



CHAPTER cxxxix.

An Act for enabling the Caledonian Railway Company to make Railways to Airdrie and other places in the County of Lanark; and for other purposes. [18th July 1881.] A.D. 1881.

WHEREAS it is expedient that the Caledonian Railway Company (herein-after called "the Company") should be authorised to make the railways herein-after described from their Whiffat branch to the town of Airdrie and other places in the county of Lanark, and to acquire lands and raise additional share and loan capital for the purposes thereof:

And whereas plans and sections, showing the lines and levels of the several railways by this Act authorised to be made, and books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the principal sheriff clerk for the county of Lanark, in his offices at Glasgow, Hamilton and Airdrie respectively, and are herein-after respectively referred to as the deposited plans, sections and books of reference:

And whereas the purposes of this Act 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, as follows:—

1. This Act may be cited as the Caledonian Railway (Lanarkshire Lines) Act, 1881. Short title.

2. The Lands Clauses Consolidation (Scotland) Act, 1845; the Lands Clauses Consolidation Acts Amendment Act, 1860; the Railways Clauses Consolidation (Scotland) Act, 1845; Part I. (relating to construction of a railway) of the Railways Clauses Act, [Local.—139.] Incorporation of Acts. 8 & 9 Vict. c. 19. 23 & 24 Vict. c. 106.

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A.D. 1881. 1863; the clauses and provisions of the Companies Clauses Consolidation (Scotland) Act, 1845, with respect to the following matters (that is to say) the distribution of the capital of the Company into shares, the transfer or transmission of shares, the payment of subscriptions and the means of enforcing the payment of calls, the forfeiture of shares for nonpayment of calls, the remedies of creditors of the Company against the shareholders, the borrowing of money by the Company on mortgage or bond, the conversion of the borrowed money into capital, the consolidation of the shares into stock, the general meetings of the Company and the exercise of the right of voting by the shareholders, the making of dividends, the giving of notices, and the provision to be made for affording access to the special Act by all parties interested; and Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act; and all the provisions of the Companies Clauses Consolidation (Scotland) Act, 1845, which relate to stock into which shares in the capital of the Company have been converted or consolidated, shall apply to the stock which the Company are by this Act authorised to issue and to the holders thereof.

8 & 9 Vict.
c. 33.
26 & 27 Vict.
c. 92.
8 & 9 Vict.
c. 17.

26 & 27 Vict.
c. 118.

Interpretation.

3. In this Act the several words and expressions, to which meanings are assigned by the Acts wholly or partially incorporated herewith, have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and in the Acts wholly or partially incorporated with this Act, as applied to this Act, the expression "the Company" means the Caledonian Railway Company; the expression "the special Act" means this Act; and the expressions "the railway" and "the undertaking" mean and include respectively the railways and the undertaking by this Act authorised.

Power to make railways.

4. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways herein-after described, and all proper stations, sidings, approaches and other works and conveniences in connexion therewith respectively; and may enter upon, take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes. The railways herein-before referred to and authorised by this Act are:—

(1.) A railway (in this Act called "railway No. 1"), two miles four furlongs seven chains and ten yards or thereabouts in

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length, commencing by a junction with the Company's Whiffat branch, authorised by the Caledonian Railway (Rutherglen and Coatbridge Branches) Act, 1861, at a point in the parish of Old Monkland, at or near the bridge carrying the said Whiffat branch over the public road leading from Dundyvan Road to Whiffat, and terminating at a point in the burgh of Airdrie and parish of New Monkland, at or near to the southern side of Graham Street, and about seventy-five yards westward from the junction of Gartlee Road with that street;

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24 & 25 Vict.
c. cci.

(2.) A railway (in this Act called "railway No. 2"), two miles seven chains and three yards or thereabouts in length, commencing by a junction with railway No. 1, at a point in the burgh of Airdrie and parish of New Monkland, about one hundred and twenty-five yards north-eastward from the Airdrie Academy, and terminating at a point in the parish of Bothwell, on the western side of the public road leading from Chapelhall to Holytown, about two hundred and thirty yards westward from the Free Church of Chapelhall;

(3.) A railway (in this Act called "railway No. 3"), two miles seven furlongs five chains and ten yards or thereabouts in length, commencing by a junction with railway No. 2, at or near the termination of that railway, and terminating by a junction with the Company's Drumbowie branch, authorised by the Caledonian Railway (Cleland Extension and Branches) Act, 1861, at a point in the parish of Shotts, about two hundred and forty yards southward from the bridge carrying the public road from Newhouse to Newmains over the said Drumbowie Branch;

24 & 25 Vict.
c. ccxix.

