ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. clxxii.

An Act to enable the *Caledonian* Railway Company to make certain Branch Railways in the Counties of *Dumfries* and *Cumberland*. [9th *July* 1847.]

WHEREAS an Act was passed in the Ninth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for making a Railway from* Carlisle *to* Edinburgh *and* Glasgow *and the North of* Scotland, *to be called the* Caledonian *Railway:* And whereas it would be attended with Advantage and Convenience to the Public and to the *Caledonian* Railway Company if the said Company were authorized to form Branch Railways for connecting *Canobie* Colliery and the Town of *Longtown* with the *Caledonian* Railway and with each other, and for connecting the Town of *Annan*, the *Kellhead* Limestone Quarries, and the *Glasgow, Dumfries, and Carlisle* Railway with the *Caledonian* 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, That the said recited Act and the several Acts thereby incor-

8 & 9 Vict. c. 162.

Recited Act and general

Acts applied to this Act.

incorporated therewith shall, so far as not inconsistent with or otherwise provided by this Act, be incorporated with and form Part of this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Proceedings, it shall be sufficient to use the Expression "The *Caledonian* Railway (*Dumfriesshire* and *Cumberland* Branches) Act, 1847."

Power to raise Money.

III. And whereas the estimated Expence of the Works by this Act authorized is Three hundred thousand Pounds; be it enacted, That it shall be lawful for the Company from Time to Time to raise, in addition to the Sums which they are already authorized to raise, or which they may be authorized to raise by any other Act to be passed in the present Session of Parliament, any further Sums of Money not exceeding in the whole the Sum of Three hundred thousand Pounds, by the Creation of new Shares or Stock, upon such Terms and in such Manner as may be or may have been agreed upon at any Extraordinary Meeting or Meetings of the Company, and the new Shares or Stock created by virtue of this Act shall become Part of the general Capital of the Company.

Power to borrow Money on Mortgage.

IV. And be it enacted, That after the whole of the said Sum of Three hundred 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 or Bond, and if paid up again to borrow, any Sum or Sums not exceeding in all One hundred thousand Pounds, in addition to the Amount which they are already authorized to borrow, or which they may be authorized to borrow by any other Act to be passed in the present Session of Parliament.

Interest not to be paid on Calls paid up.

V. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder 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 nothing hereinbefore contained shall be deemed to prevent the said Company from paying 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 the "Companies Clauses Consolidation (*Scotland*) Act, 1845," in that Behalf contained.

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

VI. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, 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 said Company to construct any other Railway or execute any other Work or Undertaking.

VII. And

Power to make new Works.

VII. And whereas Plans and Sections of the Railways by this Act authorized to be made showing the Lines and Levels thereof, and a Book of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and Occupiers of the Lands through or upon which the said Railways and the Works to be connected therewith are to pass or be situate, have been deposited in the Office of the Principal Sheriff Clerk of the County of *Dumfries*, and in the Office of the Clerk of the Peace for the County of *Cumberland*; be it enacted, That, with the Powers and subject to the Provisions contained in the said recited Act and the Acts thereby incorporated therewith, it shall be lawful for the Company to make and maintain the said Railways, and all necessary Works and Conveniences connected therewith, in the Lines and upon the Lands delineated on the said Plans, and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Lines of Railway.

VIII. And be it enacted, That the Lines of Railway to be made and maintained under the Authority of this Act shall be the following; (that is to say,)

A Branch Railway from the *Caledonian* Railway, at a Point in the Parish of *Kirk Andrew's-upon-Esk* on the South Side of the River *Sark* near to where the said Railway crosses the said River, through the Parishes of *Kirk Andrew's-upon-Esk*, *Arthuret*, *and Canobie*, to or near to *Canobie* Colliery in the last-named Parish; and three Side Branches from the said Branch Railway, one thereof from a Point near *Smalmston* in the Parish of *Kirk Andrew's-upon-Esk* through the said Parish and the Parish of *Arthuret* to or near to the Town of *Longtown* in the last-named Parish, another of the said Side Branches from a Point in the Parish of *Arthuret* near the Eastern Boundary of the Farm of *Bush* through the said Parish and the Parish of *Kirk Andrew's-upon-Esk* to a Point in the last-named Parish on the Side Branch last described near where the same crosses the River *Esk*, and the third of the said Side Branches from a Point near the Site of the late Schoolhouse of *Blackbank* to and to communicate with the *Caledonian* Railway near *Mossband Hall*, all in the Parish of *Kirk Andrew's-upon-Esk*; and

