ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

****

Cap. lxxiii.

An Act to enable the *Caledonian* Railway Company to improve the *Glasgow, Garnkirk, and Coatbridge* and the *Clydesdale Junction* Railways.

[22d *July* 1848.]

WHEREAS an Act was passed in the Ninth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An* 8 & 9 Vict.
Act for making a Railway from Carlisle *to* Edinburgh *and* c. 162.
Glasgow *and the North of* Scotland, *to be called* "*The* Caledonian *Railway*:" And whereas another Act was passed in the Ninth Year of the Reign of Her said Majesty, intituled *An Act for making a* 8 & 9 Vict.
Railway from the Termination of the Polloc and Govan *Railway at* c. 160.
Rutherglen *to* Hamilton, *and to the* Wishaw and Coltness *Railway at* Motherwell, *to be called* "*The* Clydesdale *Junction Railway*;" and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act to amalgamate the* Polloc and Govan *and* 9 & 10 Vict.
Clydesdale *Junction Railways with the* Caledonian *Railway*: And c. 379.
whereas an Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act to effectuate the Sale by the* Glasgow, 9 & 10 Vict.
Garnkirk, and Coatbridge *Railway Company of the said Railway to* c. 329.
the Caledonian *Railway Company, and other Purposes therewith connected*; and another Act was passed in the Eleventh Year of the

10 & 11 Vict. c. 82.

Reign of Her said Majesty, intituled *An Act to enable the* Caledonian *Railway Company to make a Branch Railway from the* Glasgow, Garnkirk, and Coatbridge *Railway to* Glasgow, *and to enlarge the Station in that City:* 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 make and maintain a Road from the *Carluke* Station on the *Caledonian* Railway to the Village of *Carluke;* to make and maintain in open Cutting that Portion of the *Clydesdale Junction* Railway near the Farm Steading of *Bogend* of *Hallside* which by the *Clydesdale Junction* Railway Act, 1845, was authorized to be formed in Tunnelling, and to deviate a Portion of the Parish Road which divides the Farm of *Bogend* of *Hallside* from the Farm of *Redlees* of *Hallside;* to take and acquire additional Lands, Houses, and other Property adjoining and near to the Station at *Coatbridge* of the *Glasgow, Garnkirk, and Coatbridge* Railway, for the Purpose of enlarging and improving the said Station, and forming and maintaining Works and Conveniences in connexion with the said Railway and Station; to take and acquire Lands, Houses, and other Property lying between the Lines of the *Glasgow, Garnkirk, and Coatbridge* Railway and of the Railway authorized to be made by the *Caledonian* Railway (*Garnkirk* Station) Act, 1847, on the East Side of the Turnpike Road from *Glasgow* to *Inchbelly Bridge*, for the Purpose of forming and maintaining Works and Conveniences in connexion with the said Railways; to alter the Levels of *Dobbie's Loan* between *Pulteney Street* and the Street called *East Milton Street* or *Canal Street;* and to relinquish the Alterations authorized by the *Caledonian* Railway (*Garnkirk* Station) Act, 1847, to be made upon *Milton Street, East Milton Street*, or *Canal Street*, and the Road numbered 64 on the Plans referred to in the said last-recited Act; 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 *Caledonian* Railway Act, 1845, and the several Acts thereby incorporated therewith, and the *Caledonian, Polloc and Govan*, and *Clydesdale Junction* Railways Amalgamation Act, 1846, and the *Caledonian* Railway (*Glasgow, Garnkirk, and Coatbridge* Railway Purchase) Act, 1846, shall, so far as not varied or otherwise provided for by this Act, be incorporated with and form Part of this Act.

Provisions of recited Acts, &c. incorporated with 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 (*Garnkirk and Clydesdale* Improvements) Act, 1848."

Power to raise Money by Creation of new Shares.

III. And whereas the estimated Expense of the Works by this Act authorized is Forty-five thousand Pounds: Be it enacted, That it shall be lawful for the *Caledonian* Railway Company, at any Extraordinary Meeting or Meetings of 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

Act to be passed in the present Session of Parliament, any further Sums of Money, not exceeding in the whole the Sum of Forty-five thousand Pounds, by the Creation of new Shares or Stock, bearing, if the Company shall think fit, a guaranteed Dividend of such Amount as the Company may appoint not exceeding Six 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 Act 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 of Dividend which may be granted in respect of such new Shares or Stock in pursuance hereof shall not prejudice or affect any Guarantee of Dividend or Interest which may have been granted by or in pursuance of any Act of Parliament passed prior to the Date of this Act.

