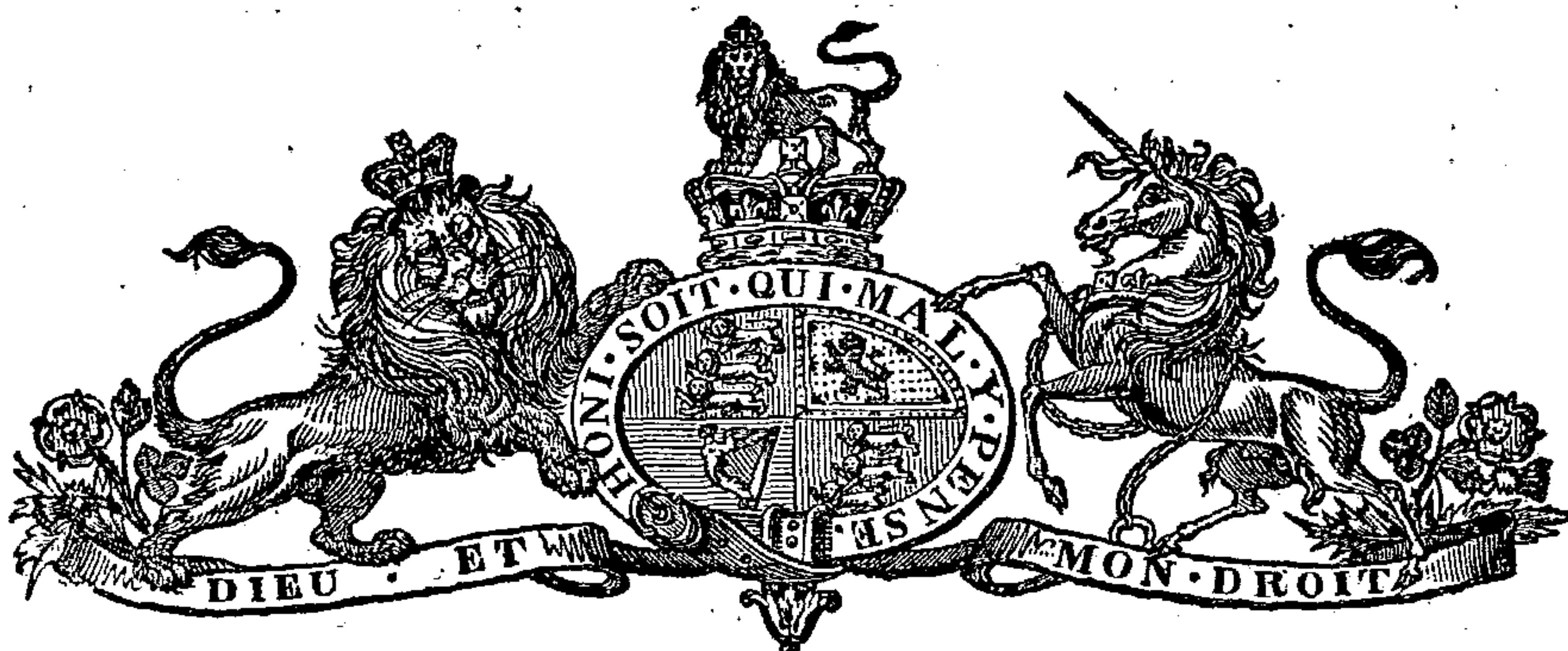




ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. ccxvi.

An Act to enable the *Edinburgh and Bathgate Railway Company* to deviate a Portion of their Main Line, and for other Purposes. [22d July 1847.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act for making a Railway from the Edinburgh and Glasgow Railway to Bathgate, with Branches, to be called "The Edinburgh and Bathgate Railway:"* And whereas it is expedient that an Alteration of or Deviation from the Main Line of the said Railway should be made, and that certain Portions of the said Railway as authorized by the said Act should be abandoned as herein-after mentioned: And whereas the said *Edinburgh and Bathgate Railway Company* are desirous of carrying into effect the Objects aforesaid, if authorized by Parliament so to do: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Provisions, Matters, and Things contained in or incorporated with the *Edinburgh and Bathgate Railway Act, 1846*, so far as the same are now in force, and are not inconsistent with or altered by the Provisions of this Act, shall extend to this Act, and to the

9 & 10 Vict.
c. 332.