A Branch Railway from the *Caledonian* Railway near the Village of *Ecclefechan* in the Parish of *Hoddam* through the said Parish and the Parishes of *Cummertrees* and *Annan* to or near to the Town of *Annan* in the last-named Parish, and there to communicate with the *Glasgow*, *Dumfries*, *and Carlisle* Railway, with a Side Branch from the said Branch Railway at a Point on the Farm of *Limekilns* in the Parish of *Annan* through the Parishes of *Annan* and *Cummertrees* to the *Kellhead* Limestone Quarries in the last-named Parish.

Lands for extraordinary Purposes.

IX. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes in connexion with the Railways hereby authorized shall not exceed in all Fifty Acres.

X. And

Period in which Lands are to be purchased.

X. And be it enacted, That the Powers for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercsed after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

XI. And be it enacted, That the Railways by this Act authorized to be made shall be completed with Seven Years after the passing of this Act; and on the Expiration of the said Period the Powers by this Act granted to the Company for executing the said Railways, or otherwise in relation thereto, shall cease to be exercised except as to so much of the said Railways as shall then be completed.

Certain Roads may be crossed on the Surface.

XII. And be it enacted, That it shall be lawful to the Company to carry the Railways by this Act authorized across the Surface of the following Roads numbered on the Plans deposited as aforesaid as after mentioned; (that is to say,)

In the Parish of *Kirk Andrew's-upon-Esk*, the Roads numbered 9, 18, 34, 41, 51, 97, and 115;
In the Parish of *Canobie*, the Road numbered 4;
In the Parish of *Arthuret*, the Road numbered 57; and
In the Parish of *Annan*, the Roads numbered 102 and 199.

Commissioners of Railways may require a Bridge in lieu of level Crossing.

XIII. Provided always, and be it enacted, That it shall be lawful for the Commissioners of Railways appointed under and by virtue of an Act passed in the last Session of Parliament, intituled *An Act for constituting Commissioners of Railways*, at any Time before the opening of any of the said Lines of Railways, to require and direct the Company, within such Time and in such Manner as the said Commissioners may appoint, to carry any of the said Roads either under or over the Part of the Line so opened, which shall be crossed thereby, by means of a Bridge or Arch, in lieu of crossing the same on a Level.

Company to erectStations or Lodges where Roads crossed on a Level.

XIV. And be it enacted, That for the greater Convenience and Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railway shall cross on a Level the before-mentioned Roads, and the Company shall be subject to and abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the Company shall fail to erect or at all Times maintain such Stations or Lodges, or to appoint proper Persons to watch or superintend the Crossings at such Points or Stations, or to observe or abide by any such Rules or Regulations as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Regulating the Inclinations of certain Roads.

XV. And be it enacted, That it shall be lawful to the Company to construct the Approaches to the Bridges, Arches, or level Crossings for carrying the Roads numbered as after mentioned on the Plans deposited as aforesaid, over, under, or across the Railways hereby authorized,

authorized, with such Inclinations as they think fit, not steeper than the following; (that is to say,)

In the case of the Road numbered 94 in the Parish of *Kirk Andrew's-upon-Esk*, not steeper than One in Twenty-five;

In the case of the Road numbered 97 in the Parish of *Kirk Andrew's-upon-Esk*, not steeper than One in Twenty;

In the case of the Road numbered 12 in the Parish of *Canobie*, not steeper than One in Ten; and

In the case of the Road numbered 102 in the Parish of *Annan*, not steeper than One in Twenty-eight.

Provision for joint Bridge across River Annan.

