ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. clvi.

An Act for altering the Lines authorized by the *Caledonian* Railway (*Lesmahagow* Branches) Act, 1851, and for otherwise amending that Act.

[10th *July* 1854.]

WHEREAS by the *Caledonian* Railway Act, 1845, the *Caledonian* Railway Company were incorporated: And whereas by the *Caledonian* Railway (*Motherwell* Branch Extension) Act, 1847, and the *Caledonian* Railway (*Lesmahagow* Branches) Act, 1847, the said Company were authorized to construct the Railways and Branch Railways in the County of *Lanark* therein specified, and for that Purpose to raise the Sums therein mentioned: And whereas by the *Caledonian* Railway (*Lesmahagow* Branches) Act, 1851, the Capital authorized to be raised under the said second and third recited Acts was restricted to the Sum of One hundred and fifty thousand Pounds, which was thereby separated from the general Capital of the said Company, under the Name of "The *Lesmahagow* Branches Stock," and directed to be applied exclusively towards the Construction of so much of the Railways authorized by the said second and third recited Acts as would connect the *Lesmahagow* Mineral Fields

8 & 9 Vict. c. clxii. 10 Vict. c. xxii. 10 Vict. c. xxiv.

14 & 15 Vict. c. xcix.

with the *Clydesdale Junction* and *Wishaw and Coltness* Railways, in manner therein described; and the Profits arising from the Railways so to be constructed were appointed to be divided exclusively among the Holders of the said separate Stock, in proportion to the Number of Shares held by them respectively therein: And whereas the Railway Communication contemplated by the said last-recited Act would be better accomplished by certain Alterations of the Lines therein described; and Arrangements have been made with the Owners of the greater Portion of the Lands through which such altered Lines will pass for the Acquisition of such Lands for that Purpose, and the said altered Lines are now partly in course of Construction: And whereas Shares in the said *Lesmahagow* Branches Stock, to the Extent of Ninety-five thousand Pounds, have been issued and taken up for the Execution of the said altered Lines under Arrangement among the Shareholders that Fifty thousand Pounds of the Shares so issued, and such additional Preference Shares as might be required to be raised, not exceeding Ten thousand Pounds, shall be denominated Class A Shares, and be entitled out of the Profits of the said Lines to a preferable Dividend of Five *per Centum per Annum*, postponed only to the Interest of the Sum of Twenty thousand Pounds agreed to be borrowed on the Security of such Lines; and that, after Payment of such Interest and Dividend, the Profits of the said Lines should be divided among the Holders of the Remainder of the said Shares, to be denominatcd Class B Shares, until such Holders should receive a Dividend at the like Rate of Five *per Centum per Annum;* after which the remaining Profits of the said Lines should be divided rateably among the whole of the said Shareholders of both Classes: And whereas it is expedient to authorize the Construction of the said altered Lines of Railway, and the borrowing of the said Sum of Twenty thousand Pounds, and the Confirmation of the said Arrangement among the Shareholders, by the Conversion of Sixty thousand Pounds of the said Share Capital of One hundred and fifty thousand Pounds into a Preferential Stock, with Right to Priority of Dividend to the Extent before mentioned, and the Application or the said Sums and of the Remainder of the said Share Capital to the Completion of the said altered Lines of Railway, and in other respects to amend 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, as follows; (that is to say,)

Short Title.

I. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Caledonian* Railway (*Lesmahagow* Branches) Act, 1854."

II. In

"The Company."

II. In this Act the Expression "the Company" shall mean the *Caledonian* Railway Company.

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

III. The Lands Clauses Consolidation (*Scotland*) Act, 1845, and the Railways Clauses Consolidation (*Scotland*) Act, 1845, shall, for the Purposes of the Works authorized by this Act, be incorporated with this Act.

Provisions of fourth-recited Act applied to this Act.

IV. Except as varied or otherwise provided by this Act, the Provisions of the said fourth-recited Act shall apply to this Act and to the Railways hereby authorized.

Power to execute Railways according to deposited Plans.