Powers of
Edinburgh
and Bathgate
Railway Act
extended to
this Act.

[Local.]

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the making, Maintenance, and Use of the Deviation or Alteration and other Works by this Act authorized to be made and maintained, and the levying and Recovery of Tolls and Charges in respect thereof, and to the several other Purposes of this Act, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes; and the Deviation or Alteration and other Works authorized to be made and maintained by the said *Edinburgh and Bathgate* Railway Company by this Act shall form Part of the Undertaking of the *Edinburgh and Bathgate* Railway, and shall as such be subject to all the Provisions of the said Act relating thereto, save as aforesaid.

Short Title. II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Deeds or Instruments, it shall be sufficient to use the Expression “The *Edinburgh and Bathgate* Railway (Deviation and Amendment) Act, 1847.”

Power to make Alteration or Deviation of Main Line. III. And be it enacted, That it shall be lawful for the Company to make an Alteration of or Deviation from the Main Line of the *Edinburgh and Bathgate* Railway, as authorized to be constructed by the said Act relating thereto, by making and maintaining a new Portion of Railway, to commence at a Point on the said Main Line in or near to a Field in that Part of the Parish of *Kirkliston* which is in the County of *Edinburgh*, which Field is marked Number 28 on the Plan relating to that Parish referred to in the said Act, and to terminate at another Point on the said Main Line in the Parish of *Uphall* and County of *Linlithgow*, at or near to the public or Parish Road leading from *Houston* Toll Bar to *Midcalder*, and which Road is marked Number 11 on the Plans relating to said Parish of *Uphall* also referred to in said Act, which Railway and Works will be situate in the Parish of *Kirkliston* in the County of *Edinburgh*, that Part of the Parish of *Kirkliston* in the County of *Linlithgow*, and also in the said Parish of *Uphall* in the said County of *Linlithgow*.

Certain Parts of the Railway to be abandoned. IV. And be it enacted, That the said Company shall abandon or relinquish such Part or Portions of the said Main Line of Railway authorized to be constructed as aforesaid as is situated between the Two Points above described, and which may be rendered unnecessary by the Construction of the said Deviation Line or new Portion of Railway, and other Works connected therewith, in the said Parishes of *Kirkliston* and *Uphall* and also in the Parish of *Ratho* in the County of *Edinburgh*; and further to abandon and relinquish that Portion of the said *Edinburgh and Bathgate* Railway called the *Midcalder* Branch, and described in the said Act, “A Branch Railway from a Point on the said Main Line at or near to the Lands of *Clifton* in that Part of the Parish of *Kirkliston* within the County of *Edinburgh* to the Town of *Midcalder* in the Parish of *Midcalder* and County of *Edinburgh*, or to a Point intermediate between the Towns of *Midcalder* and *East Calder* in the Parish of *Kirknewton* and County of *Edinburgh*,” all in the Parishes of *Kirkliston* and *Kirknewton* and County of *Edinburgh*; and all the Powers and Authorities which by the said Act relating to the *Edinburgh and Bathgate* Railway are given for making and maintaining the Portion of the said original Main Line and the said Branch
Line

Line of the said *Edinburgh and Bathgate* Railway and Works by this Act required to be abandoned shall from and immediately after the passing of this Act cease and determine.

V. And whereas Plans and Sections showing the Line or Situation and Levels of the said Alteration or Deviation Line of Railway and Works by this Act authorized to be made and maintained, together with a Book of Reference to the said Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited with the Sheriff Clerks of the Counties of *Linlithgow* and *Edinburgh*; be it therefore enacted, That, subject to the Provisions in this and the recited Act contained, the said Alteration or Deviation and Works shall be made and maintained in the Line or Course and upon the Lands delineated on the said Plans, and described in the said Book of Reference, and according to the Levels defined in the said Sections, and it shall be lawful for the said Company to enter upon, take, hold, and use such of the said Lands as shall be necessary for the Purposes aforesaid.

VI. And be it enacted, That it shall be lawful for the Company to carry the Line of Railway hereby authorized to be made on the Surface of the Road, numbered 24 in the Parish of *Kirkliston* in the County of *Linlithgow* on the Plans deposited as aforesaid.

