



ANNO DECIMO QUARTO & DECIMO QUINTO

# VICTORIÆ REGINÆ.

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## Cap. xcix.

An Act to enable the *Caledonian* Railway Company to provide for the Construction of certain Branch Railways in the County of *Lanark*.

[24th July 1851.]

**W**HEREAS an Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled "The *Caledonian* Railway Act, 1845," whereby the *Caledonian* Railway Company were incorporated: And whereas Two other Acts were passed in the Tenth Year of the Reign of Her said Majesty, intituled respectively "The *Caledonian* Railway (*Motherwell* Branch Extension) Act, 1847," and "The *Caledonian* Railway (*Lesmahagow* Branches) Act, 1847," by which Acts the *Caledonian* Railway Company were authorized to execute the Railways and Branch Railways in the County of *Lanark* therein specified, and for that Purpose to raise any Sums not exceeding in all Eight hundred thousand Pounds by the Creation of new Shares or Stock, which should become Part of the General Capital of the Company; and the said Company were thereby further authorized, after the whole of the said Sums should have been subscribed and One Half

8 & 9 Vict.  
c. 162.

10 & 11 Vict.  
c. 22.

10 & 11 Vict.  
c. 24.

[Local.]

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thereof

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thereof should have been paid up, to borrow on Mortgage or Bond any Sums not exceeding in all Two hundred and sixty-six thousand three hundred Pounds: And whereas no Part of the said several Sums has been raised or borrowed, nor has any Part of the Works authorized by the said second and third recited Acts been commenced, and the Powers for the compulsory Purchase of Lands for the Purposes thereof will shortly expire, and the *Caledonian Railway Company* are unable, in consequence of the Depreciation in the Market Price of their existing Stock, to raise any Part of the Funds necessary for the Construction of the said Works, unless the new Shares to be created for that Purpose be separated from the General Capital of the Company: And whereas the Persons after mentioned, who are Proprietors of Lands on the Lines of the said Branch Railways and otherwise locally interested in the Formation thereof, are willing to defray the Expense of executing so much of the said Branch Railways as will connect the *Lesmahagow* Mineral Fields with the *Clydesdale Junction* and *Wishaw and Coltness* Railways, upon receiving Shares in the Undertaking to the Amount of such Expense, provided such Shares be separated from the General Capital of the *Caledonian Railway Company*, so that the Revenue arising from the Works so to be executed shall be appropriated to the Reimbursement of the Parties by means of whose Funds such Works shall be constructed: And whereas it is expedient that Powers should be granted for effecting such Separation of Shares as aforesaid, and for enabling the *Caledonian Railway Company* to apportion such separate Shares to the Persons advancing the Funds required for constructing the said Works: And whereas it is expedient that all Powers of raising Money under the said second and third recited Acts, whether by means of Shares or Stock or upon Mortgage or Bond, except to the Extent after mentioned, should cease and determine; 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,

Certain Shares authorized to be created by the second and third recited Acts to form a separate Stock, and the Proceeds thereof to be applied exclusively to

I. That the new Shares authorized to be created by the said second and third recited Acts shall, to the Extent of One hundred and fifty thousand Pounds, be a separate Stock, denominated "The *Lesmahagow Branches Stock*," and shall not form Part of the General Capital of the *Caledonian Railway Company*, but the Monies to be raised by the Issue thereof shall be applied exclusively towards the Construction and Completion of the following Portions of the Works authorized by the said Acts; *videlicet*, in the first place, the Railway, Connecting Branch, and Branch Railway described in the said second-recited Act, excepting that Portion thereof situate in the Parish of *Lesmahagow*;

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*Lesmahagow*; and in the second place, that Portion of the Railway and Branch Railways described in the said third-recited Act which extends from the Point near *Canderside* to the Point on the Lands of *Bankend*, both mentioned in the said Act, and all necessary Works and Conveniences connected with the said several Lines of Railway above specified.

the Formation of certain of the Works thereby authorized.

