



ANNO DECIMO SEXTO & DECIMO SEPTIMO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## Cap. xc.

An Act to enable the *Monkland* Railways Company to make certain Railways in the Vicinity of *Bathgate* and *Airdrie*; and for other Purposes.

[8th July 1853.]

**W**HEREAS an Act was passed in the Session of Parliament held in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled "The *Monkland* Railways Act, 1848," whereby the *Monkland and Kirkintilloch* Railway Company, the *Ballochney* Railway Company, and the *Slamannan* Railway Company were dissolved, and the several Persons and Corporations who were Proprietors of Shares in the said Companies were united and incorporated into One Company under the Name and Style of "The *Monkland* Railways Company:" And whereas, in virtue of the said Act, the *Monkland and Kirkintilloch* Railway, the *Ballochney* Railway, and the *Slamannan* Railway, and all other Property belonging to the said dissolved Companies, and all the Rights, Privileges, Powers, and Authorities vested in the said Companies or any of them by virtue of an Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled "The *Slamannan and Borrowstouness* Railway Act, 1846," and certain other Acts therein recited, were transferred to and vested in the *Monkland* Railways Company: And whereas it would be attended with public Advantage and Convenience if the *Monkland* Railways Company were authorised to form a Railway from the *Slamannan* Railway near *Blackstone*

11 & 12 Vict.  
c. cxxxiv.

9 & 10 Vict.  
c. cvii.

[Local.]

16 N

to



*The Monkland Railways Branches Act, 1853.*

to the *Wilsontown, Morningside, and Coltness* Railway near *Boghead*, and another Railway from such intended Railway near *Boghead* to *Cowdenhead*, with subsidiary Branches therefrom to the said *Wilsontown, Morningside, and Coltness* Railway, and to *Armadale Toll*: And whereas it would also be attended with public Advantage and Convenience if the said *Monkland* Railways Company were authorized to form a Railway from the *Clarkston* Branch of the *Ballochney* Railway: And whereas the *Monkland* Railways Company have, under the Powers of the Acts herein-before recited, borrowed upon Mortgage or Bond One hundred and thirty-four thousand one hundred Pounds: And whereas it is expedient that the *Monkland* Railways Company should be authorized to increase their Capital, and to convert their Mortgage and Bond Debt, or any Part thereof, into funded Debt of the Company bearing a fixed perpetual Annuity: And whereas it is expedient that the said recited Acts should in some 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,

8 & 9 Vict.  
cc. 19. & 33.  
incorporated  
with this  
Act.

I. That "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall for the Purposes of the new Works authorized by this Act be incorporated with and form Part of this Act.

Certain Pro-  
visions of  
8 & 9 Vict.  
c. 17. in  
regard to  
Shares.

II. That the Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Payment of Subscriptions, and the Means of enforcing Payment of Calls, the Forfeiture of Shares for Nonpayment of Calls, and the Consolidation of Shares into Stock, shall be incorporated with and form Part of this Act, and be applicable to the additional Capital herein-after authorized to be raised.

and also in  
regard to  
borrowed  
Money, in-  
corporated  
with this  
Act.

III. That the Provisions of the said Companies Clauses Consolidation (*Scotland*) Act with respect to the borrowing of Money by the Company on Mortgage or Bond, and to the Conversion of the borrowed Money into Capital, shall be incorporated with and form Part of this Act, and be applicable to the additional Sum herein-after authorized to be borrowed.

Short Title.

IV. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Monkland* Railways Branches Act, 1853."

V. That

*The Monkland Railways Branches Act, 1853.*

V. That the Expression "the Company," when used in this Act, shall mean the *Monkland Railways Company*, unless there be something in the Subject or Context repugnant to such Construction. "The Company."

