ANNO PRIMO

VICTORIÆ REGINÆ.

****

Cap. xciv.

An Act to alter, amend, and enlarge the Powers of an Act for making the *Slamannan* Railway, passed in the Sixth Year of His present Majesty, and to enable the *Slamannan* Railway Company to make and maintain a Branch to *Bathgate* in the County of *Linlithgow*. [3d *July* 1837.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to make and maintain a Railway from* Stanrig *and* Arbuckle *in the County of* Lanark *to the Union Canal at* Causewayend *in the County of* Stirling, whereby the Persons thereby united into a Company and made One Body Corporate, by the Name and Style of " The *Slamannan* Railway Company," were authorized and empowered to make, complete, and maintain the said Railway, with Branches, Inclined Planes, Wharfs, Depôts, and other necessary Works, in manner therein mentioned: And whereas the said Company are in the course of making and completing said Railway: And whereas it would increase the public and local Utility of the said Railway if a Branch Railway were formed by the said Company from the said Railway at or near to or upon the Lands of *Hillend* and *Blackstone* to a Point at or near to or within the Town or Regality of *Bathgate* in the County of *Linlithgow*, with other necessary Works, in manner after mentioned; but that Object cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it

5 & 6 W. 4. c. 55

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 from and after the passing of this Act it shall and may be lawful to and for the said Company, and they are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make and maintain a Branch Railway from the Main Line of the said *Slamannan* Railway at a Point at or near to or upon the Lands of *Hillend* and *Blackstone*, by or through or near to *Blackstone*, *Wester Hillhead* or *Knowhead*, *Beedyke*, *Easter Hillhead* or *Knowhead*, and *Ballenbreich*, to the River *Avon* at or near to *Ballenbreich* aforesaid, and from thence across the said River of *Avon*, and by or through or near to *Strathavon*, *Cromytyfaulds*, *North Luggie Brae*, *South Luggie Brae*, *Westfield Coneyhill*, *Balmuir Coneyhill*, *Bridge Couston*, *Hilderston*, *Dykeside*, *Westmains*, *Ballencrieff* Toll Bar, *Balbardie*, and *Glenmavis* Distillery, to a Point at or near to or upon or within the Town and Regality of *Bathgate*, all situate in and passing from, through, or into the several Parishes of *Muiravonside* in the County of *Stirling* and *Torphichen* and *Bathgate* in the County of *Linlithgow*; and also to make, construct, and maintain such Inclined Planes, with fixed Engines for working the same, Bridges, Tunnels, Depôts, Wharfs, Turning or Landing Places, Offsets, and other Works, Machinery, and Conveniences attached to or connected with the said Branch Railway, as shall be deemed by the said Company necessary and convenient for making, using, and maintaining the same.

Branch Railway to Bathgate authorized to be made.

II. And be it enacted, That the said recited Act of the Sixth Year of the Reign of His late Majesty, and all the Powers, Authorities, Provisions, Regulations, Directions, Privileges, Restrictions, Forfeitures, Penalties, and Things whatsoever therein contained, except in so far as the same are hereby altered, varied, enlarged, or repealed, shall extend and be construed to extend to and operate and be in force, to all Intents and Purposes, with respect to the said Branch Railway and Works connected therewith hereby authorized to be made, and shall be as full and effectual for carrying the Purposes of this Act into execution, as if the same and every Part thereof were repeated and re-enacted in this Act, and that the said Branch Railway and the Works connected therewith shall, for all the Purposes of this Act and of the said recited Act, be deemed and considered Part and Parcel of the said Railway and other Works by the said recited Act authorized to be made and executed.

Powers of recited Act applied to this Act.

III. And whereas a Map or Plan showing the said Branch Railway hereby authorized to be made, with a Book of Reference thereto, containing a List of the Owners or reputed Owners and Occupiers of the Lands through which the same are respectively to be carried, have been deposited at the Offices of the Clerk of the Peace for the County of *Stirling* at *Stirling* and *Falkirk*, and at the Offices of the Clerk of the Peace for the County of *Linlithgow* at *Linlithgow* and *Bathgate*; be it further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the said Clerks of the Peace for the said Counties, to the end that all Persons shall have Liberty at all seasonable Times to resort to and examine and make Extracts from or Copies of the same, as Occasion shall require, paying to the said Clerk of the Peace the Sum of

Map and Book of Reference to remain with the several Clerks of the Peace herein specified.