II. That the said separate Stock shall be divided into Three thousand Shares of the nominal Value of Fifty Pounds each, which shall be denominated "*Lesmahagow Branches Shares*," and shall be separately numbered and entered in a separate Register of Shareholders, and separate Certificates shall be issued for the same, all in the Manner prescribed by the Companies Clauses Consolidation (*Scotland*) Act, 1845.

Separate Stock to be divided into Shares separately numbered and registered.

III. That it shall be lawful for the *Caledonian Railway Company* to apportion and issue the said *Lesmahagow Branches Shares* to *William Alexander Anthony Archibald Hamilton-Douglas* commonly called the Marquess of *Douglas and Clydesdale*, *William Edward Hope Vere*, *Archibald Hastie*, Member of Parliament, *James Thomas Brown*, *James Campbell*, and *James Hutchison*, or any One or more of the said Persons, and to such other Person or Persons as may, along with them, become bound to advance the Funds required for the Construction of the Works herein-before described, such Shares being apportioned and issued to the said several Persons to the Extent and in proportion to the Amount of Money which they shall respectively become bound to advance as aforesaid.

Shares to be issued to the Persons advancing the Funds required for the Construction of the Works before specified.

IV. That separate Accounts shall be kept of the Monies received in respect of the said *Lesmahagow Branches Shares* and of the Monies expended upon and in relation to the Works herein-before described, and separate Accounts shall also be kept of the Tolls, Rates, and Charges levied on or for the Use of the said Works and other Receipts arising therefrom, and of the Money disbursed in maintaining and working the said Works, and paying any other annual Burdens affecting the same; and the whole Profits arising from such Tolls, Rates, and other Receipts, after deducting the Expense of maintaining and working and other annual Burdens affecting the said Works as aforesaid, shall belong to and be divided exclusively among the Holders of the said *Lesmahagow Branches Shares* rateably and in proportion to the Number of Shares held by them respectively: Provided always, that the Holders of the said Shares shall not be entitled to participate to any Extent in the other Profits of the *Caledonian Railway Company*, nor shall they, or the Works herein-before described, be to any Extent liable for the Debts or Obligations of the said Company, except in so far as the same may be incurred in relation to the said

Separate Accounts to be kept of Receipts and Expenditure in relation to said Works and whole Profits to belong to Holders of separate Stock, who shall not participate in general Profits of Company.

Works:

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Works : Provided also, that, except in so far as otherwise expressly provided by this Act, the said Works shall be and be considered a Part of the *Caledonian* Railway, and the Holders of the said Shares shall have the same Right of voting at Meetings of the said Company as the other Shareholders thereof.

Company's  
Power of  
raising  
Money under  
the second  
and third  
recited Acts  
restricted.

V. That, excepting to the Extent of the said Sum of One hundred and fifty thousand Pounds, it shall not be lawful for the *Caledonian* Railway Company to raise, under the Powers of the said second and third recited Acts, any of the Sums which they are thereby authorized to raise, either by the Creation of new Shares or by borrowing upon Mortgage or Bond.

Power to  
enter into  
Contracts.

VI. That it shall be lawful for the *Caledonian* Railway Company and the Persons herein-before named, or such of the said Persons, or such other Persons, not exceeding Six in Number, at any One Time as may be named for that Purpose in the Agreement by which the said *Lesmahagow* Branches Shares shall be subscribed for and apportioned as aforesaid, or as may be thereafter named for that Purpose by the Holders of the said Shares or of a Majority thereof, (which such Holders are hereby empowered from Time to Time to do,) from Time to Time to enter into Contracts with each other for securing the Application of the Monies to be advanced by the Holders of the said Shares, and the Profits arising from the Works to be constructed by means thereof, to the Purposes herein-before specified; and also in regard to the Management and working of the Railways and Branch Railways herein-before described, and the Rates of Toll and other Charges to be levied thereon and on the other Lines of Railway communicating therewith, which belong to the said Company; Provided always, that such Rates of Toll and other Charges shall in no Case exceed those authorized by the Acts relating to the said several Lines of Railway respectively.