VI. That for the Purposes of this Act it shall be lawful for the Company from Time to Time to raise, in addition to the Sums which they are authorized to raise by the said recited Acts, any further Sums of Money not exceeding in the whole the Sum of Seventy-five thousand Pounds by the Creation of new Shares, with or without such guaranteed Preference or Priority of Dividend, not exceeding Six Pounds *per Centum per Annum*, as may be agreed upon by the Votes of not less than Three Fifths of the Proprietors present, personally or by Proxy, at any Extraordinary Meeting or Meetings of the said Company, and the said Shares so created may be of such nominal Amount, and may be disposed of in such Manner, at such Time or Times, upon such Terms, and to such Persons as any such Meeting or Meetings of the Company may determine as aforesaid: Provided always, that any such guaranteed Preference or Priority of Dividend which may be granted in respect of such new Shares, in pursuance hereof, shall not prejudice or affect any Guarantee of Dividend or Interest which may have been granted by the Company in pursuance of or which may have been confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting.

Power to create additional Capital by Creation of Shares.

VII. That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital of the Company, except as to the Amount of such Shares, and the Times of making Calls thereon, and the Amount of such Calls, which shall be subject to the Provisions of this Act, and except also as to any special Advantages in favour of or other Regulations in relation to such Shares which may be resolved on as aforesaid by any Extraordinary Meeting or Meetings of the said Company, according to the Provisions of this Act.

New Shares to be considered the same as original Shares.

VIII. That the Company may from Time to Time make such Calls as they think proper upon the Holders of the Shares so to be created; provided that the greatest Amount of any One Call shall not exceed Ten Pounds *per Centum* upon the nominal Value of each Share, and that there be an Interval of Two Months at the least between successive Calls, and that the aggregate Amount of Calls in any One Year do not exceed Three Fifths of the nominal Value of each Share.

Calls.

IX. That after the whole of the said Sum of Seventy-five thousand Pounds shall have been subscribed, and One Half of the Capital by this

Power to borrow on Mortgage.



*The Monkland Railways Branches Act, 1853.*

this and the said recited Acts authorized to be raised in Shares or Stock shall have been paid up, it shall from Time to Time be lawful for the Company, subject to the Provisions of this Act, to borrow on Mortgage or Bond, and if paid up again to borrow, any Sum or Sums not exceeding in all Twenty-five thousand Pounds, in addition to the Amount which they are authorized to borrow by the said recited Acts: Provided always, that all Bonds or Mortgages heretofore granted under the Powers of the Acts herein-before recited, or any of them, shall during the Continuance thereof have Priority over any Mortgages or Bonds to be granted under the Powers of this Act.

Application  
of Monies.

X. That all and every Part of the Monies so to be raised by Shares, or borrowed on Mortgage or Bond, shall be applied only in carrying into execution the Objects and Purposes of this Act.

Power to  
execute  
Works ac-  
cording to  
deposited  
Plans.

XI. And whereas Plans and Sections of the said intended Railways and Branch Railways, showing the Lines and Levels thereof, and also Books of Reference containing the Names of the Owners and Lessees or reputed Owners and Lessees and Occupiers of the Lands through which the same are intended to pass, have been deposited in the Offices of the Principal Sheriff Clerk of the County of *Stirling* at *Stirling* and *Falkirk*, in the Office of the Principal Sheriff Clerk of the County of *Linlithgow* at *Linlithgow*, and in the Offices of the Principal Sheriff Clerk of the County of *Lanark* at *Glasgow*, *Hamilton*, and *Airdrie*: Be it enacted, That, subject to the Provisions in this and in the said Lands Clauses and Railways Clauses Consolidation (*Scotland*) Acts contained, it shall be lawful for the Company to make and maintain the said Railways and Branch Railways in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, with all proper Works and Conveniences connected therewith, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Line of  
Railway.