Two Shillings and Sixpence for every Inspection, and for Copies or Extracts from the said Books of Reference at the Rate of Sixpence for every Seventy-two Words: Provided always, that it shall not be lawful to the said Company, in the Execution of the said Branch Railway, to deviate from the Line laid down on the said Map or Plan to any Extent exceeding One hundred Yards on either Side of the said Line, nor to deviate at all after Two Years from the passing of this Act.

Errors in Book of Reference not to impede the Works.

IV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Company, and they are hereby empowered, to make and execute the said Branch and other Works into, through, across, or over the Lands or Grounds which are set out and described in the said Map or Plan as aforesaid respectively, although the Name or Names of the Owner or Owners or Occupier or Occupiers may happen to be erroneously set forth, mis-stated, or omitted in the said Books of Reference, in case it shall appear to any One or more of the Justices of the Peace for either of the said Counties of *Stirling* or *Linlithgow*, and be certified in Writing under his or their Hand or Hands, that such Error or Omission proceeded from Mistake.

Provision as to Lands of Balbardie.

V. Provided further, and be it enacted, That it shall not be lawful to the said Company to enter upon or appropriate for any of the Purposes of this Act any Part of the Lands and Estate of *Balbardie* without the previous Consent in Writing of the Trustees of the late *Alexander Majoribanks* Esquire, Proprietors of the said Lands and Estate, or their Successors Proprietors of the same.

Railway not to be proceeded with till certain Plans, &c. have been deposited.

VI. And be it further enacted, That it shall not be lawful for the said Company to proceed in the Execution of the said Branch Railway hereinbefore authorized to be made, unless the said Company shall have, previously to the Commencement of such Work, deposited with the Clerk of the Peace of the several Counties through which the said Branch Railway hereby authorized to be made is intended to pass a Plan and Section of all such Alterations from the original Plan and Section as shall have been approved of by Parliament, on the same Scale and containing the same Particulars as the original Plan and Section of the Railway; and also, with the Clerks of the several Parishes in *England*, the Schoolmasters of the several Parishes in *Scotland*, and the Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*, in or through which such Alterations shall have been authorized to be made, Copies or Extracts of or from such Plans and Sections as shall relate to such Parishes respectively; and all Persons interested shall have Liberty to inspect and make Extracts from or Copies of the said Plans and Sections, or Extracts or Copies thereof, paying to the Clerk of the Peace, or the Clerk, Schoolmaster, or Postmaster of the Parish having the Custody of such Plan and Section, or of such Extract or Copy, the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words copied therefrom.

Limiting Deviations from Datum Line described on the Section, &c.

VII. And be it further enacted, That in making the said Branch Railway it shall not be lawful for the said Company to deviate from the Levels of the same, as referred to the common Datum Line described on the Section so approved of by Parliament, and as marked on the same, to any Extent

Extent exceeding in any Place Five Feet, or in passing through Towns Two Feet, without the Consent of the Owners, Lessees, and Occupiers of the Land in, through, or over which such Deviation is intended to be made; or in case any Street or public Carriage Road shall be affected by such Deviation, then the same shall not be made without the Consent of the Trustees or Commissioners, or, if there be no such Trustees or Commissioners, without the Consent of Two or more Justices of the Peace in Petty Sessions assembled for that Purpose, and acting for the District in which such Street or public Carriage Road may be situate, or without the Consent of the Commissioners for any public Sewers, or of the Proprietors of any Canal or Navigation affected by such Deviation; and that no Increase in the Inclination or Gradients of the said Branch Railway as denoted by the said Section shall be made in any Place to an Extent exceeding the Rate of Three Feet *per* Mile; and where in any Place it is intended to carry the Railway on an Arch or Arches as marked on the said Plan or Section, the same shall be made accordingly; and where a Tunnel is marked on the said Plan or Section as intended to be made at any Place, the same shall be made accordingly, unless the Owners, Lessees, and Occupiers of the Land in or through which such Tunnel is intended to be made shall consent that the same shall not be so made: Provided nevertheless, that it shall be lawful for the said Company, with such Consent as aforesaid, and not otherwise, to make a Tunnel or an Arch or Arches as aforesaid not marked on the said Plan or Section, so that no such Tunnel shall be of a greater Length than Two hundred Yards, and that no Two Tunnels be at a less Distance from each other than One hundred Yards, measured on the Line of the Railway: Provided always, that Notice of every Petty Sessions to be holden for the Purpose of obtaining such Consent as aforesaid shall, Fourteen Days previous to the holding of such Petty Sessions, be given in some Newspaper circulating in the County, and also be affixed upon the Church Door of the Parish in which such Deviation or Alteration is intended to be made, or, if there be no Church, some other Place to which Notices are usually affixed; and provided also, that for the Purpose of consenting to any such Deviation from the said Sections, and to any Tunnelling or Arching as aforesaid, the Word "Owners" shall be deemed and taken to mean such Persons as are herein capacitated to agree for the Sale of and to convey Land for the making of the said Railway; and the Consent of such Persons, with or without the Consent of any other Persons interested as Owners in the said Lands, shall be deemed and taken to be sufficient for such Purposes.