Power to cross a certain Road on the Surface.

VII. And be it enacted, That for the greater Security of the Public the Company shall erect and permanently maintain either a Station or Lodge at the Place where the Railway shall cross the above-mentioned Road on the Surface, and the Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Road, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain such Station or Lodge, or appoint a proper Person to watch or superintend the crossing at such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Company to erect a Station or Lodge, and abide by Rules, &c., of Commissioners of Railways.

VIII. And be it enacted, That in constructing the Bridge or Arch for carrying the Road numbered 2 in the Parish of *Uphall* over the Railway it shall be lawful for the Company to make the Breadth of Roadway between the Parapet thereof of Dimensions not less than Fifteen Feet.

Regulating Dimensions of Bridge.

IX. And be it enacted, 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 or near the Crossings of the said Railway, not steeper than those herein-after mentioned:

Inclinations of certain Roads.

In

In the Parish of *Uphall*, the Road numbered 2, not steeper than One in Twenty.

In the Parish of *Kirkliston*, the Road numbered 9; not steeper than One in Twenty.

Saving
Rights of
Union Canal
Company.

X. And be it enacted, That nothing in this Act contained shall diminish, alter, prejudice, affect, or take away any of the Rights, Privileges, Powers, and Authorities vested in the *Edinburgh and Glasgow Union Canal Company*, or authorize or empower the said Railway Company to alter, without the Consent in Writing of the Committee of Management of the said Canal Company, the Depth, or Course, or Level, or Breadth of the said Canal or of the Towing Path thereof, or in any Manner to obstruct or impede the Navigation of the said Canal or any Part thereof, or to divert, intercept, cut off, take, or diminish any of the Water in the said Canal or which presently flows to the said Canal, but without Prejudice to the said Railway Company altering the Course of the said Canal and Towing Path at or near the Point for crossing the same in the Manner and to the Extent shown on a Plan signed by *Robert Ellis*, Clerk of the said Canal Company, and by *Patrick Forbes*, Solicitor of the said Railway Company as in reference to this Act, the said Railway Company always preserving the Navigation of the said Canal and the Use of the Towing Path unobstructed, and making the new Portion of Canal of the same Breadth and Depth, and the new Towing Path of the same Breadth, as the said Canal and Towing Path respectively now are at the Point of the Railway crossing the same.

Alteration of
the Course
of Canal to
be under
Superinten-
dence of
Engineer of
Canal Com-
pany.

XI. And be it enacted, That such Alteration of the Course of the said Canal and Towing Path shall be in the Manner and to the Extent shown by the before-mentioned Plan, and that such Alteration shall be under the Superintendence of *James Jardine* Esquire, Civil Engineer, *Edinburgh*, whom failing of *James Horne* Esquire, Civil Engineer, *Clackmannan*, and that the Expences and Fees of such Engineer in reference to the Matters herein mentioned shall be defrayed by the said Railway Company; and the said Railway Company shall be bound to give the said Canal Company, free of all Expence to the said Canal Company, a good and sufficient Title to the Portion of Canal and Towing Path, and the requisite Banks, Slopes, and other Works extending over the whole of the said Deviation, and that before entering upon the Property of the said Canal Company.

Regulations
for erecting,
&c. Bridge
over Canal.

XII. And be it enacted, That in carrying the said Railway over the said Canal the said Railway Company shall and they are hereby required, at their own Expence, to make and maintain, and keep in perfect Repair, a good and substantial Bridge over the same, such Bridge being not more than Twenty-eight Feet in Breadth over all on the Square of such Bridge, and not less in the Span than Thirty-five Feet, reckoning as on the Square of the said Canal, and leaving a clear Waterway not less than Twenty-nine Feet Six Inches on the Square, with a Towing Path not less than Five Feet Three Inches, and that there shall be no Pier or Impediment whatever constructed by the said Railway Company betwixt the said Waterway and Towing Path, and that the Centre of the Arch of the said Bridge shall be over

over the Centre of the Waterway of the said Canal, and that the under Side or Soffit of the said Bridge where the same crosses the said Towing Path shall not be less than Six Feet above the Towing Path at the Spring of the Arch, nor less than Eight Feet above the Towing Path at the Side nearest the Waterway, such Towing Path being One Foot above the Top-water Level of the Canal, nor shall such under Side or Soffit at the Margin of the Canal on the off Side of the Canal or Side opposite to the Towing Path be less than Seven Feet above the Top-water Level, nor shall such under Side or Soffit at the Centre of the Arch be less than Fourteen Feet above the Top-water Level.