XII. That the Lines of the Railways and Branch Railways to be made and maintained under the Authority of this Act shall be the following; that is to say,

First, a Railway diverging from and out of the Line of the *Slamannan* Railway at or near to *Blackstone* in the Parish of *Muiravonside* and County of *Stirling*, and terminating at or near to *Boghead* in the Parish of *Bathgate* and County of *Linlithgow* by a Junction with the Branch Railway belonging to the *Edinburgh and Glasgow* Railway Company leading from the Main  
Line



*The Monkland Railways Branches Act, 1853.*

Line of the *Wilsontown, Morningside, and Coltness* Railway, also belonging to the said last-mentioned Company, near *Whitburn*, to *Bathgate* :

Second, a Railway diverging from and out of the intended Railway above described at or near to *Boghead* in the said Parish of *Bathgate* and County of *Linlithgow*, and terminating at or near to *Cowdenhead* in the said Parish and County :

Third, a Branch Railway diverging from and out of the intended Railway second above described at or near to *Boghead* in the Parish of *Bathgate* and County of *Linlithgow*, and terminating at or near to *Boghead* aforesaid by a Junction with the said Branch Railway belonging to the *Edinburgh and Glasgow* Railway Company :

Fourth, a Branch Railway diverging from and out of the intended Railway second above described at or near to *Trees* in the said Parish of *Bathgate* and County of *Linlithgow*, and terminating in the said Parish and County at or near to *Armadale Toll* :

Fifth, a Railway diverging out of the *Clarkston* Branch of the *Ballochney* Railway at or near to *Colliertree* in the Parish of *New Monkland* and County of *Lanark*, and terminating at the South Side of the Burn marked Number 48 on the said Plans in the Parish and County aforesaid.

XIII. That it shall be lawful for the Company, in constructing the said Railways and Branch Railways, to carry the same or any of them across and on the Level of the Roads numbered respectively on the Plans deposited as herein-before mentioned, as follow ; (that is to say,) Roads to be crossed on the Level.

On the Railway from the *Slamannan* Railway near *Blackstone* to the *Wilsontown, Morningside, and Coltness* Railway near *Boghead* :

In the Parish of *Muiravonside*, the Road Number 9 :

In the Parish of *Torphichen*, the Road Number 7 :

In the Parish of *Bathgate*, the Roads Numbers 29, 58a, 59, 72 :

On the Railway from *Boghead* to *Cowdenhead* :

In the Parish of *Bathgate*, the Road Number 105 :

On the Branch Railway from *Trees* to *Armadale Toll* :

In the Parish of *Bathgate*, the Road Number 167 :

On the Railway from the *Clarkston* Branch of the *Ballochney* Railway :

In the Parish of *New Monkland*, the Road Number 37.

XIV. That for the greater Convenience and Security of the Public the Company shall erect and for ever thereafter maintain a Lodge or Station at each of the Points where the said Railways and Branch Railways shall cross on a Level any of the Roads herein-before mentioned ; and the Company shall be subject to and shall abide by all Stations or Lodges to be erected at the Points of crossing.

[Local.]

16 O

such



*The Monkland Railways Branches Act, 1853.*

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 Board of Trade; and if the Company shall fail to erect or at all Times to maintain any such Lodge or Station, or to appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rules or Regulations as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and, after Conviction of such Offence, to a daily Penalty of Ten Pounds for every Day such Offence shall continue.

Board of Trade may require Bridges to be erected in lieu of level Crossing.

XV. That it shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the Public Safety, at any Time, either before or after the Railways by this Act authorized to be made shall have been completed and opened for Public Traffic, to require the Company, within such Time as the said Board of Trade shall direct, and at the Expense of the Company, to carry any of the before-mentioned Roads either under or over the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the Board of Trade the best adapted for removing or diminishing the Danger arising from any such level Crossing.

Regulating Inclinations of certain Roads.