XVI. And be it enacted, That the Branch Railway from the *Caledonian* Railway near *Ecclefechan* to or near to *Annan* hereby authorized to be constructed shall only be carried across the River *Annan* by a Bridge, for the joint Purpose of the Railway hereby authorized and the Railway called the *Glasgow, Dumfries, and Carlisle* Railway, and the Company shall, if necessary, have Power and they are hereby authorized to widen the said Bridge for such joint Purpose: Provided always, that in the event of any Difference between the Company and the Proprietors of the said *Glasgow, Dumfries, and Carlisle* Railway as to the Mode of constructing such joint Bridge, or as to the Apportionment of the Expence thereof, or of the Lights herein-after provided for, such Difference shall be referred to and determined by the Commissioners of Railways.

Lights to be kept at said Bridge.

XVII. And be it enacted, That during the Construction or widening of the said Bridge and Works connected therewith the said Company shall cause to be hung out or exhibited, every Night from Sunset to Sunrise, a Light to be kept burning by the Company for the Navigation and safe Guidance of Vessels, and for ever after the Completion of the said Bridge the said Company shall cause to be hung out or exhibited upon or near to the Centre of the said Bridge, every Night from Sunset to Sunrise, a good and sufficient Light to be kept burning by the Company for the Navigation and safe Guidance of Vessels, and which Light shall be from Time to Time altered by the said Company in such Manner, and be of such Description, and be so used as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall, by Writing under the Hand of the Secretary of the Admiralty, approve of; and in case the said Company shall neglect to exhibit and keep either of such Lights burning as aforesaid, they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

If Bridge abandoned the Lords of the Admiralty may remove the same at the Company's Expence.

XVIII. And be it enacted, That if any Bridge to be constructed by the Company across any tidal Water or navigable River, or if any Portion of the Railway which affects any such Water or River or Access thereto, shall be abandoned by the Company, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly.

Tolls.

XIX. And be it enacted, That, subject to the Conditions, Limitations, and Provisions contained in the said recited Act and the Acts thereby incorporated therewith, it shall be lawful for the Company to demand and recover for the Use of the Railways and Works hereby authorized to be made the Tolls, Rates, Duties, and Charges which are by the said recited Act authorized to be demanded and recovered for the Use of the Railway and Works thereby authorized to be made.

For regulating Traffic between Glasgow, Dumfries, and Carlisle Railway and Caledonian Railway.

XX. And whereas, at its Southern Terminus, the *Glasgow, Dumfries, and Carlisle* Railway is intended to join the *Caledonian* Railway; be it enacted, That in the event of any unnecessary Obstruction being offered by the *Caledonian* Railway Company to the Passage of the Traffic and Carriages of the *Glasgow, Dumfries, and Carlisle* Railway at the said Point of Junction, it shall be lawful to the Commissioners of Railways, on the Application of the *Glasgow, Dumfries, and Carlisle* Railway Company, to make such Regulations for the Prevention of any such Obstruction as they may think necessary, consistent with the Safety of the Public and the proper Accommodation of the general Traffic of the *Caledonian* Railway, and also from Time to Time, upon the Application of either of the said Companies, to alter and amend such Regulations according to existing Circumstances: Provided always, that nothing herein contained shall extend to limit, alter, or restrict any of the Rates or Tolls granted, or the Charges authorized to be made, by the *Caledonian* Railway Act, 1845, nor to permit the Engines of the *Glasgow, Dumfries, and Carlisle* Railway Company to pass over or along the Line of the *Caledonian* Railway.

Railway 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., and 9 & 10 Vict. cc. 57. & 105.

XXI. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, 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;* and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the Railways by this Act authorized or the Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Company so far as the same shall be applicable thereto.

Railways to be subject to Provisions of any future general Act.

XXII. And be it further enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Act authorized to be made from the Provisions of any general Act relating to this and the said recited Act, or of any general

Act relating to Railways, now in force or which may hereafter pass during the present 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 and the said recited Act.

For defraying Expences of this Act.

XXIII. And be it enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and of making the Survey, Plans, and Estimates, and all other Costs, Charges, and Expences in any way incident thereto, shall be paid and defrayed by the Company out of the Money already raised and received, or out of the first Money to be raised or received by them, in preference to any other Payment whatsoever.

Public Act.

XXIV. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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