(4.) A railway (in this Act called "railway No. 4"), three furlongs nine chains and four yards or thereabouts in length, commencing by a junction with railway No. 1, at a point in the parish of New Monkland, about two hundred and fifteen yards north-eastward from the lodge at the northern end of the north avenue leading to Cairnhill House, and terminating by a junction with railway No. 2 at a point in the parish of Old Monkland, on the eastern side of the public road leading southward from Bellsdyke to the public road from Sikeside to the Stirling and Carlisle turnpike road, and about three hundred yards north-eastward from the junction of the said public roads;

(5.) A railway (in this Act called "railway No. 5"), one mile three furlongs six chains and eleven yards or thereabouts in

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length, commencing by a junction with railway No. 4 at a point in the parish of New Monkland, about one hundred and eighty yards south-westward from the farmsteading of Bellsdyke, and terminating at a point in the same parish, about four hundred and ten yards north-westward from the farmsteading of Gimmerscroft in the parish of Shotts;

(6.) A railway (in this Act called "railway No. 6"), one furlong seven chains and twenty-one yards or thereabouts in length, commencing by a junction with railway No. 5, at a point in the parish of New Monkland, about two hundred and forty yards south-eastward from the farmsteading of Bellsdyke, and terminating by a junction with railway No. 2, at a point in the parish of Old Monkland, about one hundred and seventy-five yards northward from the termination of railway No. 4;

(7.) A railway (in this Act called "railway No. 7"), two furlongs six chains and eleven yards or thereabouts in length, commencing by a junction with railway No. 2, at a point in the parish of Old Monkland about two hundred and seventy yards north-westward from the houses called Peep-O'-Day, and terminating at a point in the same parish, about two hundred and fifty yards south-eastward from those houses;

(8.) A railway (in this Act called "railway No. 8"), two furlongs six chains and fifteen yards or thereabouts in length, commencing by a junction with railway No. 2, at a point in the parish of Bothwell, about four hundred and seventy yards eastward from Rockshill Inn in the village of Calderbank, and terminating at a point in the same parish, on the western side of the Stirling and Carlisle turnpike road, about one hundred and seventy-five yards north-westward from the junction with that road of the public road leading therefrom to Gartness by Sauchenbog Bridge.

Power to raise additional capital.

5. Subject to the provisions of Part II. of the Companies Clauses Act, 1863, the Company may, for the purpose of constructing the works and acquiring the lands by this Act authorised to be constructed and acquired, raise any additional capital not exceeding in nominal amount two hundred and seventy thousand pounds, by the issue, at their option, of new ordinary shares or stock, or new preference shares or stock, or wholly or partially by any one or more of those modes respectively; but the Company shall not issue any share of less nominal value than ten pounds, nor shall any share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such

share shall have been paid in respect thereof: Provided that, if in any year ending on the thirty-first day of January there are not profits available for the payment of the full amount of preferential dividend or interest for that year on any such new preference shares or stock, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

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6. Except as by this Act otherwise provided, the capital in new shares or stock created by the Company under this Act, and the new shares or stock therein, and the holders thereof respectively, shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges and incidents whatsoever, in all respects, as if that capital were part of the now existing capital of the Company of the same class or description, and the new shares or stock were shares or stock in that capital.

Except as otherwise provided, new shares or stock to be subject to the same incidents as other shares or stock.

7. The capital in new shares or stock so created shall form part of the capital of the Company.

And to form part of capital of Company.

8. Every person who becomes entitled to such new shares or stock shall, in respect of the same, be a holder of shares or stock in the Company, and shall be entitled to a dividend, with the other holders of shares or stock of the same class or description, proportioned to the whole amount from time to time called and paid on such new shares, or to the whole amount of such stock, as the case may be.

Dividends on new shares or stock.

9. Each holder of new shares or stock in the capital by this Act authorised to be raised shall be entitled to the same number of votes in respect thereof which the possession of an equal nominal amount of the existing capital stock of the Company would have conferred upon him: Provided always, that except as otherwise expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any such new shares or stock to which a preferential dividend shall be assigned.