XVI. That it shall be lawful for the Company to make the Inclinations of the following Roads numbered respectively on the Plans deposited as aforesaid at the Points of crossing thereof by the said Railways or Branch Railways not steeper than those herein-after mentioned; (that is to say,)

On the Railway from the *Slamannan* Railway near *Blackstone* to the *Wilsontown, Morningside, and Coltness* Railway near *Boghead*:

The Road Number 9 of the Parish of *Muiravonside* shall not be made steeper than One Foot in Ten Feet:

The Road Number 30 of the Parish of *Muiravonside* shall not be made steeper than One Foot in Fifteen Feet:

The Road Number 11 of the Parish of *Bathgate* shall not be made steeper than One Foot in Twenty-five Feet:

The Road Number 29 of the Parish of *Bathgate* shall not be made steeper than One Foot in Fifteen Feet:

The Road Number 16 in the Parish of *New Monkland* shall not be made steeper than One Foot in Forty-five Feet.

Regulating Dimensions of certain Bridges.

XVII. That it shall be lawful for the Company to make the Bridges or Arches at the Roads numbered respectively on the Plans deposited as aforesaid of Dimensions not less than those herein-after mentioned; (that is to say,)

On



*The Monkland Railways Branches Act, 1853.*

On the Railway from the *Slamannan* Railway near *Blackstone* to the *Wilsontown, Morningside, and Coltness* Railway near *Boghead* :

The Arch at the Road Number 30 of the Parish of *Muiravonside* shall not be less than Fifteen Feet in Span :

The Arch at the Road Number 4 of the Parish of *Bathgate* shall not be less than Twenty Feet in Span :

The Arch at the Road Number 51 of the Parish of *Bathgate* shall not be less than Fifteen Feet in Span :

The Arch at the Road Number 81 of the Parish of *Bathgate* shall not be less than Fifteen Feet in Height and Thirty Feet in Span :

On the Railway from *Boghead* to *Cowdenhead* :

The Arch at the Road Number 81 of the Parish of *Bathgate* shall not be less than Fifteen Feet in Height and Thirty Feet in Span :

The Arch at the Road Number 3 of the Parish of *Shotts* shall not be less than Twenty Feet in Span.

XVIII. That the Company, in constructing the Branch Railway secondly herein-before described, shall be bound, at their own Expense, to carry the Road numbered 101 on the said deposited Plans in the said Parish of *Bathgate* over the said Branch by means of a Bridge Twenty-five Feet wide between the Parapets, and shall not cross the same on a Level; and such Bridge, and the Approaches and Accesses thereto, and other Works connected therewith, shall, except as herein provided, be made and constructed subject and according to the Provisions in the said Railways Clauses Consolidation (*Scotland*) Act, 1845, contained, with reference to Bridges for carrying any Road over the Railway.

Road 101 in the Parish of *Bathgate* not to be crossed on the Level, and Bridge to be constructed.

XIX. That no Part of the Surface of the said Road numbered 81 on the said deposited Plans in the Parish of *Bathgate* shall, where diverted by the Company, be more than Seventeen Feet Six Inches below the Level of the Rails of the *Wilsontown, Morningside, and Coltness* Railway at the Point of Junction as shown on the said Plans with the said Branch Railway firstly herein-before described; and in order to prevent the said Road from being injuriously affected by Surface or Flood Water in any Part thereof, in so far as altered by the Company, under the Provisions of this Act, the Company shall, at their own Expense, construct and permanently maintain such proper Drains and other Works as shall be necessary for carrying away such Surface or Flood Water; and if any Question shall arise between the Company and the Trustees having the Charge of such Road touching the Drains and Works necessary for such Purpose, the same shall be determined by the Sheriff of the County of *Linlithgow*;

For securing the Drainage of the *Cleugh* Road where altered by the Company.



*The Monkland Railways Branches Act, 1853.*

*lithgow*; and such Sheriff may direct such Drains and Works to be constructed by the Company and within such Period as the said Sheriff may think reasonable for effecting such Purpose, and may enforce upon the Company, for not carrying into effect such Drains and Works, any Penalty not exceeding Five Pounds *per* Day as to such Sheriff shall seem just; and such Penalty shall be paid to the Surveyor or other Person having the Management of such Road, and shall be applied to the Purposes of the said Road.

Lands for extraordinary Purposes.

XX. That the Company may purchase by Agreement and hold Lands for extraordinary Purposes not exceeding in Extent Twenty Acres.

