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Cap. ccxci.

An Act to authorize the *North British* Railway Company to make certain Railways in connexion with their System in the Counties of *Linlithgow*, *Stirling*, and *Edinburgh*; and for other Purposes.

[30th *July* 1866.]

WHEREAS a Railway from the *Edinburgh and Bathgate* Railway in the Parish of *Uphall* in the County of *Linlithgow* to near the *East Camps* Limeworks in the Parish of *Kirknewton* in the County of *Edinburgh*, and a Railway from the *North British* (late *Wilsontown, Morningside, and Coltness*) Railway in the Parish of *Whitburn* in the County of *Linlithgow* to near the *West Calder* Chemical Works in the Parish of *West Calder* in the County of *Edinburgh*, and a Railway from the *Slamannan and Borrowstownness* Branch of the *North British* (late *Monklands*) Railway in the Parish of *Muiravonside* in the County of *Stirling* to the *North British* (late *Edinburgh and Glasgow*) Railway in the same Parish, would be of public Advantage, and the *North British* Railway Company (in this Act called "the Company") are willing to make such Railways if authorized by Parliament so to do: And whereas Plans and Sections of the proposed Railways showing the Lines and Levels

thereof respectively, and the Lands required for the Purposes of the Undertaking, together with a Book of Reference to such Plans, have been deposited as follows, (that is to say,) with respect to Railways No. 1. and No. 2. with the Principal Sheriff Clerks of the Counties of *Linlithgow* and *Edinburgh* respectively, and with respect to Railway No. 4. with the Principal Sheriff Clerk of the County of *Stirling*: And whereas it is expedient to make Provisions for altering, fixing, and regulating the Tolls, Rates, Fares, and Charges on Traffic passing from or to any Railway of the Company over that Portion of the *Caledonian* Railway which intervenes between the *Carlisle Citadel* Station and the Junction of the Company's Railway from *Carlisle* to *Port Carlisle* with the *Port Carlisle* Branch of the *Caledonian* Railway Company Powers to make and carry into effect Agreements with reference to such Tolls, Rates, Duties, and Charges: And whereas the Objects aforesaid 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The *North British* Railway (*Camps, &c.* Branches) Act, 1866."

8 & 9 Vict. cc. 17., 19., & 33., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. & 118. incorporated.

2. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation (*Scotland*) Act, 1845," Part I. of "The Railways Clauses Act, 1863," relating to Construction of a Railway, the Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the several Matters following, (that is to say,) the Distribution of the Capital of the Company into Shares, the Transfer or Transmission of Shares, the Payment of Subscriptions and the Means of enforcing the Payment of Calls, the Forfeiture of Shares for Nonpayment of Calls, the Remedies of Creditors of the Company against the Shareholders, the borrowing of Money by the Company on Mortgage or Bond, the Conversion of the borrowed Money into Capital, the Consolidation of the Shares into Stock, and the Provision to be made for affording Access to the Special Act, and Parts I., II., and III. of "The Companies Clauses Act, 1863," relating respectively to Cancellation and Surrender of Shares, to additional Capital, and to Debenture Stock, are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpretation of Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated here wi

herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction:

The Expression "the Special Act" shall mean this Act:

The Expression "the Company" shall mean the *North British* Railway Company.

Power to make Railways according to deposited Plans.

4. Subject to the Provisions of this Act and of the Acts wholly or partially incorporated herewith, the Company may make and maintain in the Line and according to the Levels shown on the deposited Plans and Sections the Railways herein-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith respectively, and may enter upon, take, and use such of the Lands delineated on the said Plans, and described in the deposited Book of Reference, as may be required for that Purpose. The Railways herein-before referred to and authorized by this Act are,—

1. A Railway (in this Act called Railway No. 1.), Three Miles Four Furlongs and 1·60 Chains in Length, commencing in the Parish of *Uphall* in the County of *Linlithgow* by a Junction with the *Edinburgh and Bathgate* Railway, and terminating in the Parish of *Kirknewton* in the County of *Edinburgh*:
2. A Railway (in this Act called Railway No. 2.), One Mile Five Furlongs and 4·50 Chains in Length, commencing in the Parish of *Whitburn* in the County of *Linlithgow* by a Junction with the *North British* (late *Wilsontown, Morningside, and Coltness* Railway), and terminating in the Parish of *West Calder* in the County of *Edinburgh*:
3. A Railway (in this Act called Railway No. 4.), Five Furlongs and Three Chains in Length, commencing in the Parish of *Muiravonside* in the County of *Stirling* by a Junction with the *Slamannan and Borrowstounness* Branch of the *North British* (late *Monklands*) Railway, and terminating in the same Parish by a Junction with the *North British* (late *Edinburgh and Glasgow*) Railway.

Railways, &c. to form Part of Undertaking.

5. The Railways and Works by this Act authorized shall form Part of the Undertaking of the Company.

Power to Company to raise Capital by Shares or Stock.