XIII. And be it enacted, That if in the Construction of any of the Works by this Act authorized, or by reason of any Accident during such Construction, or of the bad State of Repair of any of such Works, or by the Drainage of the Water of the said Canal in consequence of any of the Operations of the said Railway Company, it shall happen that the said Canal or Works thereof, or the Towing Path, or any Part thereof, shall be so obstructed that Boats, Barges, or other Vessels navigating or using the said Canal shall be impeded in their Passage, or shall not be able at all Times freely and uninterruptedly to pass along the same, then and in every such Case the said Railway Company shall pay to the said Canal Company either the actual Damage, or in lieu thereof, in the Option of the said Canal Company, as and by way of ascertained Damage, the Sum of Five Pounds for every Hour during which such Impediment or Obstruction shall be allowed to continue not exceeding Six Hours, but if beyond Six consecutive Hours then the Sum of Twenty Pounds for every Hour during which the Impediment or Obstruction shall continue after such Six Hours aforesaid; and in default of Payment of any such actual or ascertained Damages, on Demand made on the Treasurer or any Officer of the said Railway Company, the said Canal Company may sue for and recover the same, together with full Costs, against the said Railway Company, by Action in the Court of Session in *Scotland*, or before the Sheriff of the County, or the same may be recovered in like Manner as any other Penalties under this Act.

In case Canal obstructed Railway Company to make good the Damage.

XIV. And be it enacted, That in case the said *Edinburgh and Glasgow* Union Canal Company shall at any Time apprehend that the said intended Railway will from its crossing or near Approach to the said Canal occasion Danger, Interruption, or Damage to the Boats or Vessels navigating the said Canal, in consequence of the Horses used in tracking such Boats and Vessels being frightened by means of the Engines or Carriages travelling upon the said Railway, or Danger to Persons in charge of such Horses, it shall be lawful for the said Canal Company, in default of the Construction of a sufficient Screen by the said Railway Company on Application to them, to apply to the Sheriff of the County for the Erection of a Screen, and if such Sheriff shall issue an Order for the same the said Railway Company shall forthwith erect such Works in the Nature of a Screen between the said Railway and Canal as shall be considered necessary by the Sheriff, which Works shall thereafter be kept in good and sufficient Repair by the said Railway Company; and in case the said Railway

Railway Company to erect a Screen, if required by Canal Company.

[*Local.*]

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Company

Company shall refuse or neglect to erect such Works so ordained, or to keep the same in repair as aforesaid, it shall be lawful for the said Canal Company to enforce the said Order in the same Way as other Interlocutors of the Sheriff may be enforced, or to construct or repair the said Works at the Cost of the said Railway Company, and to recover the Amount thereof in a summary Way from the said Railway Company.

Lands for additional Stations.

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

Limiting Period for compulsory Purchase.

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

Period for Completion of Works.

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

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

XVIII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by any Act or Acts relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Railway Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc 57. & 105.

XIX. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railways*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and Two other Acts were passed in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the

said Alteration or Deviation and Works, or the said Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Alteration or Deviation and Works, and Company, so far as the same shall be applicable thereto and not otherwise specially provided for by this Act.

XX. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the said Alteration or Deviation and Works by this Act authorized to be made from the Provisions of any general Act relating to this Act, or of any general Act relating to Railways, now in force or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision or Alteration by Parliament of the maximum Rates of Fares and Charges authorized by the said recited Act. Railway subject to Provisions of any future general Act.

XXI. And be it enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and of making the Survey, Plans, and Estimate, and all other Costs, Charges, and Expences in any way incident thereto, shall be paid and defrayed by the said Company out of the Money already raised and received, or out of the first Monies to be raised or received by them, and in preference to any other Payment whatsoever. Expences of Act.

XXII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others. Public Act.

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