Period for compulsory Purchase of Lands.

XXI. 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 Two Years from the passing of this Act.

Period for Completion of Works.

XXII. That the said Railways and Branch Railways shall be completed within Five Years from the passing of this Act; and on the Expiration of such Period the Powers for executing the said Railways or Branch Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Railways and Branch Railways as shall then be completed.

For Protection of the Wilsonstown, Morningside, and Coltness Railway.

XXIII. That all Communications between the Railways and Branch Railways hereby authorized and the said Branch of the *Wilsonstown, Morningside, and Coltness* Railway, belonging to the *Edinburgh and Glasgow* Railway Company, shall be effected in a substantial and workmanlike Manner by means of Connexion Rails and Points of the Construction and laid in the Manner most approved from Time to Time and to the reasonable Satisfaction of the Engineer from the Time being of the *Edinburgh and Glasgow* Railway Companies.

For Protection of the Edinburgh and Glasgow Railway.

XXIV. That it shall not be lawful for the Company, or for any other Person, in execution of this Act, either permanently or temporarily, to enter upon or use any of the Land or Property of the said *Edinburgh and Glasgow* Railway Company, or in any Manner to alter, vary, or interfere with the Railways belonging to them, or any of the Works appertaining thereto, except in so far and on such Terms as have been or may be agreed upon between the Company and the *Edinburgh and Glasgow* Railway Company, or except for the Purpose of effecting the Junctions with the said Railways shown on the said Plans.

XXV. That



*The Monkland Railways Branches Act, 1853.*

XXV. That it shall be lawful for the Company to demand and recover, in respect of the Railways, Branch Railways, Works, and Conveniences hereby authorized to be made and provided, the Tolls, Rates, Duties, and Charges which they are authorized to demand and recover by Sections Twenty-three to Twenty-nine, both inclusive, of the said first-recited Act, in respect of the Railways, Works, and Conveniences therein mentioned: Provided always, that with respect to small Packages the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage (over the whole or any Part of the Line) of small Parcels not exceeding Fourteen Pounds in Weight, Sixpence:

For any Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, One Shilling:

For any Parcel exceeding Twenty-eight Pounds but not exceeding Fifty-six Pounds in Weight, Two Shillings:

For Parcels exceeding Fifty-six Pounds and not exceeding Five hundred Pounds in Weight the Company may demand any Sum which they think fit:

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages.

XXVI. Whereas there will be a considerable Amount of Traffic between the Railway from *Boghead* to *Cowdenhead*, and Branches therefrom by this Act authorized, and the *Wilsontown, Morningside, and Coltness* Railway, belonging to the *Edinburgh and Glasgow* Railway Company, Part of which is at present conveyed to and along the said *Wilsontown, Morningside, and Coltness* Railway: And whereas, on the Completion of the said Railway from *Boghead* to *Cowdenhead*, the Company will be enabled, in pursuance of special Provisions in the *Edinburgh and Glasgow* Railway Consolidation Act, 1852, to use the *Wilsontown, Morningside, and Coltness* Railway, with their Engines and Waggons, and it is expedient that the Company in return should permit the *Edinburgh and Glasgow* Railway Company to use on the like Terms the Branch from *Boghead* to *Cowdenhead* by this Act authorized and the Branches therefrom: Therefore be it enacted, That when and so soon as the said Branch Railway from *Boghead* to *Cowdenhead* authorized by this Act shall be open for Traffic, and at all Times thereafter, the Company shall permit and suffer the *Edinburgh and Glasgow* Railway Company to use and run over, with their own Engines and Waggons, the said Branch Railway from *Boghead* to *Cowdenhead*, and the Branches leading therefrom, thirdly and fourthly by this Act authorized, and also to use the Stations, Sidings, Tanks, and Watering Places connected therewith, and the other Accommodations which the Company may for the Time use for their own Engines and Waggons while in use on the Line, upon Payment,

[Local.]

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Tolls.