Proprietors  
may sell  
Lands in  
Consideration  
of annual  
Feu Duties.

VII. That all Parties who are by the said second and third recited Acts, and by the Seventh Section of the Lands Clauses Consolidation (*Scotland*) Act, 1845, empowered to contract for, sell, convey, and dispose of any Lands or any Right therein to the Promoters of the said Undertakings, shall be and they are hereby empowered to contract for, sell, and convey such Lands or Rights therein to the *Caledonian* Railway Company, in consideration of such annual Feu Duty or Ground Annual as may be agreed upon.

Railways  
not to be  
opened until  
15,000*l.* due  
to the Trustees  
and Cre-

VIII. And whereas a Deed of Agreement, dated the Sixteenth, Twentieth, Twenty-fourth, and Twenty-seventh days of *June* One thousand eight hundred and forty-six, was entered into between the *Caledonian* Railway Company on the One Part, and *James Lumsden,*

*Robert*

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*Robert Brown, Robert Findlay, John Whitehead* (now deceased), *James Buchanan, Hugh Moncrieff, Thomas Rennie Scott, and Laurence Hill*, as taking Burden on them for certain Creditors on the Turnpike Road from *Glasgow to Carlisle*, and also as authorized by and taking Burden on them for the Trustees on the said Turnpike Road, acting in execution of an Act passed in the Second Year of the Reign of His late Majesty King *William the Fourth*, intituled *An Act for amending and enlarging the Powers and renewing the Term granted by certain Acts passed for improving the Communication between the City of Glasgow and the City of Carlisle*, and of the several Acts therein referred to, the major Number of the Persons above named being a Quorum on the other Part, by which Agreement the said Company bound and obliged themselves to purchase, as they did thereby purchase up the Debts then due to the said Creditors and Trustees by the said Road Trust, amounting *in cumulo* to the Sum of Twenty-three thousand eight hundred and three Pounds, and to pay therefor to the said Parties on behalf of the said Trustees and Creditors the Sum of Fifteen thousand Pounds, at the Term of Martinmas Eighteen hundred and forty-six, with legal Interest thereafter till paid, upon the Conditions mentioned in the said Deed of Agreement: And whereas the said Sum of Fifteen thousand Pounds is still unpaid, and the Security for the Payment of the said Sum may be diminished in consequence of the opening of the Railways and Branch Railways herein-before described, and it is expedient that Provision should be made for the Payment of the said Sum as herein-after expressed: Be it enacted, That the said Railways and Branch Railways shall not be opened or used for Traffic to any Extent whatsoever, nor shall any Rates, Tolls, or Charges be levied thereon or in respect thereof, unless and until the said Sum of Fifteen thousand Pounds shall be paid to the said *James Lumsden, Robert Brown, Robert Findlay, James Buchanan, Hugh Moncrieff, Thomas Rennie Scott, and Laurence Hill*, or the Survivors or Survivor of them, or to the Majority of the said Persons or of the Survivors of them (whose Receipt shall be a sufficient Discharge for the same), for and on behalf of the said Trustees and Creditors in Terms of the said Deed of Agreement, and in the event of the said Sum of Fifteen thousand Pounds being paid by the Holders of the said *Lesmahagow Branches* Shares, or any of them, or by any Person or Persons other than the said Company, the Person or Persons by whom the said Sum shall be so paid shall be entitled to the same Assignations or Transfers, Obligation of Warrantice, and other Rights in all respects as the said Company would be entitled to if they themselves were to pay the said Sum, and the Person or Persons paying the said Sum shall be further entitled to an Assignation of the said Debt of Fifteen thousand Pounds against the said Company, and to all the Rights and Remedies competent to the said Trustees and Creditors, or to the Persons representing them as aforesaid, in respect thereof: Provided always, that in case the

ditors on the  
Glasgow and  
Carlisle  
Roads be  
paid.

