ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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Cap. lxii.

An Act to authorize certain Deviations of the *Slamannan and Borrowstouness* Railway.

[3d *July* 1851.]

WHEREAS an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled " The *Slamannan and Borrowstouness* Railway Act, 1846," whereby the *Slamannan* Railway Company were authorized to form a Railway from their Line, at the Northern Terminus thereof, to the *Frith of Forth*, and thence to the Town or Harbour of *Borrowstouness*, with Branches to the *Edinburgh and Glasgow* Railway; and another Act was passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her said Majesty, intituled " The *Monkland* Railways Act, 1848," whereby the said Company were dissolved, and the Proprietors of Shares therein and in the *Monkland and Kirkintilloch* and *Ballochney* Railway Companies were united, and incorporated into One Company, under the Name of the *Monkland* Railways Company, and all the Rights, Privileges, Powers, and Authorities vested in the *Slamannan* Railway Company by virtue of the said first-recited Act were transferred to and vested in the *Monkland* Railways Company: And whereas it is expedient that the *Monkland* Railways Company should be authorized to deviate from and alter the Line and Levels of the Main Line of Railway authorized by the said first-recited Act

9 & 10 Vict. c. 107.

11 & 12 Vict. c. 134.

from *Causewayend* to *Kinneil* Ironworks, and also the Line and Levels of the Branch Railway from the said Main Line to the *Edinburgh and Glasgow* Railway, and that the said recited Acts should in other respects be amended; 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,

Provisions of 8 & 9 Vict. cc. 19. & 33. applied to this Act.

I. That the Lands Clauses Consolidation (*Scotland*) Act, 1845, and the Railways Clauses Consolidation (*Scotland*) Act, 1845, shall, save as varied or otherwise provided by this Act, extend and apply to the Lands to be acquired and the Works to be executed under the Powers of this Act.

Short Title of Act.

II. That in citing this Act in other Acts of Parliament, and in legal Instruments and other Writings and Proceedings, it shall be sufficient to use the Expression "The *Monkland* Railways (*Slamannan and Borrowstouness* Deviation) Act, 1851."

Interpretation of "the Company."

III. That the Expression "the Company" when used in this Act shall mean the *Monkland* Railways Company.

Power to execute certain Deviations from the Works authorized by the first-recited Act.

IV. That it shall be lawful for the Company to deviate from and alter the Lines and Levels of the Main Line of Railway and Branch Railway authorized by the said first-recited Act between the Points following; *videlicet*, as regards the said Main Line, from the Commencement thereof near *Causewayend* in the Parish of *Muiravonside* and County of *Stirling* to a Point near the East Side of *Kinneil* Ironworks in the Parish of *Borrowstouness* and County of *Linlithgow*, and as regards the said Branch Railway, from the Point in the Parish of *Muiravonside* at which the said Main Line will cross the Occupation Road leading Eastward from *Myrehead* to the Parish Road to a Point in the said Parish, near *Myrehead*, where the said Branch Railway will join the *Edinburgh and Glasgow* Railway, and to make and maintain all proper Works and Conveniences in connexion with the said Deviations.

Works to be executed according to deposited Plans, &c.

V. That, with the Powers and subject to the Provisions contained in this Act and the said Lands and Railways Clauses Consolidation (*Scotland*) Acts, 1845, it shall be lawful for the Company, in lieu of that Portion of the Works authorized by the said first-recited Act which will be rendered unnecessary by the said Works hereby authorized, to make and maintain the said last-mentioned Works in the Lines and upon the Lands delineated on the Plans and described in the

the Books of Reference deposited in the Offices at *Stirling* and *Falkirk* of the Sheriff Clerk of the County of *Stirling*, and in the Office at *Linlithgow* of the Sheriff Clerk of the County of *Linlithgow*, and according to the Levels defined on the Sections deposited in the said several Offices along with the said Plans and Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Compensation to be made where Contracts have been entered into or Notices given.

