



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. cxlviii.

An Act to enable the *Wishaw and Coltness Railway Company* to divert and improve certain Portions of their Line. [14th August 1848.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for making a Railway from Chapel in the Parish of Cambusnethan in the County of Lanark, by Coltness and Garion Gill, to join the Monkland and Kirkintilloch Railway where the same passes through the Lands of Coats or Garturk in the Parish of Old Monkland and County of Lanark*; and another Act was passed in the Fourth Year of the Reign of His late Majesty King *William the Fourth*, intituled *An Act for extending the Time for completing the Wishaw and Coltness Railway in the County of Lanark*; and another Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act for further extending the Time for completing the Wishaw and Coltness Railway in the County of Lanark*; and another Act was passed in the Third Year of the Reign of Her said Majesty, intituled *An Act to enable the Wishaw and Coltness Railway Company to raise a further Sum of Money, and to amend the Acts relating to the said Undertaking*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An*

10 G. 4. c. 107.
4 & 5 W. 4. c. 41.
7 W. 4. & 1 Vict. c. 100.
2 & 3 Vict. c. 58.
4 & 5 Vict. Act c. 11.

[Local.] 22 U

7 & 8 Vict.
c. 98.9 & 10 Vict.
c. 206.Recited Acts,
&c. incorpo-
rated with
this Act.

Short Title.

Power to
raise Money
by Creation
of new
Shares.

Act for enabling the Wishaw and Coltness Railway Company to raise a further Sum of Money; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled An Act to alter, amend, enlarge, and in part repeal the Acts relating to the Wishaw and Coltness Railway; and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled An Act to enable the Wishaw and Coltness Railway Company to make a Branch Railway from the Wishaw and Coltness Railway to Murdieston, with a Branch to Goodockhill: And whereas it would be attended with Advantage and Convenience to the Public and to the Wishaw and Coltness Railway Company if the said Company were authorized to make a Deviation of the Wishaw and Coltness Railway from its Junction with the Motherwell Branch of the Clydesdale Junction Railway to a Point near the Holytown Station, and to make a connecting Branch Railway from the said Deviation near the West of Scotland Malleable Iron Works to the said Motherwell Branch, and to widen, straighten, and improve that Portion of the Wishaw and Coltness Railway which lies between its Points of Junction with the Caledonian Railway, near Garion Gill, and with the Glasgow, Garnkirk, and Coatbridge Railway near Whifflet, and to form and maintain Stations, Depôts, and other Works on the said Railway between the said Points; 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, That, except in so far as varied or otherwise provided for in this Act, the Lands Clauses Consolidation (Scotland) Act, 1845, and the Railways Clauses Consolidation (Scotland) Act, 1845, and such Parts of the said recited Acts relating to the Wishaw and Coltness Railway as are not inconsistent therewith, shall be incorporated with and form Part of this Act: Provided always, that the Provisions of the said Lands and Railways Clauses Consolidation Acts shall not prejudice, alter, or affect the Rights and Interests acquired by the Company under the said recited Acts relating to the Wishaw and Coltness Railway or otherwise in respect of the Lands already occupied by them, or the Works already executed by them, under the Powers of the said Acts relating to the Wishaw and Coltness Railway, nor the Amount or Mode of collecting the Tolls, Rates, and Duties leviabie for the Use of the Works authorized by the said recited Acts and this Act.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Proceedings, it shall be sufficient to use the Expression "The Wishaw and Coltness Railway (Deviation and Improvement) Act, 1848."

III. And whereas the estimated Expense of the Works by this Act authorized is Eighty-five thousand Pounds: Be it enacted, That it shall be lawful for the Wishaw and Coltness Railway Company, at any Special General Meeting or Meetings of 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

not exceeding in the whole the Sum of Eighty-five thousand Pounds, by the Creation of new Shares or Stock, which Sum shall be applicable only to the Objects and Purposes by this Act authorized, and the new Shares or Stock created by virtue of this Act shall become Part of the general Capital of the Company, and the same shall be raised with the like Powers, and subject to the like Restrictions and Conditions as to the maximum Amount of each Call, and the Interval between the successive Calls; and as to voting and otherwise, as are contained in the before-recited Acts in favour of the Company.

IV. And be it enacted, That after the whole of the said Sum of Eighty-five thousand Pounds shall have been subscribed, and One Half thereof shall have been paid up, it shall be lawful for the Company from Time to Time to borrow on Mortgage or Bond, and if paid up again to borrow, any Sum or Sums, not exceeding in all Twenty-eight thousand three hundred and thirty Pounds, in addition to the Amount which they are authorized to borrow by the said recited Acts; provided always, that all and every Part of such Sum of Money so to be borrowed under the Powers of this Act shall be applicable only to the Objects and Purposes by this Act authorized; and the Clauses and Provisions of the Companies Clauses Consolidation (*Scotland*) Act, 1845, with respect to the borrowing of Money by the Company on Mortgage or Bond, and with respect to the Conversion of the borrowed Money into Capital, and with respect to the Consolidation of the Shares into Stock, shall, in regard to the Sums by this and the said recited Acts authorized to be raised, be incorporated with this Act.