V. Whereas Plans and Sections showing the Lines and Levels of the Railways after mentioned, with a Book of Reference to the said Plans, have been deposited for public Inspection in the Offices at *Glasgow*, *Hamilton*, and *Lanark* 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, complete, and maintain, 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, the Railways herein-after described, and all proper Works and Conveniences in connexion therewith, and to enter upon, take, and use such of the said Lands as they may find necessary for the said Purposes; (that is to say,)

First, a Railway from the *Motherwell* Branch of the *Clydesdale Junction* Railway, at a Point in the Parish of *Hamilton* near the Village of *Motherwell*, to a Point in the Parish of *Lesmahagow* on the Lands of *Bankend* near *Coal Burn Head*:

Secondly, a Branch Railway from the Railway above described, at a Point near *Kaiminghill* or *Commonhill*, to a Point near *North Southfield*, all in the Parish of *Lesmahagow*:

Thirdly, a Branch Railway from the Railway first above described, at a Point near *Auchenheath* Colliery, to a Point on the Lands of *Nether Hall Hill*, near *Little Gill* Coalpit, all in the said Parish of *Lesmahagow*.

Certain Roads may be crossed on the Level.

VI. It shall be lawful for the Company to carry the Railways by this Act authorized across the Surface of the Roads numbered as after-mentioned on the Plans deposited as aforesaid; (that is to say,)

In the Parish of *Hamilton* the Road numbered 96:

In the Parish of *Dalserf* the Roads numbered 38, 58, and 134:

In the Parish of *Lesmahagow* the Roads numbered 137, 242, 278 $\frac{326}{1}$, 376, 402 (Two Crossings), and 425.

VII. The

Company to erect Stations or Lodges where Roads cross on the Level.

VII. The Company shall, for the Security of the Public, erect and maintain either a Station or a Lodge at each of the Points where the said Railways shall cross the before-mentioned Roads on the Level thereof, and 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 Board of Trade; and if the Company shall fail to erect or at all Times maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing at any such Point or Station, 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.

Board of Trade may require Bridges to be erected in lieu of level Crossings.

VIII. It shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the Public Safety, at any Time, either before or after the Railways hereby authorized to be carried across the said Roads on the Level thereof shall have been completed and opened for public Traffic, to require the Company, within such Time as the said Board shall direct, and at the Expense of the Company, to carry any of the said Roads either over or under the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board best adapted for removing or diminishing the Danger arising from such level Crossings.

Regulating the Inclinations of certain Roads.

IX. It shall be lawful for the Company to construct the Approaches to the Bridges for carrying the Roads, numbered as after mentioned on the Plans deposited as aforesaid, under and over the Railway hereby authorized, with such Inclinations as they think fit, not steeper than the following; (that is to say,)

In the Case of the Road numbered 97, in the Parish of *Dalserf*, not steeper than One in Eleven:

In the Case of the Road numbered 31, in the Parish of *Lesmahagow*, not steeper than One in Nine and One Half.

Regulating the Dimensions of certain Bridges.

X. It shall be lawful for the Company to construct and maintain the Bridges for carrying the Roads, numbered as after mentioned on the Plans deposited as aforesaid, under and over the Railway hereby authorized, of such Dimensions as they may think fit, not less than the Dimensions following respectively; (that is to say,)

In the Case of the Road numbered 97, in the Parish of *Dalserf*, the Bridge shall be so constructed as to leave thereunder a clear Width of Twenty Feet, and a clear Height of Twelve Feet:

In

In the Case of the Road numbered 31, in the Parish of *Lesmahagow*, the clear Space between the Fences of the Bridge shall be Twenty Feet.

Lands for extra-ordinary Purposes.

XI. It shall be lawful for the Company to purchase, for extra-ordinary Purposes connected with the Railways by this Act authorized to be made, any Quantity of Land not exceeding Twenty Acres.

Power to Parties having limited Interests to Feu or lease Lands, &c.