Regulation as to Alteration of Curves.

VIII. And be it further enacted, That it shall not be lawful to diminish the Radius of any Curve from what it is shown to be on the Plan deposited with the Clerk of the Peace, unless such Radius exceed One Mile, nor to diminish it in any such Case so that it shall become less than One Mile, nor to diminish any greater Radius by more than a Quarter of a Mile, unless where it exceeds Two Miles, or by more than Half a Mile, unless where it exceeds Three Miles on the said Plan.

Breadth of Branch Railway.

IX. And be it further enacted, That the Lands or Grounds to be taken and used for the Purposes of this Act shall not be more than Twenty-two Yards in Breadth, except in Places where the Cutting shall be Six Feet below or the Embanking Six Feet above the Surface of the Ground, or where

where it shall be judged necessary for Waggons or other Carriages to turn, lie, or pass each other, or where any Warehouses, Cranes, or Weigh-beams may be erected, or where any Places may be set out or appropriated for the Reception or Delivery of Minerals, Goods, and Commodities which shall be conveyed on the said Railway and Branch; nor more than One hundred Yards in Breadth at any Place, without the Consent of the Owners and Occupiers of the Grounds required for such additional Breadth.

If locomotive Engines are used on the Branch Bridges to be erected to carry it over the Roads.

X. Provided always, and be it further enacted, That in case any locomotive or other Engine to be worked by the Power of Steam shall be used on the Branch Railway by this Act authorized to be made, then and in such Case the said Branch Railway shall be carried over every Turnpike Road or other Highway which the same may cross by means of a Bridge, or under every such Turnpike Road or other Highway by means of a Tunnel, at the Expence of the said Company.

Regulating Ascents to Bridges.

XI. Provided also, and be it further enacted, That in all Places where it shall be deemed by the said Company necessary to alter the Level of any Turnpike Road for making and forming the said Branch Railway, the Ascent to every such Turnpike Road shall not be more than One Foot in Thirty Feet; and where it shall be deemed by the said Company necessary to alter the Level of any other public Carriage Road the Ascent of every such public Carriage Road shall not be more than One Foot in Twenty Feet; and that a good and sufficient Fence of Four Feet in Height at the least shall be made on each Side of every Bridge which shall be erected.

Compulsory Powers of taking Lands to cease after Three Years, and Works to be completed within Five Years.

XII. And whereas the said Branch and other Works hereby authorized to be made and executed may be completed, if not prevented by inevitable Accident, within the Space of Five Years from the passing of this Act, according to an Estimate of the probable Time within which the same may be completed; be it enacted, That if any Part of the Lands and Grounds necessary for the Formation of the said Branch Railway and Works connected therewith shall not have been purchased or contracted for within Three Years from the passing of this Act, the compulsory Powers of acquiring such Lands and Grounds shall cease, without Prejudice to the said Company acquiring such Lands and Grounds by Agreement with the Owners and Occupiers thereof; and if the said Branch Railway and other Works shall not have been completed so as to answer the Objects of this Act within the Space of Five Years from and after the passing of this Act, all the Powers given by this Act for making the said Branch Railway and other Works shall from thenceforth cease and become void, excepting only as to so much of the said Branch Railway and other Works as shall have been completed within the said Space of Five Years.

Railway to be free on Payment of Rates.