Power to
borrow
Money on
Mortgage.

V. And be it enacted, 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 Interest 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-before 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.

Interest not
to be paid on
Calls paid up.

VI. And be it enacted, 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 for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway, or execute any other Work or Undertaking.

Deposits for
future Bills
not to be
paid out of
the Com-
pany's
Capital.

VII. And be it enacted, That it shall be lawful for the Company to take and acquire the Lands delineated on the Plans and described in

Description
of Works.

in the Book of Reference, deposited as herein-after mentioned, adjoining and near to the *Motherwell*, *Wishawton*, and *Holytown* Stations on the *Wishaw and Coltness* Railway in the Parishes of *Dalziel*, *Cambusnethan*, and *Bothwell*, for the Purpose of forming and maintaining Stations, Depôts, and other Works and Conveniences, or of enlarging and improving the said existing Stations and Works connected therewith, and to execute the following Works; (that is to say,)

To make and maintain a Deviation of the *Wishaw and Coltness* Railway, from a Point at or near its Junction with the *Motherwell* Branch of the *Clydesdale Junction* Railway in the Parish of *Dalziel*, to a Point on the North Side of the *Holytown* Station in the Parish of *Bothwell* :

To make and maintain a connecting Branch Railway from the said Deviation, at a Point near the *West of Scotland* Malleable Iron Works in the Parish of *Dalziel*, to and to communicate with the said *Motherwell* Branch, at or near the Point where the Railway to the *Auchinbeath* Mineral Field, authorized by the *Caledonian Railway (Motherwell Branch Extension) Act, 1847*, is to join the said *Motherwell* Branch in the Parish of *Hamilton* ; and

To widen, straighten, and improve that Portion of the *Wishaw and Coltness* Railway which lies between its Points of Junction with the *Caledonian* Railway, near *Garion Hill*, and with the *Glasgow, Garnkirk, and Coatbridge* Railway, near *Whifflet*, in the Parishes of *Cambusnethan*, *Dalziel*, *Bothwell*, and *Old Monkland*.

Power to
make new
Works.

VIII. And whereas Plans of the Lands required for the foresaid Purposes, and Plans and Sections of the Works by this Act authorized to be made, showing the Lines and Levels thereof, and the Lands required therefor and in connexion therewith, and a Book of Reference, containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and Occupiers of the said Lands, have been deposited in the Offices of the principal Sheriff Clerk of the County of *Lanark* : Be it enacted, That with the Powers and 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 Works, and to execute all necessary and convenient Operations in connexion therewith, in the Lines and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Lands for ex-
traordinary
Purposes.

IX. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes, in connexion with the Works hereby authorized, shall not exceed Twenty Acres.

Period for
compulsory
Purchase of
Lands
limited.

X. 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 Three Years from the passing of this Act.

XI. And

XI. And be it enacted, That the Works hereby authorized to be made shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for executing the said Works shall cease to be exercised, except as to so much of the said Works as shall then be completed.

Period for
Completion
of Works.

XII. And be it enacted, That it shall be lawful for the Company to carry the Railways hereby authorized across the Surface of the following Roads, numbered on the Plans deposited as aforesaid as after mentioned; (that is to say,)

Certain Roads
may be
crossed on
the Surface.

In the Parish of *Dalziel*, the Road numbered 69, and
In the Parish of *Bothwell*, the Road numbered 32.

XIII. And be it enacted, That for the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railways shall cross on the Level the before-mentioned Roads; and the Company shall be subject to and 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 Roads, as may from Time to Time be made by the Commissioners of Railways; and if the Company shall fail to erect or at all Times maintain such Station or Lodge, or to 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 Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Company to
erect Station
or Lodge
where Roads
crossed on
Level, and
abide by
Rules of
Commission-
ers of Rail-
ways.

XIV. And be it enacted, That where by the Operation or under the Powers of this Act the Owner of the Lands of *Gastusk* shall be deprived of any Right of making any Crossing over the said *Wishaw and Coltness* Railway, made or to be made, or to be widened, straightened, or improved, or any Communication therewith on the Level or Surface thereof, the Company shall compensate the said Owner for the Loss or Damage that may be occasioned thereby; and if any Dispute or Question shall arise between the Company and the said Owner touching the Amount (if any) of such Loss or Damage, the same shall be settled as in other Cases of disputed Compensation under the said Lands Clauses Consolidation (*Scotland*) Act, 1845.

