



ANNO NONO & DECIMO

# VICTORIÆ REGINÆ.

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*Cap. cccxcv.*

An Act to enable the *Caledonian* Railway Company to deviate certain Portions of the *Clydesdale Junction* Railway. [26th August 1846.]

WHEREAS an Act was passed in the Ninth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for making a Railway from Carlisle to Edinburgh and Glasgow and the North of Scotland, to be called "The Caledonian Railway:"* And whereas another Act was passed in the Ninth Year of the Reign of Her said Majesty, intituled *An Act for making a Railway from the Termination of the Polloc and Govan Railway at Rutherglen to Hamilton, and to the Wishaw and Coltness Railway at Motherwell, to be called "The Clydesdale Junction Railway:"* And whereas a Bill is now depending in Parliament for amalgamating and uniting the foresaid *Clydesdale Junction* Railway with the *Caledonian* Railway: And whereas it is expedient that the *Caledonian* Railway Company should be authorized to deviate a Portion of the *Clydesdale Junction* Railway by the said last-recited Act authorized to be made from a Point near *Eastfield* in the Parish of *Rutherglen* to a Point near *Park Farm* in the Parish of *Cambuslang*, and to deviate a Portion of the *Motherwell* Branch of the said Railway

8 & 9 Vict. c. 162.  
8 & 9 Vict. c. 160.

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from a Point near *North Motherwell* in the Parish of *Dalziel* to a Point near the Village of *Motherwell* in the said Parish or in the Parish of *Hamilton*; but that Object 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 the said recited *Caledonian Railway Act*, and the several Acts thereby incorporated therewith, shall, so far as not varied or otherwise provided for by this Act, be incorporated with and form Part of this Act.

Provisions of  
recited Acts  
extended to  
this Act.

Short Title. II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Caledonian Railway (Clydesdale Junction Railway Deviations) Act, 1846.*"

Power to  
raise Money.

III. And whereas the estimated Expence of the Works by this Act authorized is Sixteen thousand Pounds; be it enacted, That it shall be lawful for the *Caledonian Railway Company* from Time to Time to raise, in addition to the Sums which they are authorized to raise by the said recited Act, or which they may be authorized to raise by any other Act to be passed in the present Session of Parliament, any further Sums of Money not exceeding in the whole the Sum of Sixteen thousand Pounds, by the Creation of new Shares of Stock, upon such Terms and in such Manner as may be or may have been agreed upon at any Ordinary or Extraordinary Meeting or Meetings of the said Company; and the new Shares or Stock created by virtue of this Act shall become Part of the general Capital of the *Caledonian Railway Company*.

Power to  
borrow  
Money on  
Mortgage.

IV. And be it enacted, That after the whole of the said Sum of Sixteen thousand Pounds shall have been subscribed, and One Half of the Capital by this and the said recited *Caledonian Railway Act* authorized to be raised in Shares or Stock shall have been paid up, it shall from Time to Time be lawful for the *Caledonian Railway Company* to borrow on Mortgage, and if paid up again to borrow, any Sum or Sums not exceeding in all Five thousand three hundred Pounds, in addition to the Amount which they are authorized to borrow by the said recited Act, or which they may be authorized to borrow by any other Act passed in the present Session of Parliament.

Lines of  
Railway.

V. And be it enacted, That it shall be lawful for the *Caledonian Railway Company* to deviate the said *Clydesdale Junction Railway* from a Point near *Eastfield* in the Parish of *Rutherglen* to a Point near *Park Farm* in the Parish of *Cambuslang*, as also to deviate the *Motherwell Branch* of the said Railway from a Point near *North Motherwell* in the Parish of *Dalziel* to a Point near the Village of *Motherwell* in the said Parish or in the Parish of *Hamilton*, and to construct all necessary and proper Works in connexion with the said Deviations.

VI. And



VI. And whereas Plans and Sections of the said Deviations of the said *Clydesdale Junction* Railway and Branch thereof by this Act authorized to be made, showing the Lines and Levels thereof, and Books of Reference, containing the Names of the Owners and Lessees, or reputed Owners and Lessees and Occupiers of the Lands through or upon which the said Deviations of the Lines and Levels of the said Railway and Branch, and the Works to be connected therewith, are to pass or be situate, have been deposited in the Offices in *Glasgow, Hamilton, and Lanark* respectively of the Principal Sheriff Clerk of the County of *Lanark*; be it enacted, That, subject to the Provisions contained in the said recited Act relating to the *Clydesdale Junction* Railway, and the Acts thereby incorporated therewith, it shall be lawful for the *Caledonian* Railway Company to make and maintain the said Deviations of the said Railway and Branch, and all necessary Works and Conveniences connected therewith, in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Power to make Railway, &c. according to deposited Plans.

VII. And be it enacted, That the Powers 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.

Compulsory Purchase of Lands limited.

VIII. And be it enacted, That the Railways by this Act authorized to be made shall be completed within Seven Years after the passing of this Act; and on the Expiration of the said Period the Powers by this or the recited Act granted to the Company for executing the said Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Railways as shall then be completed.

Period for the Completion of Works.

IX. And be it enacted, That, subject to the Conditions, Limitations, and Provisions contained in the said recited Act, and the Acts therewith incorporated, it shall be lawful for the *Caledonian* Railway Company to demand and recover, for the Use of the Railways hereby authorized to be made, the Tolls, Rates, Duties, and Charges which are by the said recited *Clydesdale Junction* Railway Act authorized to be demanded and recovered for the Use of the Railway thereby authorized to be made.

Tolls.

X. 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; be it enacted, That nothing in this Act

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

Act contained shall be held to exempt the Railways by this Act authorized, 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 Railways and Company, so far as the same shall be applicable thereto.

Railway to  
be subject to  
Provisions of  
any future  
general Act.

XI. And be it further enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this and the said recited Act authorized to be made from the Provisions of any general Act relating to this and the said recited Act, or of any general Act relating to Railways, 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 Act.

Expences  
of Act.

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

Public Act.

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

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