Providing  
for Use of  
Branch  
Railway  
from Bog-  
head to  
Cowdenhead  
by Edin-  
burgh and  
Glasgow  
Railway  
Company.



*The Monkland Railways Branches Act, 1853.*

in respect of Dung, Coals, Bar Iron, and other Articles classed therewith respectively in Section Twenty-three of the *Monkland Railways Act, 1848*, of a Toll of One Penny *per Ton per Mile*, and in respect of all other Matters and Things on Payment of the Tolls specified in the same Section, all Distances under One Mile being taken as a Mile, and all Fractions of a Quarter of a Mile above One Mile being taken as a Quarter of a Mile.

Provision for  
Payment of  
certain  
Monies to  
Trustees of  
the North  
and South  
Lanarkshire  
Road.  
6 & 7 Vict.  
c. 1.

XXVII. Whereas by an Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act to enable the Ballochney Railway Company to make and maintain certain new Works, and in some respects to alter and amend the Provisions of the Acts relating to the said Railway*, it is *inter alia* enacted, that so soon as the Extension of the Main Line of Railway from the Lands of *Mavis-bank* thereby authorized should be completed and opened for Traffic to the Point of Junction of a proposed Branch to *Drumbathie*, the *Ballochney Railway Company* should pay to the Trustees of the Turnpike Road commonly called the *North and South Lanarkshire Road* the Sum of Seven hundred Pounds, and so soon as the Extension Railway thereby authorized to be made, or any Branch thereof, should be formed and opened for Traffic, Eastward across the said Turnpike Road on the Lands of *Springwell*, or Southward towards the *Monkland Estate*, the *Ballochney Railway Company* should pay to the said Trustees the Sum of Eight hundred Pounds, with Interest, and in lieu and in full of Compensation for the Loss of Traffic and Occupation of Ground, as therein mentioned; and it was further enacted by the said Act, that the said Trustees should apply the said several Sums in the Payment *pro rata* of the Debt of Eleven thousand five hundred Pounds affecting the Tolls and Revenue of the said Road therein mentioned: And whereas the said Extension was some Time ago completed and opened for Traffic to the Point of Junction before mentioned, and the said Sum of Seven hundred Pounds was paid by the said *Ballochney Railway Company* to the said Trustees, and applied by them in Payment *pro rata* of the said Debt of Eleven thousand five hundred Pounds, thereby reducing the same to the Sum of Ten thousand eight hundred Pounds: And whereas the said Extension Railway or any Branch thereof has not been formed or opened for Traffic Eastward across the said Turnpike Road on the Lands of *Springwell*, or Southward towards the *Monkland Estate*, and the said Sum of Eight hundred Pounds has not been paid, but the said Railway fifthly hereby authorized will accomplish the same Object; and it is expedient that Provision should be made for securing to the said Trustees Compensation in respect thereof in manner after mentioned: Be it therefore enacted, That so soon as the said Railway fifthly hereby authorized shall be opened for Traffic, and in the event of the said Sum of Ten thousand eight hundred Pounds, or any Portion thereof, then remaining due as a Debt affecting



*The Monkland Railways Branches Act, 1853.*

affecting the Tolls and Revenue of the said Road, the Company shall pay to the said Trustees the Sum of Eight hundred Pounds, or such Part thereof as shall amount to the Portion of the said Sum of Ten thousand eight hundred Pounds then remaining due as a Debt affecting the Tolls and Revenue of the said Road, with the legal Interest of the said Sum from the Period of Payment above mentioned till the same shall be paid, in lieu and in full of all Compensation for the Loss of Traffic to be occasioned to the said Trustees, and the Occupation of the Grounds belonging to them required for the Railway fifthly herein-before authorized; and the said Trustees shall apply the said Sum, as it shall be received from the Company, in the Payment of the said Debt of Ten thousand eight hundred Pounds, or the Portion thereof then remaining due as a Debt affecting the Tolls and Revenue of the said Road.