Power to borrow on Mortgage.

IV. And be it enacted, That after the whole of the said Sum of Forty-five 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 Fifteen 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: Provided always, that all and every Part of such Sum of Money so to be borrowed under the Powers of this Act shall be applicable only to the Objects and Purposes by this Act authorized.

Interest not to be paid on Calls paid up.

V. And be it enacted, That 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 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 herein-before contained shall be deemed to prevent the 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 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 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 Company to construct any other Railway or execute any other Work or Undertaking.

VII. And

Description of Works.

VII. And be it enacted, That it shall be lawful for the Company to take and acquire the Lands delineated on the Plans and described in the Book of Reference deposited as herein-after mentioned, adjoining and near to the Station at *Coatbridge* of the *Glasgow, Garnkirk, and Coatbridge* Railway in the Parish of *Old Monkland*, and lying between that Railway and the Railway authorized by the *Caledonian* Railway (*Garnkirk* Station) Act, 1847, in the Royal Burgh of *Glasgow*, for the Purposes of enlarging and improving the said Station, and forming other Works and Conveniences in connexion with the said Railways; and to execute the following Works; that is to say,

To make and maintain a Road from the *Carluke* Station on the *Caledonian* Railway to the Turnpike Road from *Duneaton*, by *Lanark* and *Carluke*, to *Cumbernauld*, commonly called the *North and South Lanarkshire* Road, at or near the Village of *Carluke*, all in the Parish of *Carluke*; and

To make and maintain in open Cutting that Portion of the *Clydesdale Junction* Railway near the Farm Steading of *Bogend* of *Hallside* which by the *Clydesdale Junction* Railway Act, 1845, was authorized to be formed in Tunnelling, and to deviate a Portion of the Parish Road which divides the Farm of *Bogend* of *Hallside* from the Farm of *Redlees* of *Hallside*, all in the Parish of *Cambusland*.

Power to make new Works.

VIII. And whereas Plans of the Lands required for the foresaid Purposes, and Plans and Sections of the Works by this Act authorized to be made, showing the Lines and Levels thereof, and the Lands required therefor and in connexion therewith, and a Book of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and Occupiers of the said Lands, have been deposited in the Offices of the Principal Sheriff Clerk of the County of *Lanark*: Be it enacted, That, with the Powers and subject to the Provisions contained in the said first-recited Act, and the Acts thereby incorporated therewith, it shall be lawful for the Company to make and maintain the said Works, and to execute all necessary and convenient Operations 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.

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 Works hereby authorized shall not exceed in all Thirty Acres.

Compulsory Purchases of Lands limited.

X. And be it enacted, That 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.

Period for Completion of Works.

XI. And be it enacted, That the Works by this Act authorized to be made shall be completed within 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 Works shall cease

cease to be exercised, except as to so much of the said Works as shall then be completed.

Part of Works formerly authorized to be erected may be abandoned.

XII. And be it enacted, That it shall be lawful to the Company to alter the Levels of *Dobbie's Loan* between *Pulteney Street* and the Street called *East Milton Street* or *Canal Street* in the *Barony* Parish of *Glasgow* so as to carry the same over the Railway authorized by the *Caledonian* Railway (*Garnkirk* Station) Act, 1847, with such an Inclination as they think fit, not steeper than One in Fifteen; and it shall be lawful to the Company and they are hereby required to relinquish the Alterations authorized by the said last-recited Act to be made upon *Milton Street*, *East Milton Street*, or *Canal Street*, and the Road numbered 64 on the Plans referred to in the said last-recited Act, all in the said Parish.

Tolls.

XIII. And be it enacted, That, subject to the Conditions, Limitations, and Provisions contained in the said *Caledonian*, *Polloc and Govan*, and *Clydesdale Junction* Railways Amalgamation Act, 1846, and the Acts thereby incorporated therewith, it shall be lawful for the Company to demand and recover, for the Use of the *Clydesdale Junction* Railway, as hereby authorized to be altered, the Tolls, Rates, Duties, and Charges which are by the said Act authorized to be demanded and recovered for the Use of that Railway.

Railway to be subject to the 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.

XIV. 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 Works 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 Works and Company, so far as the same shall be applicable thereto.

Railway not exempt from Provisions of future general Acts.

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

Parliament, of the maximum Rates of Fares and Charges authorized by this and the said recited Acts.

Expenses of Act.

XVI. And be it enacted, That all the Costs, Charges, and Expenses of obtaining and passing this Act, and of making the Survey, Plans, and Estimates, and all other Costs, Charges, and Expenses 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.

XVII. 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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