ANNO DECIMO

VICTORIÆ REGINÆ.

****

Cap. xxii.

An Act to enable the *Caledonian* Railway Company to make an Extension of the *Motherwell* Branch of the *Clydesdale Junction* Railway to *Auchinheath* Mineral Field, with Branches therefrom.

[8th *June* 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 8 & 9 Vict.
and Glasgow *and the North of* Scotland, *to be called* " *The* Caledonian c. 162.
Railway :" And whereas another Act was passed in the Ninth Year of the Reign of Her said Majesty, intituled *An Act for making a Rail-* 8 & 9 Vict.
way 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 c. 379.

Clydesdale Junction *Railways with the* Caledonian *Railway*; and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act to enable the* Caledonian *Railway Company to deviate certain Portions of the* Clydesdale Junction *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 make an Extension of the *Motherwell* Branch of the *Clydesdale Junction* Railway to *Auchinheath* Mineral Field, with Branches therefrom to the *Wishaw and Coltness* Railway and to *Canderside*; 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 *Caledonian, Polloc and Govan,* and *Clydesdale Junction* Railways Amalgamation Act, 1846, both above recited, and the several Acts thereby incorporated therewith, shall, so far as not varied or otherwise provided for by this Act, be incorporated with and form Part of this Act.

9 & 10 Vict. c. 395.

Recited Acts, and the Acts incorporated therewith, applied to 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 (*Motherwell* Branch Extension) Act, 1847."

Power to raise Money by Creation of new Shares, &c.

III. And whereas the estimated Expence of the Railways by this Act authorized is Two hundred and fifty 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 Two hundred and fifty 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, &c.

IV. And be it enacted, That after the whole of the said Sum of Two hundred and fifty 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 Eighty-three thousand three hundred Pounds, in addition to the Amount

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.

Power to make Works according to deposited Plans, &c.

V. 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 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 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.

VI. 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 Railway from the *Motherwell* Branch of the *Clydesdale Junction* Railway at a Point in the Parish of *Hamilton* near the Village of *Motherwell*, through the said Parish and the Parishes of *Dalziel*, *Dalserf*, and *Lesmahagow*, to the *Auchinheath* Mineral Field at a Point near *Connellholm* in the last-named Parish, with a connecting Branch from the Railway above described at a Point in the Parish of *Hamilton* near *Motherwell* aforesaid, through the said Parish and the Parish of *Dalziel*, to and to communicate with the *Wishaw and Coltness* Railway at a Point in the last-named Parish near the said Village of *Motherwell;* and

A Branch Railway from the Railway first described at a Point near *Machan* to a Point near *Canderside*, all in the Parish of *Dalserf*.

Lands for extraordinary Purposes.

VII. 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 Thirty Acres.

Compulsory Purchase of Lands limited.

VIII. 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.

IX. And

Period for Completion of Works.

IX. And be it enacted, That the Railways 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 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.

X. 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 *Hamilton*, the Road numbered 71; and

In the Parish of *Dalserf*, the Road numbered 22, 36.

Stations, &c. to be erected at Points of level Crossings.

XI. 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 the 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.

Regulating the Inclinations of certain Roads.

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

In the Case of the Road numbered 71 in the Parish of *Hamilton*, not steeper than One in Fifteen.

For Protection of Glasgow and Shotts Road.

XIII. Provided always, and be it enacted, That the Company shall not, in the Exercise of any Powers of Deviation conferred by the Acts before recited, or the several Acts thereby incorporated therewith, or by this Act, be entitled, except for temporary Purposes, to alter the present Level or Line of the Road numbered 3 in the Parish of *Dalziel* and 19 in the Parish of *Hamilton* on the Plans deposited as aforesaid.

Tolls.

XIV. And be it enacted, That, subject to the Conditions, Limitations, and Provisions contained in the said *Caledonian* Railway Act, 1845, and the Acts thereby incorporated therewith, it shall be lawful for the Company to demand and recover for the Use of the Railways

hereby authorized to be made the Tolls, Rates, Duties, and Charges which are by the said Act authorized to be demanded and recovered for the Use of the Railway thereby authorized to be made.

Railway 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. and 105.

XV. 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 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.

Railway to be subject to Provisions of any future general Acts.

XVI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways 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, of the maximum Rates of Fares and Charges authorized by this and the said recited Acts.

Expences of Act.

XVII. 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.

XVIII. 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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