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Persons last mentioned shall refuse to accept of the said Sum of Fifteen thousand Pounds when tendered to them (Two Months Notice in Writing of the Intention to make such Tender being given to the Clerk of the said Road Trust for the Time being), or shall fail or be unable to deliver to the Parties tendering the said Sum Assignations or Transfers of at least Sixteen thousand Pounds of the said Debt of Twenty-three thousand eight hundred and three Pounds, then the said Sum of Fifteen thousand Pounds shall be consigned in the Bank of *Scotland*, or in any other Bank in *Scotland* incorporated by Act of Parliament or Royal Charter which may be mutually agreed upon, in the joint Names of the said Clerk and of any Person to be named by the Parties paying the said Sum; and upon such Consignation being made it shall be lawful to open and use the said Railways and Branch Railways for Traffic, and to levy Rates, Tolls, and Charges thereon; and the said Sum of Fifteen thousand Pounds and the Interest accruing thereon shall be uplifted from such Bank, and paid to the Persons representing the said Trustees and Creditors as aforesaid, on their delivering to the Persons consigning the said Sum, Assignations or Transfers of at least Sixteen thousand Pounds of the said Debt, with an Obligation of Warrantice in Terms of the said Deed of Agreement for so much of the said Debt as shall not be included in the said Assignations or Transfers, and an Assignation of the said Debt of Fifteen thousand Pounds, and upon Payment or Consignation of the said Sum of Fifteen thousand Pounds the Persons paying or consigning shall have right to rank as Creditors on the Tolls leviable on the said Road for the said Debt of Twenty-three thousand eight hundred and three Pounds, with Interest thereon, from and after the Date of such Payment or Consignation: Provided also, that nothing in this Act contained shall in any Manner of Way prejudice, alter, or affect any Agreement or Arrangement, as to the Interest of the said Sum of Twenty-three thousand eight hundred and three Pounds, and the Application of the Tolls leviable on the said Road, previous to the Payment or Consignation of the said Sum of Fifteen thousand Pounds, which may have been made before the passing of this Act, between the said Company and the said Trustees and Creditors, arising out of the Postponement of the Payment of the said Sum of Fifteen thousand Pounds.

Interest not  
to be paid on  
Calls paid up.

IX. 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 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-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

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in conformity with the Provisions in the Companies Clauses Consolidation (*Scotland*) Act, 1845, in that Behalf contained.

X. 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 Company's Capital.

XI. That nothing in this Act contained shall be held to exempt the said Railways from the Provisions of the following Public General Acts; *videlicet*, First and Second *Victoria*, Chapter Ninety-eight; Third and Fourth *Victoria*, Chapter Ninety-seven; Fifth and Sixth *Victoria*, Chapter Fifty-five; Seventh and Eighth *Victoria*, Chapter Eighty-five; and Ninth and Tenth *Victoria*, Chapters Fifty-seven and One hundred and five but that such Provisions shall be in force in respect of the said Railways, so far as the same are applicable thereto.

Railways 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.

XII. That nothing herein contained shall be deemed or construed to exempt the Railways by 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 the said recited Acts.

Railways not exempt from Provisions of future General Acts.

XIII. That all the Costs, Charges, and Expenses of applying for and obtaining this Act, and incidental thereto, shall be paid out of the Proceeds of the said *Lesmahagow* Branches Shares.

Expenses of Act.

XIV. That in citing this Act in other Acts of Parliament and in legal Instruments, or other Writings or Proceedings whatsoever, it shall be sufficient to refer to and describe it by the Title of "The *Caledonian* Railway (*Lesmahagow* Branches) Act, 1851."

Short Title.

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