Right of voting in respect thereof.

10. Subject to the provisions of any Act already passed, by which the Company are authorised to raise capital by new shares or stock, and to the provisions of this Act, and of any other Act passed in the present session of Parliament, whether before or after the passing of this Act, by which the Company may be authorised to raise capital by new shares or stock, the Company may if they think fit raise, by the creation and issue of new shares or stock of one and the same class, all or any part of the aggregate capital which they are by such other Acts and this Act respectively

New shares or stock raised under this Act and any other Act of past or present sessions may be of same class.

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A.D. 1881. authorised to raise by the creation and issue of new shares or stock.

Power to borrow.

11. The Company may from time to time borrow on mortgage any sums not exceeding in the whole ninety thousand pounds; but no part thereof shall be borrowed until the whole capital of two hundred and seventy thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act, 1845, before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share (forming part of such capital so issued) has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assignees, and also, in so far as the said capital is raised by shares, that such persons or corporations, or their executors, administrators, successors, or assignees are legally liable for the same; and upon production to such sheriff of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Appointment of a judicial factor.

12. The mortgagees of the Company under this or any previous Act may enforce payment of arrears of interest, or principal, or principal and interest, due on their mortgages, by the appointment of a judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than ten thousand pounds in the whole.

Existing securities to have priority.

13. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall, during the continuance of such mortgages and bonds, and subject to the provisions of the Acts under which the same were respectively granted, have priority over any mortgages granted by virtue of this Act; but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Power to create debenture stock.

14. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863,

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as amended by the Railway Companies (Scotland) Act, 1867, but notwithstanding anything therein contained the interest of all debenture stock, at any time after the passing of this Act created and issued by the Company, shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

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30 & 31 Vict.
c. 126.

15. All moneys raised under this Act, whether by shares or stock, or debenture stock or borrowing, shall be applied for the purposes of this Act only.

Application of moneys.

16. The Company may apply towards the purposes authorised by this Act any capital or funds belonging to or authorised to be raised by them, which may not be required for the purposes for which the same were authorised to be raised or directed to be applied.

Company may apply to purposes of this Act funds not required for other purposes.

17. The quantity of land to be acquired by agreement by the Company, for the extraordinary purposes mentioned in the Railways Clauses Consolidation (Scotland) Act, 1845, in connexion with the railways authorised by this Act, shall not exceed ten acres, in addition to the lands which they are authorised by this Act to take compulsorily, and by any other Acts to take compulsorily or acquire by agreement.

Lands for extraordinary purposes.

18. 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.

Period for compulsory purchase of lands.

19. Persons empowered by the Lands Clauses Consolidation (Scotland) Act, 1845, to sell and convey lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and feu duties or ground annuals, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights and privileges as aforesaid respectively.

Power to take easements, &c., by agreement.

20. And whereas it may happen that portions only of the lands, buildings or manufactories, shown on the deposited plans as subject to be taken by the Company for the purposes of this Act, will be sufficient for those purposes, and that such portions may be severed from the remainder of the said properties without material detri-

Owners may be required to sell parts only of certain properties.

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A.D. 1881. — ment thereto; therefore, notwithstanding section ninety of the Lands Clauses Consolidation (Scotland) Act, 1845, the owners of and other persons interested in the lands, buildings, or manufactories described in the schedule to this Act, and whereof portions only are required for the purposes of this Act, may (if such portions can, in the judgment of the jury, arbiter, or other authority assessing or determining the compensation under that Act, be severed from the remainder of the said properties without material detriment thereto) be required to sell and convey to the Company such portions only, without the Company being required to purchase the whole or any greater portions of such properties; the Company always paying for the portions taken by them, and making compensation for any damage sustained by the owners thereof or other persons interested therein by severance or otherwise: Provided always, that nothing in this section contained shall be held as determining whether the properties described in the said schedule are or are not subject to the provisions of section ninety of the Lands Clauses Consolidation (Scotland) Act, 1845.

Notice to be given of taking houses of labouring classes.

21. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice, placed in public view upon or within a reasonable distance from such houses; and they shall not take any such houses until they have obtained the certificate of the sheriff that it has been proved to his satisfaction that they have so made known their intention.

Accommodation to be procured for persons of the labouring classes to be displaced.