XXVIII. And be it enacted, That the said Sum, when so paid and applied as aforesaid, with Interest thereon, shall be and remain a valid and effectual Charge in favour of the Company upon the said Turnpike Road, and on the Tolls leviable thereon, so far as available to the private Creditors of the said Road, and immediately postponed to the Balance of the said Debt amounting as aforesaid to Ten thousand eight hundred Pounds, or the Portion thereof then remaining due as a Debt affecting the Tolls and Revenue of the said Road.

Monies when so paid, &c., to remain a Charge upon the said Road.

XXIX. That it shall be lawful for the Company from Time to Time, in lieu of continuing on Mortgage or Bond the Sums which they have borrowed or may hereafter borrow in virtue of the Powers contained in the said recited Acts and this Act, to resolve, by the Votes of not less than Three Fifths of the Proprietors present, personally or by Proxy, at any Extraordinary Meeting, to fund the whole or such Part thereof as they think fit, and on any such Resolution being passed the Amount stated therein shall be called "Funded Debt of the Company;" and it shall be lawful for the Directors to issue to any Person or Corporation paying to them on behalf of the Company a Portion of the said Debt a Certificate of such Person or Corporation being the Holder of Funded Debt of the Company to the Amount so paid: Provided always, that after the Conversion of any such Mortgages or Bonds into "Funded Debt of the Company" it shall not be lawful for the Company to issue Mortgages or Bonds for or again to borrow the Sums so converted, but the Powers of borrowing by the Company shall, to the Extent of the Sums so from Time to Time converted into Funded Debt, be extinguished.

Company may fund their Debt, and issue Certificates of Funded Debt.

XXX. That the Interests of the several Holders of such Funded Debt, or any Parts of such Interests, may thenceforth be transferred or transmitted in the same Manner and subject to the same Regulations

Transfers of Funded Debt.



*The Monkland Railways Branches Act, 1853.*

tions and Provisions as or according to which any Stock or Shares in the Capital of the Company may be transferred or transmitted under the Provisions of the said recited Acts or this Act, and the Company shall cause an Entry to be made in some Book to be kept for that Purpose of every such Transfer or Transmission, and for every such Entry they may demand any Sum not exceeding Two Shillings and Sixpence.

Register of  
Holders of  
Funded  
Debt.

XXXI. That the Company shall from Time to Time cause the Names of the several Parties who may be interested in such Funded Debt as aforesaid, with the Amount of the Interest therein possessed by them respectively, to be entered in a Book to be kept for the Purpose, and to be called the "Register of Holders of Funded Debt," and such Book shall be accessible at all reasonable Times to the several Holders of such Debt, or of Mortgages or Bonds on the Undertaking.

Application  
of Sums re-  
ceived on  
account of  
Funded  
Debt.

XXXII. That the Sums which may from Time to Time be received by the Company from Parties agreeing to take any Portion of the said Funded Debt shall be applied by the Directors exclusively in paying off the Mortgages or Bonds in lieu of which such Funded Debt has been created, and until so applied shall be deposited by them in a separate Account to be called "*Monkland Railways (Funded Debt) Account*," to be opened by them in One of the Joint Stock Banks in *Scotland*, or Banks incorporated by Act of Parliament or Royal Charter.

Annuity  
payable in  
respect of  
Funded  
Debt.

XXXIII. That the several Holders of the Funded Debt of the Company shall not be entitled to Repayment of the Capital thereof, but shall receive an Annuity thereon at the Rate of Four Pounds Sterling *per Centum per Annum*, payable half-yearly on the Fifteenth Day of *May* and the Eleventh Day of *November* in every Year.

Holders of  
Funded Debt  
to be Cre-  
ditors and  
Mortgagees.

XXXIV. That the several Holders of such Funded Debt shall be Creditors of the Company for the Payment of the said Annuity, and shall be deemed to hold by virtue of this Act a Mortgage over the whole Undertaking of the Company for Payment of the said Annuity, which Mortgage shall have the same Order of Priority as other Mortgages issued in pursuance of this Act.