VI. Provided always, That in any Case where before the passing of this Act any Contract has been entered into or Notice given by the Company, or by the *Slamannan* Railway Company, for purchasing any Lands which the last-mentioned Company were by the said first-recited Act empowered to purchase, for the Purpose of constructing that Portion of the Works authorized by the said Act which will be rendered unnecessary as aforesaid, the Company shall make to the Owners and Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage 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 also, that the Authority hereby given for abandoning the Formation of the Works rendered unnecessary as aforesaid shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the *Slamannan* Railway 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, or of the *Slamannan* Railway 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 Line of the Railway, pursuant to the Provisions for that Purpose in the Lands Clauses Consolidation (*Scotland*) Act, 1845, contained.

As to the Inclinations of certain Roads.

VII. That it shall be lawful for the Company, for the Purpose of carrying the Roads numbered as after mentioned on the Plans deposited as aforesaid over, under, and across the said Main Line of Railway hereby authorized, to alter the Inclinations of the said Roads to such an Extent as they may think fit, not exceeding the Inclinations following respectively; (that is to say,)

The Road numbered 11 in the Parish of *Muiravonside*, not steeper than One in Fourteen;

The Road numbered 7 in the Parish of *Borrowstouness*, not steeper than One in Six;

The Road numbered 38 in the Parish of *Borrowstouness*, not steeper than One in Nine;

The Road numbered 79 in the Parish of *Borrowstouness*, not steeper than One in Eleven.

Regulating the Width of Arches of certain Bridges.

VIII. That it shall be lawful for the Company to construct the Bridges or Arches for carrying the said Main Line of Railway over the Roads numbered as after mentioned on the Plans deposited as aforesaid of such Width as they may think fit, not less than the Widths following respectively; (that is to say,)

In the Case of the Road numbered 11 in the Parish of *Muiravonside*, not less than Twenty Feet;

In the Case of the Road numbered 51 in the Parish of *Muiravonside*, not less than Twenty Feet;

In the Case of the Road numbered 79 in the Parish of *Borrowstouness*, not less than Twenty Feet;

In the Case of the Road numbered 91 in the Parish of *Borrowstouness*, not less than Thirty Feet.

Regulating the Construction of the Bridge over the Union Canal.

IX. That the Bridge by which the deviated or altered Line of Railway by this Act authorized to be made shall be carried over the *Edinburgh and Glasgow Union* Canal shall not be of less Span or clear Height in any Part than the Bridge by which the *Slamannan Junction* Railway is carried over the said Canal.

Periods for the compulsory Purchase of Lands limited.

X. 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, and that the Powers granted by the said first-recited Act for the compulsory Purchase of the Lands therein referred to shall be continued for the Period of Two Years after the passing of this Act, in so far as such last-mentioned Powers relate to those Lands required for the Portion of Railway authorized by the said first-recited Act lying between the Point herein-before mentioned, near the East Side of *Kinneil* Ironworks and the Town and Harbour of *Borrowstouness*, which are described in the Books of Reference referred to in the said first-recited Act as the Property of the Crown and the Duke of *Hamilton*; and also, in so far as such last-mentioned Powers relate to the Lands required for the Remainder of the Works authorized by the said first-recited Act, excepting the Lands required for the Branch Railway to the *Edinburgh and Glasgow* Railway which is marked A D on the Plans therein referred to, and excepting the Lands marked on the said last-mentioned Plans 20 *b* in the Parish of *Muiravonside*, and 50, 66, 67, 68, 79, 81, and 82 in the Parish of *Borrowstouness*.

XI. Pro-

Existing Contracts and Notices to take Lands not to be affected by the Extension of Time.

XI. Provided always, That the Extension of Time hereby granted for exercising the Powers of compulsory Purchase under the said first-recited Act shall not prejudice or affect any Contract or Agreement entered into or Notice given by the Company or by the *Slamannan* Railway Company before the passing of this Act for purchasing, taking, or using any Lands which under the said first-recited Act the last-mentioned Company were entitled to purchase, take, or use, or any Actions depending in relation thereto, but every such Contract and Notice respectively shall be construed and shall take effect, and the same Proceedings shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, both at Law and in Equity, as if such Extension of Time had not been granted as aforesaid, without Prejudice nevertheless to any new Contract or Notice which may be entered into or given by the Company in virtue of the Extension of Time hereby granted.