22. Before displacing any person or persons belonging to the labouring classes, who may for the time being be the occupier or occupiers of any house or part of any house which the Company are by this Act authorised to take, the Company shall (unless they and such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons: Provided always, that if any question shall arise as to the sufficiency of such accommodation, such question shall be determined by the sheriff; and the Company may, for the purpose of procuring such accommodation, appropriate any lands for the time being belonging to them or which they have power to acquire, and may purchase by agreement such further lands as may be necessary for such purpose, and may on such lands erect labouring class dwellings, and may apply for the purposes of this section or any of them any moneys which they may have already raised or are authorised to raise.

23. The Company may deviate from the lines of railway No. 1 and railway No. 2 by this Act authorised, as delineated on the deposited plans, to any extent within the limits of deviation shown on those plans, and may deviate from the levels thereof as delineated on the deposited sections to any extent not exceeding five feet; but nothing in this section contained shall authorise the Company to increase the rates of inclination respectively prescribed by sections forty-two and forty-three of the Railways Clauses Consolidation (Scotland) Act, 1845.

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Powers of lateral and vertical deviation.

24. In altering for the purposes of this Act the road next herein-after mentioned, the Company may make the same of any inclination not steeper than the inclination herein-after specified (that is to say) :—

Inclination of a certain road.

For Railway No. 2.

No. on deposited plans.	Parish.	Description of road.	Intended inclination.
38 1	Old Monkland	Public - -	1 in 15

25. The Company may make the arches of the bridges for carrying railway No. 1 and railway No. 5 over the railways and railway sidings next herein-after mentioned, of any heights and spans, not less than the heights and spans herein-after specified in connexion therewith respectively (that is to say) :—

Height and span of certain bridges.

Railway No. 1.

No. on deposited plans.	Parish.	Description.	Height. Feet.	Span. Feet.
16	Old Monkland	Railway - -	10	12
24	Old Monkland	Railway and sidings -	14	73
27 } 28 } 31 }	Old Monkland	Railway and sidings -	14	90
75 1	Old Monkland	Railway sidings -	2 arches, 12 each.	2 arches, 12 each.
41	New Monkland	Railway - -	14	30

Railway No. 5.

129	New Monkland	Railway - -	14	15
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Width between fences of certain bridges.

26. The Company may make the bridges by which the roads next herein-after mentioned will be carried over railway No. 3 and railway No. 5, and also the said roads, so far as altered under the powers of this Act, of such width between the fences thereof as the Company think fit, not being less than the widths herein-after specified in connexion with the said roads respectively (that is to say) :—

Railway No. 3.

No. on deposited plans.	Parish.	Description of road.	Width between fences. Feet.
190	Bothwell - -	Public - - -	20
11	Shotts - -	Public - - -	20

Railway No. 5.

150	New Monkland -	Public - - -	20
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Power to stop up certain portions of railway sidings and road.

27. The Company may permanently stop up and appropriate the site of the railway sidings and road next herein-after mentioned, to the extent in each case herein-after specified, without substituting others therefor, (that is to say) :—

No. on deposited plans.	Parish.	Description.	Extent.
25 1	Old Monkland	Railway sidings	So much as is required for railway No. 1 and relative works except two sidings for which arches are herein-before provided.
31	New Monkland	Railway siding	So much as is required for railways Nos. 1 and 4 and relative works.
143	New Monkland	Public road -	So much as is required for railway No. 5 and relative works.

Regulating crossing of railway No. 1 over Monkland and Kirkintilloch Railway.

28. The bridge for carrying railway No. 1 over the Monkland and Kirkintilloch line of the North British Railway Company shall consist of one span, and have a clear height throughout of not less than fourteen feet over the rails of that line, and no part of the abutments or works of the said bridge shall be placed on the line or lands of that company.

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29. The bridge for carrying railway No. 1 over the branch railway, numbered 39 and 40 in the parish of New Monkland on the deposited plans, shall be not less than twenty-eight feet span on the square, and shall have a clear height throughout of not less than fourteen feet over the rails of that branch.

Regulating crossing of railway No. 1 over branch railway.

30. The bridge for carrying railway No. 1 over the Airdrie and Bathgate line of the North British Railway Company shall consist of one span, fifty feet on the square, the centre of which shall not be further south than the centre of that line, and shall have a clear height throughout of not less than fourteen feet over the rails of that line.