Compensa-
tion to
Owner of
Lands of
Garturk, for
interfering
with Right of
level Cross-
ing.

XV. And be it enacted, That it shall not be lawful to the Company to alter the Line or Width of the Turnpike Road, marked on the said Plans No. 39, in the Parish of *Bothwell*; and that in altering the Levels of the said Road, for the Purpose of carrying the same over the Railway hereby authorized, the Inclinations thereof, so far as altered by the Company, shall not be steeper than One in Fifty-two on the West Side, and One in Forty-one on the East Side, of the highest Point to which the said Road may be so raised.

Regulating
Mode of
crossing
Turnpike
Road near
Holytown.

XVI. And be it enacted, That in order to secure a sufficient Communication between the Works of the *West of Scotland Malleable*
[*Local.*]

For preserv-
ing Access to
the West of
Iron

Scotland
Malleable
Iron Works.

Iron Company lying on the East and the Lands and Minerals belonging to that Company lying on the West Sides of the Lines of Railway hereby authorized, it shall be lawful to the *Wishaw and Coltness* Railway Company, and they are hereby required, to form a Bridge capable of accommodating Two Lines of Rails, but so as not to exceed Eighteen Feet in Width between the Parapets, across the said Deviation Line of Railway, near its Junction with the said connecting Branch.

Company not
to abandon
existing Lines
of Railway.

XVII. And be it enacted, That nothing herein contained shall authorize the Company to abandon the existing Line of Railway, lying between the Points before specified as the Points of Commencement and Termination of the Deviation Line of Railway hereby authorized, nor the existing Line of Railway between the Points marked A. and B., in the Parishes of *Bothwell* and *Old Monkland*, upon the Plans deposited as aforesaid.

Contracts
with Caledonian
Railway Company
to remain in force
and to apply
to new Works.

XVIII. And whereas by the *Caledonian* Railway Act, 1845, it was enacted that it should be lawful to the *Wishaw and Coltness* Railway Company to enter into Contracts with the *Caledonian* Railway Company for the Use of and for the Passage over or along the *Wishaw and Coltness* Railway of any Engines, Coaches, Waggons, or other Carriages of the *Caledonian* Railway Company, or for the Use of the Stations and other Works of the *Wishaw and Coltness* Railway Company, upon the Payment of such Tolls or other Consideration, and under such Conditions and Restrictions; as might be mutually agreed upon, and that any Contracts which might have been entered into between the *Wishaw and Coltness* Railway Company and the Provisional Directors of the *Caledonian* Railway Company prior to the passing of the said Act, consistently with the Provisions therein contained, should be as binding, valid, and effectual as if the same had been made under the Powers of the said Act: Be it enacted, That nothing herein contained shall prejudice or affect the Provisions above recited, or any Contracts made or to be made in pursuance thereof or confirmed thereby, but the same shall extend and apply to the Works hereby authorized.

Certain
Powers
granted by
the Caledonian
Railway (Motherwell
Branch Extension)
Act, 1847,
repealed.

XIX. And whereas by the *Caledonian* Railway (*Motherwell Branch Extension*) Act, 1847, the *Caledonian* Railway Company were authorized to make and maintain a connecting Branch from the Railway thereby authorized in the Parish of *Hamilton* to the *Wishaw and Coltness* Railway, near the Village of *Motherwell* in the Parish of *Dalziel*: And whereas the Formation of the said connecting Branch has not been commenced, and will be rendered unnecessary by the Works hereby authorized: Be it enacted, That the Powers and Provisions of the said last-recited Act with respect to the said connecting Branch shall be and the same are hereby repealed.

Tolls.

XX. And be it enacted, That, subject to the Conditions, Limitations, and Provisions contained in the said recited Acts, it shall be lawful for the Company to demand and recover, for the Use of the Railways and Works hereby authorized to be made, the Tolls, Rates, Duties, and Charges which are by the said recited Acts relating to the *Wishaw and Coltness* Railway authorized to be demanded and recovered

recovered for the Use of the Railways and Works thereby authorized to be made.

XXI. 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 Railway*; 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 another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Railways by this Act authorized, or the Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Company, so far as the same shall be applicable thereto.

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

XXII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to this and the said recited Acts, 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this and the said recited Acts.

Railways to be subject to Provisions of future general Acts.

XXIII. And be it enacted, That all the Costs, Charges, and Expenses of applying for, promoting, and obtaining this Act, and of making the Survey, Plans, and Estimates, and all other Costs, Charges, and Expenses in any way incident thereto, shall be defrayed by the Company out of the Money already raised and received by them, or out of the first Money to be raised or received by them, in preference to any other Payment whatsoever.

Expenses of Act.

XXIV. 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.

