwell* to *Newart Hill* is carried over the *Cleland* Branch of that Portion of the Undertaking of the Company known as the *Wishaw and Coltness* Railway, and terminating at or near a Point on the said authorized Line near the South Side of the Field numbered 36 in the Parish of *Shotts* on the Plans of the said *Cleland* Branch Extension referred to in the second-recited Act, and about One Furlong Eastward from the East End of the Village of *Cleland*:

Second, a Deviation of the Line of Railway called the *Omoa* Branch authorized by the second-recited Act, commencing by a Junction with the Deviation hereby authorized of the *Cleland* Branch Extension at or near a Point in the Parish of *Bothwell* about One Third of a Furlong South-westward from the Farm Steading of *Whitecraighead*, and terminating at or near a Point in the said Parish on the authorized Line of the said *Omoa* Branch about One Third of a Furlong North-eastward from the said Farm Steading of *Whitecraighead*.

5. Not-

Power to alter Engineering Works.

5. Notwithstanding anything in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," contained, the Company, in the Construction of the Lines of Railway by this Act authorized, may deviate from the Line and Levels of any Arches, Tunnels, or Viaducts described in the Plans or Sections deposited as aforesaid with reference to this Act, so as the Deviations be made within the Limits of Deviation shown on those Plans, and subject to the Limitations contained in the Eleventh, Twelfth, and Fifteenth Sections of that Act, and so as the Nature of the Work as described be not altered, and they may also substitute any other Engineering Work not shown on those Plans or Sections instead of a Tunnel, Viaduct, Arch or Arches, as shown thereon, provided that every such Substitution be authorized by a Certificate of the Board of Trade; and the said Board is hereby empowered to grant such Certificates, provided it shall appear to the Board, upon due Inquiry, that the Company has acted in the Matter with good Faith, and that the Owners, Lessees, and Occupiers of the Land in which the Substitution is intended to be made consent thereto, and also that the Safety and Convenience of the Public will not be diminished thereby: Provided that nothing herein contained shall take away or affect any of the Powers given to the Company or to the Board of Trade by the Eleventh, Twelfth, Fourteenth, or Fifteenth Sections of "The Railways Clauses Consolidation (*Scotland*) Act, 1845."

Regulating Inclinations of certain Roads.

6. In carrying the Roads numbered as after mentioned on the Plans deposited as aforesaid with reference to this Act over the Deviation of the *Cleland* Branch Extension herein-before described, the Company may alter the Levels of such Roads to such Extent as they may think fit, but so as not to exceed the respective Rates of Inclination hereinafter specified; (that is to say,)

Description.	Number on deposited Plans.	Name of Parish.	Rate of Inclination.
Parish Road -	42	Bothwell -	1 in 11 { On one Side of the Bridge, and level to the present Surface of the Road on the other Side.
Parish Road -	30	Shotts -	1 in 15.

Power to stop up certain private Railways.

7. It shall be lawful for the Company permanently to stop up the private Railways numbered respectively 14, 24, and 64, in the Parish of *Bothwell*, on the Plans deposited as aforesaid with reference to this Act, without substituting others therefor.

8. The

Parts of former Lines to be abandoned.

8. The Company shall abandon and relinquish the Formation of that Portion of the *Cleland* Branch Extension authorized by the second-recited Act which lies between the Commencement and Termination of the Deviation first herein-before described, and shall also abandon and relinquish the Formation of that Portion of the *Omoa* Branch authorized by the said Act which lies between the authorized Point of Junction of that Branch with the *Cleland* Branch Extension and the Termination of the Deviation secondly herein-before described; and upon the passing of this Act all the Powers, Privileges, Obligations, and Liabilities granted to or imposed upon the Company by the second-recited Act in relation to the Portions of the *Cleland* Branch Extension and of the *Omoa* Branch hereby required to be abandoned shall cease to be operative.

Compensation to be made where Contracts have been entered into or Notices given.

9. Provided always, That in any Case where before the passing of this Act any Contract has been entered into or Notice given by the Company for purchasing any Lands which the Company were empowered to purchase for the Purpose of constructing the Portions of Railway so required to be abandoned as aforesaid, the Company shall make to the Owners and Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties by reason of such Purchase not being completed pursuant to such Contract or Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided also, that the Authority hereby given for abandoning the Formation of the aforesaid Portions of Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the Railway, pursuant to the Provisions for that Purpose in "The Lands Clauses Consolidation (*Scotland*) Act, 1845," contained.

Powers for compulsory Purchases limited.

10. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the First Day of *August* One thousand eight hundred and sixty-four, being the Time limited for the compulsory Purchase of Lands under the second-recited Act.

Period for Completion of Works.

11. The said Deviation Lines of Railway shall be completed within Five Years after the First Day of *August* One thousand eight hundred and

and sixty-one, being the Time limited for the Completion of the Railways by the second-recited Act authorized; and on the Expiration of that Period the Powers by this Act or the said Act granted to the Company for executing the said Railways and Deviations shall cease to be exercised, except as to so much thereof as shall then be completed.

Penalty for Non-completion.

12. If the said Deviation Lines of Railway shall not be completed and opened for public Traffic within the said Period of Five Years from the First Day of *August* One thousand eight hundred and sixty-one, the Payment of any Dividend on the ordinary Capital of the Company shall after the Expiration of that Period be suspended until the said Deviation Lines shall be so completed and opened.

Power to apply existing Capital to the Purposes of this Act.

13. The Company may apply towards the Purposes of the said Deviation Lines of Railway, and the Acquisition of Lands by this Act authorized, any Portion of the Monies which they are authorized to raise under the second-recited Act.

Tolls upon Deviation Lines of Railway.

14. It shall be lawful for the Company to demand and recover, for and in respect of the Use of the Deviation Lines of Railway hereby authorized to be made, and the Conveyance of Traffic thereon, the same Tolls, Rates, and Charges which they are authorized to demand and recover by the recited Acts; and the said Deviation Lines of Railway shall for all Purposes become Part of the Undertaking of the Company, as if they had been authorized to be made by the second-recited Act.

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

15. It shall not be lawful for the Company, out of any Money by any 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.

16. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act or the recited Acts 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,

Charges, or of the Rates for small Parcels, authorized by this Act or the recited Acts.

Expenses of Act.

17. 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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