Mortgagees  
or the  
Holders of  
Funded Debt  
may apply  
for the Ap-  
pointment  
of a Judicial  
Factor.

XXXV. That the Holders of all Mortgages on the Undertaking or Bonds of the Company, including the Holders of the Funded Debt of the Company, may, subject to the Provisions of "*The Companies Clauses Consolidation (Scotland) Act, 1845*," enforce Payment of the respective Sums which may from Time to Time become due to them by the Appointment of a Judicial Factor; but in order to authorize



*The Monkland Railways Branches Act, 1853.*

authorize the Appointment of such Judicial Factor, the Application shall be made by the Holders of Mortgages or Bonds the Principal Sums due in respect of which amount to the Sum of Twenty thousand Pounds, or by the Holders of Mortgages or Bonds or of Funded Debt the Interest or Annuities due in respect of which to the Amount of One thousand Pounds have for more than One Month been in arrear.

XXXVI. That if, in pursuance of the Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," the Company, instead of borrowing or continuing on Loan the Sums hereby and by the said recited Acts authorized to be borrowed, shall resolve in lieu thereof to raise the same or Part thereof by creating new Shares, it shall be lawful for them to confer on such Shares a guaranteed and preferential Dividend out of the Profits of the Company, at such Rate, not exceeding Four Pounds *per Centum per Annum*, payable at such Terms, as shall be fixed by the Votes of not less than Three Fifths of the Proprietors present, personally or by Proxy, at any Extraordinary Meeting of the Company: Provided always, that it shall not be lawful for the Company to create such Shares in lieu of any Mortgages or Bonds that may have been converted into Funded Debt as aforesaid: Provided also, that after the Creation of such Shares it shall not be lawful for the Company to issue Mortgages or Bonds for or again to borrow the Sums in lieu whereof such Shares were created, but the Powers of borrowing by the Company shall, to the Extent of the Capital so from Time to Time created by Shares, be extinguished: Provided also, that no such Guarantee, Preference, Privilege, or Advantage shall prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock which shall have been granted by the Company in pursuance of the said recited Acts, or which may otherwise be lawfully subsisting.

Company may raise Money by the Issue of Preference Shares in lieu of borrowing.

Former Grants of Preference not to be affected.

XXXVII. That nothing in this Act 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.

Saving Rights of Town of Linlithgow.

XXXVIII. That if the Railways by this Act authorized to be constructed shall not be completed and opened for Public Traffic within Five Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company to declare any Dividend on the ordinary or unguaranteed Capital of the Company until the said Railways shall have been completed and opened for Public Traffic.

Dividend suspended if Railways not opened within a limited Period.



*The Monkland Railways Branches Act, 1853.*

Interest not  
to be paid  
on Calls  
paid up.

XXXIX. 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 to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay any Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him, beyond the Amount of the Calls actually made, as shall be in conformity with the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in that Behalf contained.

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

XL. That it shall not be lawful for the Company, out of any Money by this Act or any other 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 in force for the Time being, 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 Railway or execute any other Work or Undertaking.

Railways and  
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.,  
9 & 10 Vict.  
c. 57., and  
14 & 15 Vict.  
c. 64.

XLI. That nothing in this Act contained shall be held to exempt the said Railways or the Company from the Provisions of the several Acts herein-after mentioned respectively; (that is to say,) an Act 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*; another Act passed in the Third and Fourth Years of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; another Act 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*; another Act 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*; another Act passed in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act passed in the Fourteenth and Fifteenth Years of the Reign of Her said Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways*; but such Provisions shall be in force in respect to the said Railways and the Company, so far as the same shall be applicable thereto, and not otherwise specially provided for by this Act.

XLII. Nothing



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*The Monkland Railways Branches Act, 1853.*

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XLII. Nothing in this Act 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 Act or by the said recited Acts.

Railways not exempt from Provisions of future General Acts.

XLIII. That all the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be paid by the Company.

Expenses of Act.

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