XII. It shall be lawful for all Persons having a limited Right or Interest in any Lands required to be taken or used for the Purposes of this Act, or being under any Disability or Incapacity to sell or convey within the Meaning of Section Seven of the Lands Clauses Consolidation (*Scotland*) Act, 1845, and being only entitled to sell, convey, or lease such Lands or any Right or Interest therein under the Powers by this Act and the said Consolidation Act granted, to sell and convey or lease to the Company such Lands, or any Part thereof, or any Right or Interest therein, in consideration of an annual Feu Duty, Ground Annual, or Rent payable by the Company to such Persons and their Successors in the Lands, or in the Right or Interest therein so conveyed or leased.

Grassums not to be taken.

XIII. Provided always, That it shall not be lawful for the Company to pay, nor for any Person having a limited Interest in or being under Disability or Incapacity to sell, convey, or lease any Lands, or any Right or Interest therein as aforesaid, to receive or take any Grassum, Fine, or Premium, or any Consideration in the Nature thereof, for the Lands or Rights or Interests therein to be so conveyed or leased, other than the annual Feu Duties, Ground Annuals, or Rents made payable by such Conveyance or Lease; and the Amount of such Feu Duties, Ground Annuals, or Rents shall, in case of Difference, be ascertained and settled by Valuators in the Manner prescribed by the said Consolidation Act with respect to the Valuation of Lands sold by Agreement by Persons under legal Disability or Incapacity to convey as aforesaid.

Provision for recovering Feu Duties and Rents.

XIV. All Feu Duties, Ground Annuals, or Rents for any Lands, or any Right or Interest therein, required for the Purposes of the Undertaking hereby authorized, and made payable by any Conveyance or Lease under this Act, shall be a First Charge on the Rates leviable under this Act and other Revenues of the said Undertaking, anything in this Act or in any of the Acts herewith incorporated to the contrary notwithstanding; and if at any Time any such Feu Duties, Ground Annuals, or Rents remain unpaid for Thirty Days after they respectively become payable, it shall be lawful for the Person entitled for the Time being to Payment of such Feu Duties, Ground Annuals, or Rents to recover the same from the Company, with Interests and Costs, by Action before the Sheriff Court of the County of *Lanark*,

or summarily by Poinding and Sale of the Goods and Effects of the Company, on Application by Petition to the Sheriff of the said County; and it shall not be lawful for any such Person to resume Possession of the Lands, or Rights or Interests therein, so conveyed or leased, or to proceed by any Action of Declarator or Reduction, or by Real Diligence or any other Process whatever in respect thereto, or in respect to the said Feu Duties, Ground Annuals, or Rents: Provided always, that it shall be lawful for the Company, in the event of any of such Feu Duties, Ground Annuals, or Rents being so recovered from them, to retain the Amount thereof, with the Interest and Costs disbursed and incurred by them in relation thereto, from the said Rates and Revenues, before dividing the same among the Holders of the said *Lesmahagow* Branches Stock, anything in the said fourth-recited Act or this Act to the contrary notwithstanding.

Agreements for Acquisition of Lands confirmed.

XV. All Agreements for the Acquisition by the Company, in Property or in Lease, of any Lands required for the Purposes of the Railways herein-before described, which may have been entered into prior to the passing of this Act between the Owners of such Lands or other Parties interested therein and the Company or others on their Behalf, and all Conveyances, Feu Rights, and Leases of such Lands in favour of the Company which may have been executed prior to the passing of this Act, shall, so far as consistent with the Provisions of this Act, be as valid and effectual as if entered into and executed under the Powers of this Act.

Power for compulsory Purchases limited.

XVI. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act, or for the compulsory Acquisition of any Right therein, shall not be exercised after the Expiration of Two Years from the passing of this Act.

Limiting Time for Completion of Works.

XVII. The Railways by this Act authorized shall be completed within Five Years from the passing of this Act; and on the Expiration of that Period the Powers hereby granted to the Company for making the said Railways shall cease, except as to so much thereof as shall then be completed: Provided always, that if the said Railways shall not be completed and opened for public Traffic within the said Period of Five Years, the Payment of any Dividend on the ordinary and unguaranteed Capital of the Company shall, after the Expiration of that Period, be suspended until the said Railways shall be so completed and opened.