Regulating crossing of railway No. 1 over Airdrie and Bathgate Railway.

31. The bridge for carrying railway No. 5 over the Calderbank branch of the North British Railway Company shall be not less than twenty-eight feet span on the square, and shall have a clear height of not less than fourteen feet over the rails of that branch.

Regulating crossing of railway No. 5 over Calderbank Branch.

32. The bridges for carrying railway No. 1 over the Monkland and Kirkintilloch line, the branch railway numbered 39 and 40 in the parish of New Monkland, and the Airdrie and Bathgate line, and for carrying railway No. 5 over the Calderbank branch as aforesaid, and all works connected with the said bridges, and with the crossings of the railways by this Act authorised over and under the railways, works and lands of the North British Railway Company, shall be respectively of such design and materials as shall be approved of by the engineer for the time being of that company, and shall be constructed and completed under the superintendence and to the reasonable satisfaction in all respects of such engineer, and according to working plans, sections and specifications to be submitted to and approved of by him previously to the commencement of the works affecting the property of that company, and shall be constructed and for ever maintained by and at the expense of the Company: Provided always, that if any difference shall arise between the said companies or their engineers with respect to the design, materials, construction, or maintenance of any of the said works, such difference shall be conclusively determined by an engineer to be appointed by the Board of Trade on the application of either of the said companies.

Bridges to be constructed under superintendence of North British Railway Company's engineer.

33. The bridges and works mentioned in the next preceding section of this Act shall be made and for ever maintained and used, and all operations connected therewith shall be conducted, in such manner as not to injure or endanger the stability of the railways of the North British Railway Company or any of the works connected therewith, and so as to cause as little interruption, impediment or inconvenience as practicable to the traffic of that company; and if,

Bridges and works of Company not to injure works or interrupt traffic of North British Railway Company,

A.D. 1881. in the execution, maintenance or use of any of the said bridges or works of the Company, any injury be caused to the North British Railway Company's railways or works, or any interruption, impediment or inconvenience be occasioned to their traffic, the Company shall pay all damages arising from or consequent on such injury, interruption, impediment or inconvenience.

and Company to be liable for damage thereto.

Restricting interference with property of the North British Railway Company.

34. Nothing in this Act shall authorise the Company, without the previous consent in writing of the North British Railway Company under their common seal, to enter upon or interfere with any railway, works or lands of that company, further or otherwise than is necessary for constructing over or under the same the works herein-before specified, in manner herein-before specially provided, nor to alter the line or levels of any of the works of that company, nor to take or acquire any of their lands, or any right therein other than an easement or right of making, maintaining and using their said works over or under the same in manner aforesaid.

Provision as to royalties payable to the trustees of Alexander Whitelaw.

35. Whereas the trustees of the late Alexander Whitelaw of Gartshore are entitled to certain royalties on traffic passing over the railway called the Woodhall Wayleave or Thankerton Railway, which passes through the estate of Woodhall belonging to them, under an agreement between their predecessors the Woodhall Estate Company Limited of the first part, the Company of the second part, and the Monkland Iron and Steel Company and individual partners thereof of the third part, dated 21st, 27th and 30th September, 1870, and it is anticipated that after the opening for traffic of the railways authorised by this Act or some of them, or any line or lines in substitution thereof, traffic, which if the said railways had not been constructed would pass over the said Woodhall Wayleave or Thankerton Railway, will be diverted and carried by the railways authorised by this Act or some of them, or any line or lines in substitution thereof: Be it enacted that, in estimating the amount of compensation to be paid to the said trustees for any lands taken from them for the purpose of constructing the railways authorised by this Act or any of them, regard shall be had to the loss or damage sustained by the said trustees, owing to the interference with or diminution of the traffic on the said Thankerton Railway caused or to be caused by the construction and working of the said railways or of any of them, or of any line or lines made in substitution thereof, and full compensation shall be awarded to the said trustees for all such loss or damage so sustained as aforesaid.

