ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

****

Cap. cxvi.

An Act to enable the *Edinburgh and Bathgate* Railway Company to extend their *Whitburn* Branch, and to alter or deviate their *Uphall and Binnie* Branch. [14th *August* 1848.]

WHEREAS an Act was passed in the Ninth and Tenth
Years of the Reign of Her present Majesty, intituled *An* 9 & 10 Vict.
Act for making a Railway from the Edinburgh and Glas- c. 332.
gow *Railway to* Bathgate, *with Branches, to be called* "*The* Edinburgh
and Bathgate *Railway;*" and another Act was passed in the Tenth
and Eleventh Years of the Reign of Her present Majesty, intituled
An Act to enable the Edinburgh and Bathgate *Railway Company to* 10 & 11 Vict.
deviate a Portion of their Main Line, and for other Purposes: And c. 246.
whereas it would be attended with local and public Advantage if the
Whitburn Branch of the said Railway were extended from its Ter-
mination at *Whitburn* to the *Benhar* Colliery: And whereas it is
also expedient that an Alteration or Deviation of the *Uphall and*
Binnie Quarries Branch of the said Railway should be made, and
that the said Branch Railway as authorized by the said first-recited
Act, so far as it may be superseded or rendered unnecessary by the
said Alteration or Deviation, should be abandoned: And whereas the

said *Edinburgh and Bathgate* Railway Company are desirous of carrying into effect the Objects aforesaid, if authorized by Parliament so to do: 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 all the Provisions, Matters, and Things in the said recited Acts contained, so far as the same are now in force, and are not inconsistent with or altered by the Provisions of this Act, shall extend to this Act, and to the Making, Maintenance, and Use of the Extension Railway and Alteration or Deviation Line of Railway, and other Works by this Act authorized to be made and maintained, and the levying and recovery of Tolls and Charges in respect thereof, and to the several other Purposes of this Act, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes; and the Extension Railway and Alteration or Deviation Line of Railway, and other Works authorized to be made and maintained by the Company by this Act, shall form Part of the Undertaking of the *Edinburgh and Bathgate* Railway, and shall as such be subject to all the Provisions of the said Acts relating thereto, save as aforesaid.

Certain Provisions of Acts relating to the Edinburgh and Bathgate Railway to extend to this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Deeds or Instruments, it shall be sufficient to use the Expression, "The *Edinburgh and Bathgate* Railway (Extension and Deviation) Act, 1848."

Power to make Extension.

III. And be it enacted, That it shall be lawful for the Company to make and maintain an Extension of the *Whitburn* Branch of the said Railway from the Point where it terminates at or near the Village of *Whitburn* to at or near to the *Benhar* Colliery, at or near the Boundary of the Parish of *Whitburn* with the Parish of *Shotts*, all in Parish of *Whitburn* and County of *Linlithgow*.

Power to make Deviation.

IV. And be it enacted, That it shall be lawful for the Company to make and maintain an Alteration or Deviation of the *Uphall and Binnie* Quarries Branch of the said Railway, by making a new Portion of Railway to commence at a Point on the Main Line of the said Railway at or near to the Road numbered 11, Parish of *Uphall*, on the Plan referred to in the said first-recited Act, and to terminate at or near *Wester Binnie* Quarry in the Parish of *Linlithgow*, all in the said Parishes of *Uphall* and *Linlithgow* and County of *Linlithgow*.

Unnecessary Parts of Railway to be abandoned.

V. And be it enacted, That it shall be lawful for the Company and they are hereby required to relinquish or abandon the Line of the said *Uphall* and *Binnie* Quarries Branch Railway as authorized by the said first-recited Act, so far as it may be superseded or rendered unnecessary by the Construction of the said Deviation Line or new Portion of Railway; and all the Powers and Authorities which by the said first-recited Act are given for making and maintaining

taining the Portion of the Line hereby required to be abandoned shall from and immediately after the passing of this Act cease and determine.

Railway to be made according to deposited Plans, &c.

VI. And whereas Plans and Sections showing the Line or Situation and Levels of the said Extension Railway and Alteration or Deviation Line of Railway and Works by this Act authorized to be made and maintained, together with a Book of Reference to the said Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the Sheriff Clerk of the County of *Linlithgow*: Be it enacted, That, subject to the Provisions in this and the recited Acts contained, the said Extension Railway and Alteration or Deviation Line of Railway and Works shall be made and maintained in the Lines or Courses 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 it shall be lawful for the Company to enter upon, take, hold, and use such of the said Lands as shall be necessary for the Purposes aforesaid.