XIII. And be it further enacted, That all Persons whomsoever shall have free Liberty to pass upon and use the Branch Railway hereby authorized to be made, as well as the Railway by the said recited Act authorized to be made, with Waggons or other Carriages properly constructed, and to use the Wharfs and Depôts connected therewith, upon Payment only of

of such and the same Rates thereon as are authorized to be taken by the said recited Act.

Company to raise further Sums of Money.

XIV. And be it further enacted, That for discharging and defraying the Debts, Costs, and Expences to be incurred in making and maintaining the said Branch Railway and other Works, and the Works and Conveniences attached to or connected therewith, or for any or either of such Purposes, and also for defraying the Costs, Charges, and Expences of and incident to the obtaining and passing of this Act, it shall and may be lawful to and for the said *Slamannan* Railway Company, and they are hereby authorized and empowered, to increase the Capital Stock of the said Company, and to raise and contribute among themselves such Increase of Capital Stock in such Shares and Proportions as to them shall seem meet, or to admit new Subscribers for such Increase of Capital Stock, or to borrow and to take up at Interest on the Credit of the said Undertaking, by Assignment or Assignments in the Form and Manner prescribed by the said recited Act, and with, under, and subject to the Powers, Provisions, and Directions therein contained concerning the borrowing of Money, the securing and recovering the Payment thereof, with the Interest for the same, and the transferring and registering of Assignments and Transfers thereof, or to raise and procure by all or any of those Means any further Sum or Sums of Money not exceeding the Sum of Twenty-nine thousand Pounds: Provided always, that no more than One Third of the said additional Capital Stock shall be raised by way of Loan or Mortgage at any one Time; and that until Fifty *per Centum* on the whole of the said additional Capital shall have been paid up, it shall not be in the Power of the said Company to raise any Part of the said Money by Loan or Mortgage.

Proviso.

Shareholders of additional Stock to have the same Privileges as Shareholders of the original Stock.

XV. And be it further enacted, That every Subscriber toward raising such further Sum or Sums of Money by the Addition or Creation of new Shares shall be a Proprietor in the said Undertaking, and shall have a Vote, by himself or herself, or his or her Proxy, in respect of every Four Shares of Fifty Pounds each of the Sum or Sums so to be raised by an Addition to the Capital Stock of the said Undertaking, and shall also be liable to such Forfeitures, and be entitled to enjoy and exercise such Rights, Powers, and Privileges, and stand interested in all the Profits and Advantages of the said Undertaking, in proportion to the Sum which he or she shall or may subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further Sum or Sums of Money hereby authorized to be so subscribed for and raised had originally been Part of the Stock of the said Company; any thing in the said recited Act or this Act contained to the contrary thereof notwithstanding.

For compelling Payment of Subscriptions.

XVI. And be it further enacted, That all and every Person and Persons who have or hath already subscribed or who shall hereafter subscribe any Money for and towards all, any, or either of the Purposes aforesaid shall, and they, he, or she are and is hereby required to pay the Sum or Sums of Money by them, him, or her respectively subscribed, or such Part or Parts thereof as shall from Time to Time be called for by the Committee of the said Company, by virtue of the Powers and pursuant to the Directions of this and the before-recited Act, at such Time and Times and Place

Place and Places as shall be appointed for that Purpose by the said Committee; and in case any Person or Persons shall neglect or refuse to pay the Sum or Sums so to be called for from him, her, or them at the Time or Times, Place or Places, and in the Manner to be appointed for that Purpose, it shall be lawful for the said Company to sue for and recover the same in any Court of Law or Equity.

When Loans are repaid the Amount may be borrowed again.

XVII. Provided always, and be it further enacted, That on the Repayment of the Sum or Sums of Money hereby or by the said recited Act authorized to be borrowed, or any Part or Parts thereof, it shall and may be lawful to and for the said Company again to borrow and take up at Interest from Time to Time the Sum or Sums so repaid, or such Part thereof as to them shall seem meet and convenient, but so that the Total Sum borrowed and due and owing by them under the said recited Act shall not at any Time exceed the Sum thereby and hereby authorized to be borrowed.

Expences of this Act.

XVIII. And be it further enacted, That the Expences of obtaining this Act and incidental thereto shall be paid out of the Monies by the said recited Act and this Act authorized to be raised.

Public Act.

XIX. And be it further 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.

LONDON: Printed by George Eyre and Andrew Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1837.