Power to stop up portions of existing

36. When any new portions of road, authorised by the provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, as incorporated with this Act, to be formed in lieu of existing roads

altered or diverted, are respectively completed and opened, the Company may permanently stop up those portions of existing roads for which such new portions of road are respectively substituted; and the sites of the said portions of existing roads so stopped up, so far as the same shall be bounded on both sides by property of the Company, shall belong to and be vested in the Company, and may be used or sold, feued out or disposed of by them as they think fit: Provided always, that where any such new portion of road is formed through or along lands belonging wholly or partly to any person, through or along whose lands the superseded portion of existing road for which such new portion of road is substituted passes, the value of the site of so much of the said superseded portion of road as passes through or along the lands of such owner, and is given up to him, shall be taken into account in estimating the compensation payable to him for the land taken from him for such new portion of road.

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roads where
deviations
substituted.

37. All new portions of road, authorised by the provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, as incorporated with this Act, to be formed in lieu of roads altered or diverted, shall, as respects management, maintenance and tolls (where tolls are exigible), and in all other respects, be held as parts of, and be subject to the same provisions as, the existing roads so altered or diverted respectively.

New portions of road to be subject to same provisions as existing roads.

38. If the Company fail, within the period limited by this Act, to complete the several railways authorised to be made by this Act, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited, until the said railways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railways not so completed; and the said penalty may be applied for by any landowner or other person claiming to be compensated, in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act, 1854; and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in that section, to an account opened or to be opened, in the name and with the privity of the Queen's Remembrancer of the Court of Exchequer in Scotland, in the bank and to the credit specified in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear, by a certificate to be obtained from

Penalty imposed unless railways are opened within period limited.

17 & 18 Vict. c. 31.

A.D. 1881. the Board of Trade, that the Company were prevented from completing or opening such railways respectively by unforeseen accident or circumstances beyond their control: Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

39. Every sum of money recovered by way of penalty as aforesaid shall be applicable, and, after due notice in the Edinburgh Gazette, shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction or abandonment of the said railways or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid, in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and be paid or transferred accordingly to or for the account of Her Majesty's Exchequer in such manner as the said Court thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and be carried to and form part of the consolidated fund of the United Kingdom, or in the discretion of the said Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Period for completion of railways.

40. If the railways by this Act authorised to be made shall not be completed within five years from the passing of this Act, then on the expiration of that period, the powers by this Act granted to the Company for making and completing the said railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Tolls.

41. The Company may demand and take, in respect of the use of the several railways by this Act authorised to be made, or any of them, or any part thereof, and of carriages and engines thereon,

[44 & 45 VICT.] *Caledonian Railway (Lanarkshire Lines) Act, 1881.* [Ch. cxxxix.]

and in respect of accommodation and services provided by the Company in connexion therewith, any tolls, rates and charges, not exceeding the tolls, rates and charges which the Company are by the Caledonian Railway (Lanarkshire and Midlothian Branches) Act, 1866, authorised to demand and take in respect of the use of the railways by that Act authorised to be made, and of carriages and engines thereon, and in respect of accommodation and services provided by the Company in connexion therewith: Provided that the said railways by this Act authorised to be made shall, as respects tolls, rates and charges, be considered in all respects part of the undertaking of the Company, and that only one short distance charge shall be made for the conveyance of any traffic partly thereon or on any part thereof, and partly on any other railways of the Company.

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29 & 30 Vict.
c. cccxlii.

42. The Company shall not, out of any money by this Act or any other Act relating to the Company authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made, as is in conformity with the Companies Clauses Consolidation (Scotland) Act, 1845.

Interest not
to be paid on
calls paid up.

43. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament, now or hereafter in force, may be required to be deposited in respect of any application to Parliament, for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Deposits for
future bills
not to be
paid out of
capital.

44. Nothing in this Act contained shall exempt the Company, or the railways by this Act authorised to be made, from the provisions of any general Act relating to railways, or 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 or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Provision as
to general
railway
Acts.

45. All costs, charges, and expenses of and incident to the preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

Costs of
Act.

[Ch. cxxxix.] *Caledonian Railway (Lanarkshire Lines) Act, 1881.* [44 & 45 VICT.]

A.D. 1881.

SCHEDULE to the preceding Act.

FOR RAILWAY NO. 1.

No. on deposited plans.	Parish.	Description of Property.	Owners or Reputed Owners.
9	Old Monkland	Shed - -	Benjamin Smith, John Smith, Robert Smith, and the Caledonian Railway Company.
10	do.	Read and steelyard -	do.
12	do.	Storage ground -	do.
13	do.	Court, henhouse, and piggeries.	do.

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