Relinquishment of Works rendered unnecessary by Railways authorized by this Act.

XVIII. It shall be lawful for the Company, and they are hereby required, to relinquish the Railway from the *Motherwell* Branch of the *Clydesdale Junction* Railway, near *Motherwell*, to the *Auchenheath* Mineral Field, near *Connellholm*, authorized by the said second-recited Act, and the Branch Railway from a Point near *Forkins* to a Point

Point on the Lands of *Bankend*, authorized by the said third-recited Act.

Compensation to be made where Contracts have been entered into, or Notices given, for the Purchase of Lands.

XIX. 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, by the said recited Acts, or any of them, empowered to purchase for the Purpose of constructing the Works hereby authorized to be relinquished as aforesaid, the Company shall make to the Owners and Occupiers of and other Parties interested in such Lands Compensation for all Injury or Damage, if any, 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 always, that the Company shall not be liable for any such Compensation unless the Claim therefor shall have been made within Six Months after the passing of this Act: Provided also, that the Authority hereby given for relinquishing the Formation of the said Works 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, or of probing or boring to ascertain the Nature of the Soil, or of setting out the Lines of Railway, pursuant to the Provisions for that Purpose in the Lands Clauses Consolidation (*Scotland*) Act, 1845, contained.

Power to borrow on Mortgage.

XX. After One Half of the Share Capital of One hundred and fifty thousand Pounds authorized by the said fourth-recited Act shall have been paid up, it shall be lawful for the Company to borrow upon Mortgage, on the Security of the Undertaking hereby authorized, and if paid up again to borrow, any Sum or Sums of Money not exceeding in all the Sum of Twenty thousand Pounds: Provided always, that the said Sums of One hundred and fifty thousand Pounds and Twenty thousand Pounds shall be applicable only to the Objects and Purposes by the said fourth-recited Act and this Act authorized.

Regulating Division of Profits among Shareholders.

XXI. The Holders of the said Class A. Shares in the said Share Capital of One hundred and fifty thousand Pounds shall be entitled to a Preferential Dividend, out of the Profits of the Undertaking hereby authorized, at the Rate of Five Pounds *per Centum per Annum*; and after Payment of such Preferential Dividend the said Profits shall be divided rateably among the Holders of the said Class B Shares in the said Capital, until such Holders shall receive a Dividend at the like

Rate

Rate of Five Pounds *per Centum per Annum*; and the remaining Profits of the said Undertaking shall be divided rateably among the whole of the said Shareholders of both Classes.

Certain Portions of 8 & 9 Vict. c. 16. incorporated.

XXII. Subject to the Provisions of the said fourth-recited Act and this Act, all 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 borrowing of Money by the Company on Mortgage, and with respect to the Conversion of the borrowed Money into Capital, and with respect to the Consolidation of the Shares into Stock, shall be incorporated with this Act, and shall be applicable to the Moneys authorized to be raised and borrowed as aforesaid.

Tolls.

XXIII. It shall be lawful for the Company to demand and recover, for the Use of the Railways hereby authorized to be made, and the Conveyance of Traffic thereon, the same Tolls, Rates, and Charges which the Company are by the said recited Acts empowered to demand and recover for the Use of the Railways thereby authorized and the Conveyance of Traffic thereon: Provided always, that with respect to small Parcels (that is to say, Packages not exceeding Five hundred Pounds Weight each), instead of the Tolls in the said recited Acts prescribed, the Company may lawfully demand, for the Carriage of such Packages upon the Railways by this Act authorized to be made, or any Part thereof, the Tolls following; (that is to say,)

For any Parcel not exceeding Seven Pounds in Weight, Fourpence:

For any Parcel exceeding Seven Pounds and not exceeding Fourteen Pounds in Weight, Eightpence:

For any Parcel exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds in Weight, One Shilling and Fourpence:

For any Parcel exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds in Weight, Two Shillings:

For any Parcel exceeding Fifty-six Pounds and not exceeding Five hundred Pounds in Weight, the Company may demand any Sum which they think fit:

Tolls for small Parcels.