Parties aggrieved by Extension of Time being granted may have Compensation for additional Damage.

XII. Provided also, That the Sheriffs, Arbiters, Oversmen, or Juries respectively, as the Case may be, who under the Provisions of the said recited Acts shall award or assess the Compensation to be made by the Company to the Owners or Occupiers of or other Persons interested in any Lands taken or used for the Purposes of the Works authorized by the said first-recited Act, or injuriously affected by the Construction thereof, shall, in estimating the Amount of such Compensation, have regard to and make Compensation for the additional Damage, if any, sustained by such Owners, Occupiers, or other Persons by reason of the Extension of Time hereby granted as aforesaid.

Period for the Completion of Works.

XIII. That the Works by this Act authorized to be executed shall be completed within Five Years after the passing of this Act; and on the Expiration of the said Period the Powers hereby granted for executing the same shall cease to be exercised, except as to so much of the said Works as shall then be completed.

Same Tolls to be demanded as on Railway authorized by recited Act.

XIV. That it shall be lawful for the Company to demand and recover, for the Use of the Railways and Works hereby authorized to be executed, the same Tolls, Rates, and Charges which the Company are authorized to demand and recover for the Use of the Railway and Works by the said first-recited Act authorized to be made.

Plans, &c. to be deposited at the Admiralty previously to the Commencement of Works.

XV. That previously to commencing any of the Works hereby authorized in or affecting any tidal Water or navigable River the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of such Works, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commis-

Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty; and such Works shall be constructed only in accordance with such Plans so approved of.

Access to the Seashore to be made under the Directions of the Admiralty.

XVI. That in constructing the said Railway where the same skirts the Seashore the Company shall provide and for ever maintain in good Order, over, under, or across the said Railway, all such Communications, to be formed in such Manner and at such Places as the said Lord High Admiral or the said Commissioners shall direct, for the Purpose of affording Access to the Seashore, such Direction to be signified in Writing under the Hand of the Secretary of the Admiralty.

If local Survey deemed necessary Company to defray Expenses of same.

XVII. That if, after Working Drawings of the Works hereby authorized shall have been submitted to the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works, or of the intended Site thereof, the Company shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

If Works affecting navigable River fall into Disuse, Admiralty may restore Site thereof to its former Condition, and charge Company with the Expense.

XVIII. That if any Work to be constructed by the Company in, affecting, or across any tidal Water or navigable River, or if any Portion of the Work which affects any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, 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, with Costs of Suit.

Saving Rights of *Town of* Linlithgow.

XIX. That nothing in this Act or in the recited Acts contained shall be held to qualify, alter, prejudice, or affect the Rights, Privileges, Jurisdictions, or Powers of the Magistrates and Town Council of the Royal Burgh of *Linlithgow*, or the Magistrates of the said Burgh, or any of them.

Deposits for future Bills not to be

XX. 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

rized 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.

paid out of the Company's Capital.

XXI. That nothing in this Act contained shall be held to exempt the Company or the Railways hereby authorized from the Provisions of the following Public General Acts; *videlicet*, First and Second *Victoria*, Chapter Ninety-eight; Third and Fourth *Victoria*, Chapter Ninety-seven; Fifth and Sixth *Victoria*, Chapter Fifty-five; Seventh and Eighth *Victoria*, Chapter Eighty-five; and Ninth and Tenth *Victoria*, Chapters Fifty-seven and One hundred and five; but that such Provisions shall be in force in respect to the said Railways so far as the same are applicable thereto.

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.

XXII. 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 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 by this or the said recited Acts.

Railways not exempt from Provisions of future General Acts.

XXIII. That all the Costs, Charges, and Expenses of applying for and obtaining 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 by the Company.

Expenses of Act.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.