6. The Company, with the Consent of Three Fourths of the Votes of the Shareholders present in person or by proxy at any General Meeting or General Meetings convened with special Notice of the Purpose, may raise, by the Creation of new Ordinary or Preference Shares or Stock, such additional Capital beyond the Amount which they may be authorized to raise by other Acts of Parliament as they think fit, not exceeding in the whole Forty thousand Pounds.

7. All

Shares or Stock to form Part of Company's general Capital.

7. All Shares or Stock to be created by the Company under the Authority of this Act shall, subject to the Provisions of this Act, form Part of the general Capital of the Company.

Shares not to issue until One Fifth paid up.

8. It shall not be lawful for the Company to issue any Share or Stock to be created under the Powers of this Act, nor shall any such Share or Stock vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share or Stock shall have been paid up in respect thereof.

Capital under several Acts may be raised by Shares or Stock of One Class.

9. If by any other Act or Acts passed in the present Session of Parliament, and whether before or after the passing of this Act, the Company be authorized to raise any Capital by new Shares or Stock, then, subject to the Provisions of the other Act or Acts and this Act respectively, the Company, if they think fit, may raise, by the Creation and Issue of Shares or Stock of one and the same Class, all or any Part of the aggregate Capital which they are by the other Act or Acts and this Act respectively authorized to raise by the Creation and Issue of Shares or Stock.

Power to borrow on Mortgage.

10. The Company, in addition to any Sums which they are authorized to borrow under other Acts of Parliament, may from Time to Time borrow on Mortgage any Sums not exceeding in the whole Thirteen thousand Pounds, but no Part thereof shall be borrowed until the whole of the said Capital of Forty thousand Pounds is subscribed for, issued, and accepted, and One Half thereof is paid up, and the Company have proved to the Sheriff who is to certify under the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," (before he so certifies,) that the whole of the said Capital has been issued and accepted, and that One Half thereof has been paid up, and that not less than One Fifth of the Amount of each separate Share or Sum of Stock has been paid on account thereof before or at the Time of Issue or Acceptance thereof, and that such Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and upon Production to such Sheriff of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which Certificate shall be sufficient Evidence thereof.

Priority of existing Mortgages.

11. All Mortgages granted by the Company in pursuance of the Powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the Time of the passing of this Act, shall during the Continuance of such Mortgages, and as regards the Undertaking comprised in and assigned by such Mortgages, have Priority over all Mortgages to be granted by virtue of this Act.

Debenture Stock.

12. The Company may create and issue Debenture Stock.

13. All

Application of Money raised under Act.

13. All Monies raised under this Act, whether by Shares or Stock or borrowing, shall be applied for the Purposes of this Act only.

Lands for Stations and extraordinary Purposes.

14. The Quantity of Land to be taken by the Company for the extraordinary Purposes specified in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," in connexion with the Railways and Works by this Act authorized, shall not exceed Three Acres.

Limiting Time for compulsory Purchases.

15. 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 Three Years from the passing of this Act.

Period for Completion of Works.

16. The Railways shall be completed within Five Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

If Railways not completed, &c. within a limited Period, Company to be liable to a Penalty.

17. If the Railways by this Act authorized to be constructed shall not be completed and opened for public Traffic within the Period of Five Years from the passing of this Act, then and from thenceforth the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due to the Crown, for every Day thereafter until the Railways shall be completed and opened for public Traffic; but no Penalty shall accrue in respect of any Time during which it shall appear, by a Certificate to be obtained from the Board of Trade, that the Company were prevented from completing or opening the Railways by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

Powers to cross certain Roads on the Level.

18. Subject to the Provisions in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," and in Part I. (relating to the Construction of a Railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of Roads on the Level, it shall be lawful for the Company in the Construction of the Railway to carry the same with a single Line of Railway only whilst the Railway shall consist of a single Line, and afterwards with a double Line of Railway only, across and on the Level of the Roads next herein-after mentioned; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.
	RAILWAY No. 1.	
3	Midcalder - - -	Tramway.
8	Midcalder - - -	Statute Labour.
	RAILWAY No. 2.	
20	Whitburn - - -	Statute Labour.

Height and Span of Bridge.

19. The Company may make the Arch of the Bridge for carrying the Railway over the Road next herein-after mentioned of any Height and Span not less than the Height and Span herein-after mentioned in connexion with such Road; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Height and Span.
		RAILWAY No. 4.	
10	Muiravonside -	Road - -	12 Feet Span. 10 Feet 6 Inches high.

As to crossing of Caledonian Railway by Railway No. 1.

20. Railway No. 1. shall be carried under the Line of the Railway authorized by "The *Caledonian* Railway (*Cleland and Midcalder* Railway and Branches) Act, 1865," and therein called Railway No. 7.; and it shall not be lawful for the Company for the Purposes of such Crossing to alter the Levels of the said authorized Railway as fixed by the Bridge already constructed for carrying the same over Railway No. 1., nor to injure the said Bridge or any of the Works of the *Caledonian* Railway Company at or near the Point of crossing of the Two Railways, nor to alter the Line of the said authorized Railway, nor to impede the Construction of any of the Works of the *Caledonian* Railway Company, nor to interrupt or impede the Traffic on the said authorized Railway; and in the event of any Difference between the Company and the *Caledonian* Railway Company, or their respective Engineers, with respect to the Mode of constructing the said Crossing or Works connected therewith, such Difference shall be determined by an Engineer to be appointed by the Board of Trade on the Application of either of the said Companies, and such Crossing and Works shall be constructed according to a Plan to be approved of by such Engineer previously to the Commencement thereof.