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels (such as Bags of Sugar, Coffee, Meal, and the like), shall not be deemed small Parcels; but such Term shall apply only to single Parcels in separate Packages, and to Parcels not being aggregate Quantities of the same Description of Article sent in the same Package.

XXIV. Every

Passengers Luggage.

XXIV. Every Passenger travelling upon the Railways hereby authorized may take with him his ordinary Luggage, not exceeding One hundred and twelve Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Regulating Rates upon Traffic conveyed along Railways hereby authorized and other Railways belonging to the Company.

XXV. In fixing the Tolls and Charges for Traffic passing from or to the Lines of Railway hereby authorized to or from the other Lines of Railway communicating therewith which belong to the Company, the Distance shall be computed as if the whole formed One Line; and the Rates of Tolls and Charges to be demanded in respect of Traffic passing from or to the said Lines of Railways hereby authorized to or from the other Lines of Railway communicating therewith which belong to the Company, shall not be higher *per* Ton *per* Mile than the Rates demanded at the Time in respect of Traffic of the same Description passing (in the same Direction to or from the same Place) for equal Distances along any of the said other Lines of Railway; that is to say, the Distance such Traffic may pass or may have passed along the Lines hereby authorized shall be added to the Distance passed along any of the other Lines belonging to the Company, and the Rates of Tolls and Charges shall be the same as if such Traffic had passed the whole Distance along the other Lines belonging to the Company; and in all Cases of Traffic carried to or from the Lines of Railway hereby authorized, the Charges shall be divided between them and the other Lines belonging to the Company, in proportion to the Distance carried on such Lines respectively.

Saving Rights under section 8 of Act 14 & 15 Vict. c. xcix.

XXVI. And whereas by Section Eight of the last-recited Act it was enacted that the Railways and Branch Railways authorized by the second and third recited Acts should not be opened or used for Traffic to any Extent whatsoever, nor should any Rates, Tolls, or Charges be levied thereon or in respect thereof, unless and until the Sum of Fifteen thousand Pounds should be paid to the Persons therein named, or consigned in Bank in the Manner and under the Conditions and Provisions therein mentioned: Be it enacted, That nothing in this Act contained shall repeal or (save as herein-after mentioned) alter or affect the said Section, or the Enactments and Provisions therein contained, and the said Section shall be and remain valid and effectual, and be applicable to the Railway and Branch Railways by this Act authorized, in the same Manner and to the same Effect as the said Section was or might have been applicable to the Railways and Branch Railways authorized by the said second and third recited Acts.

Interest not to be paid on Calls paid up.

XXVII. 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

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: 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.

XXVIII. 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.

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., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

XXIX. Nothing in this Act contained shall be held to exempt the Company, or the Railways hereby authorized to be made, from the Provisions of the following Public General Acts, viz., First and Second *Victoria*, Chapter Ninety-eight, intituled *An Act to provide for the Conveyance of the Mails by Railways*; Third and Fourth *Victoria*, Chapter Ninety-seven, intituled *An Act for regulating Railways*; Fifth and Sixth *Victoria*, Chapter Fifty-five, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; Seventh and Eighth *Victoria*, Chapter Eighty-five, 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*; Ninth and Tenth *Victoria*, Chapter Fifty-seven, intituled *An Act for regulating the Gauge of Railways*; and Fourteenth and Fifteenth *Victoria*, Chapter Sixty-four, intituled *An Act to repeal the Act for constituting Commissioners of Railways*; but such Provisions shall be in force in respect to the Company and the said Railways so far as the same are applicable thereto.

Railways not exempt from Provisions of future General Acts.

XXX. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act or the said recited Acts authorized to be made from the Provisions of any General Act relating to such Acts, or 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 authorized

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

Expenses of Act.

XXXI. All the Costs, Charges, and Expenses of applying for and obtaining this Act, and in any way incidental thereto, shall be paid out of the Sums authorized to be raised for the Purposes of this Act, in preference to any other Payment whatsoever.

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