Power to cross Roads on the Surface.

VII. And be it enacted, That it shall be lawful for the Company to alter and cross on the Surface, in the Manner shown on the said Plans and Sections, the following Roads numbered respectively on the Plans deposited as aforesaid; that is to say,

In the Parish of *Whitburn*, the Roads numbered 1 and 85;

In the Parish of *Linlithgow*, the Road numbered 3.

Company to erect Stations or Lodges at level Crossings, and abide by Rules, &c. of Commissioners of Railways.

VIII. And be it enacted, That in the event of the Company using the Railway at the crossing of the said Roads on the Level with Locomotive Engines the Company shall, for the greater Convenience and Security of the Public, erect and permanently maintain either a Station or a 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 shall 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 to maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation 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.

A certain Road may be diverted;

IX. And be it enacted, That it shall be lawful for the Company to divert, in the Manner shown on the said Plans, the Road numbered 30, in the Parish of *Whitburn*, on the Plans deposited as aforesaid: Provided always, that the said Road where so diverted, including

including that Portion thereof where the Railway shall be carried over the same, shall be at least Thirty-five Feet in Width at all Points, and that the Line thereof shall not be more curved or angular at any Point than the Line of the said proposed Diversion as shown on the said Plans, and that the Inclinations of the said Road when so diverted shall not be steeper at any Point than One Foot in Fifty Feet.

or Company may carry Railway over the said Road without Diversion.

X. And be it enacted, That it shall be lawful to the Company, if they think fit, to carry the said Railway over the said Road without diverting the Line thereof as aforesaid: Provided always, that the Inclinations of the said Road where altered (including that Portion thereof where the Railway shall be carried over the same) shall not be steeper than One Foot in Fifty Feet, and that the Width of the said Road shall be at least Thirty-five Feet at all Points, and that the Line thereof shall not be altered in any respect; provided likewise, that, whether the said Road shall be diverted or not, the same shall be sufficiently drained by the Company to the Satisfaction of the Surveyor of the said Road.

Regulating Dimensions of Bridge.

XI. And be it enacted, That it shall be lawful for the Company to construct the Bridge or Arch for carrying the Road numbered 21, in the Parish of *Uphall*, on the Plans deposited as aforesaid, under the Railway, of Dimensions not less than Fifteen Feet in Height and Thirty Feet in Span.

Lands for extraordinary Purposes.

XII. And be it enacted, That it shall be lawful for the Company to take Lands for extraordinary Purposes, but the Quantity of Land to be taken for such Purposes shall not exceed Ten Acres in addition to the Lands which they may purchase for such Purposes under any other Act of Parliament.

Period for compulsory Purchase of Lands limited.

XIII. And be it enacted, That the Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Five Years from the passing of this Act.

Period of Completion of Works.

XIV. And be it enacted, That the said Extension Railway and Alteration or Deviation Line of Railway and Works by this Act authorized shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this or by the said recited Acts granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Extension Railway and Alteration or Deviation Line of Railway and Works as shall then be completed.

Tolls.

XV. And be it enacted, That, subject to the Conditions, Limitations, and Provisions contained in the said recited Acts and the Acts therewith incorporated, it shall be lawful for the Company to demand and recover in respect of the Extension Railway and Alteration or Deviation Line of Railway and Works hereby authorized

rized to be made, the Tolls, Rates, Duties, and Charges which are by the said first-recited Act authorized to be demanded and recovered in respect of the Railway and Branch Railways thereby authorized to made.

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

XVI. And be it enacted, That it shall not be lawful for the Company, out of any Money by any Act or Acts 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.

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.

XVII. And whereas an Act was passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railways;* and another Act was passed in the Third and Fourth Years of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Fifth and Sixth Years 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 Seventh and Eighth Years 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 Two other Acts were passed in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the said Extension and Alteration or Deviation and Works, 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 Extension and Alteration or Deviation and Works, and the Company, so far as the same shall be applicable thereto, and not otherwise specially provided for by this Act.

Railway not exempt from Provisions of future general Acts.

XVIII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this 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, 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 Act.

Expenses of Act.

XIX. And be it enacted, That all the Costs, Charges, and Expenses of obtaining and passing this Act, and of making the Survey, Plans, and Estimate, 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 Monies to be raised or received by them, and in preference to any other Payment whatsoever.

Public Act. XX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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