As to crossing of Caledonian Railway by Railway No. 2.

21. With respect to the crossing of Railway No. 2. by the authorized Line of the *Caledonian* Railway Company in the Parish of *Whitburn*, the Company may maintain Railway No. 2. across and on the Level of such authorized Line: Provided always, that the *Caledonian* Railway Company may from Time to Time erect such Signals and Conveniences at the said level Crossing either on their own Lands or on the Lands of the Company, and may from Time to Time appoint and remove such Watchmen, Switchmen, or other Persons as may be necessary for the Prevention of Danger to or Interference with the Traffic at and near the said Crossing: Provided also, that the Working and Management of such Signals and Conveniences, wherever situate, shall be under the exclusive Regulation of the *Caledonian* Railway Company, and that the Company shall contribute and pay to the *Caledonian* Railway Company towards the Expense

of

of erecting and maintaining such Signals and Conveniences, and of employing such Watchmen, Switchmen, or other Persons, the Sum of Fifty Pounds in each Year from and after the Completion of the said level Crossing and the Erection of such Signals by equal half-yearly Payments on the Expiration of each Half Year thereafter, with Interest at the Rate of Five Pounds *per Centum per Annum* on each Payment from the Date when the same becomes due until paid, and in default of Payment the same may be recovered from the Company in any Court of competent Jurisdiction.

Railway Tolls.

22. The Company may demand and take in respect of the Railways by this Act authorized such Tolls and Charges as they think fit, not exceeding the Rates of Tolls and Charges authorized to be taken on the *Border Union* Line of the *North British* Railway under "The *Border Union* (*North British*) Railways Act, 1859," as modified by the Second and Third Sections of the Schedule (B.) to "The *North British* and *Edinburgh and Glasgow* Railway Companies Amalgamation Act, 1865;" and in estimating the Amount of Toll or Charge in respect of any Traffic conveyed partly on the Railways by this Act authorized, and partly on any other Railways of the Company, the Railways by this Act authorized and such other Railways shall be deemed One Railway.

Provision as to Tolls on Part of Caledonian Railways.

23. Whereas the Company have Right to pass over and use with their Engines and Carriages the *Port Carlisle* Branch of the *Caledonian* Railway, and so much of the Main Line of the *Caledonian* Railway as intervenes between that Branch and the *Citadel* Station at *Carlisle*: Be it enacted, That the Tolls payable to the *Caledonian* Railway Company for or in respect of all Traffic of the Company passing over the aforesaid Portions of the *Caledonian* Railway from or to the *Carlisle Citadel* Station and Points beyond it to, from, or by the Railways of the Company shall be fixed and determined as follows; namely, out of the gross Revenue arising from each Item of such Traffic (including Traffic under Return, Season, or Periodical Tickets), after Deduction of Clearing-house Terminals for the Time being, the *Caledonian* Railway Company shall receive a Proportion corresponding to Two Miles (or in the Case of Return Tickets Four Miles) travelled or used out of the Rates, Fares, and Charges accruing from and upon the actual Distance such Traffic shall be carried between the *Carlisle Citadel* Station and the Point on the *North British* System from or to which (or in the Case of Return Tickets from and to which) it shall be so carried, the Company receiving the Remainder of such Revenue: Provided always, that the Rates, Fares, and Charges for such Traffic shall be fixed and regulated by the Company; and provided further, that all Passenger and Coaching Traffic (including Passenger Traffic by Return Tickets) between the *North British*

British System North of *Carlisle* and any Point on the *Port Carlisle* and *Silloth* Railways shall be chargeable by the *Caledonian* Railway Company in Tolls as for Two Miles only, notwithstanding such Traffic shall in the Transit to and from the *Carlisle* Station have passed twice in the Case of Traffic booked or invoiced for a single Journey, and Four Times in the Case of Traffic booked for a double or return Journey, over the Portions of the *Caledonian* Railway before mentioned.

Interest not to be paid on Calls paid up.

24. The Company shall not, out of any Money by this or any other Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with "The Companies Clauses Consolidation (*Scotland*) Act, 1845."

Deposits for future Bills not to be paid out of Capital.

25. The Company shall not, out of any Money by this or any other Act authorized to be raised, pay or deposit any Sum which, by any Standing Order of either House of Parliament now or hereafter 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 to execute any other Work or Undertaking.

Railways not exempt from Provisions of present and future General Acts.

26. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made from the Provisions of any General Act relating to Railways, or 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 or Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Rates for small Parcels, authorized by this Act.

Expenses of Act.

27. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

LONDON:

Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1866.