



ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

Cap. xcvi.

An Act for effecting an Extension of the *Ballochney* Railway, in the County of *Lanark*; and for altering, amending, and enlarging the Powers of an Act of the Seventh Year of His late Majesty, for making the said Railway.

[21st August 1835.]

WHEREAS by an Act passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for making a Railway from Arbuckle and Ballochney in the Parish of New Monkland in the County of Lanark to or near the Termination of the Monkland and Kirkintilloch Railway at Kipps or Kippbyres, also in the said Parish of New Monkland and County of Lanark*, the Persons thereby united into a Company, and made One Body Corporate, by the Name and Style of "The *Ballochney* Railway Company," were authorized and empowered to make, complete, and maintain the said Railway, with Branches, Inclined Planes, Wharfs, Depôts, and other necessary Works, in manner therein mentioned: And whereas the said Company have made and completed the said Railway, with Branches from the North-eastern Termination thereof on the Lands of *Whiterig*, into the Lands of *Wester Arbuckle*, and from thence at a certain Point or Place on the said Lands of *Whiterig* to the Coal, Ironstone, and other Works now in operation on those Lands, and also from another Point or Place at or near the March between the Lands of *Whiterig* and the Lands of *Stanrig*, through the said Lands of *Stanrig* and into the said Lands of *Wester Arbuckle*, to the Coal and Iron-

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stone Pits now in operation on those Lands, all situate in the said Parish of *New Monkland* and County of *Lanark*: And whereas it would increase the public and local Utility of the said Railway to continue and extend the Second Branch thereof from a Point on the same at or near the March between the said Lands of *Stanrig* and *Wester Arbuckle* Eastward into the Lands of *Longrigend*, and to make another Branch from the said Railway at a Point or Place near the East March of the said Lands of *Whiterig* into the Lands of *Darn-gavel*, all situate in the said County of *Lanark*, with other necessary Works, in manner after mentioned: And whereas it is expedient that the Capital Stock of the said Company should be increased, and that the said Company should be empowered to borrow or otherwise raise a further Sum of Money for carrying the said recited Act into execution, and for effecting the Purposes aforesaid, and that the Powers and Provisions of the said recited Act should in other respects be altered, amended, and enlarged; but the aforesaid Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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 Act of the Seventh Year of the Reign of His late Majesty King *George* the Fourth, and all the Powers, Authorities, Provisions, Regulations, Directions, Privileges, Restrictions, Forfeitures, Penalties, and Things whatsoever therein contained, except in so far as the same are hereby altered, varied, enlarged, or repealed, shall extend and be construed to extend to and operate and be in force with respect to the said Extension and Branches of the said Railway and Works connected therewith made and to be made as herein-before and after mentioned, and for the Purposes of this Act, as fully and effectually to all Intents and Purposes as if the same and every Part thereof were repeated and re-enacted in this Act; and that the said Extension and Branches and the Works connected therewith shall for all the Purposes of this Act and of the said recited Act be deemed and considered Part and Parcel of the said Railway and other Works authorized to be made and executed by the said recited Act.

Powers of former Act extended to this Act.

Company empowered to extend the Railway.

II. And be it further enacted, That it shall and may be lawful to and for the said Company, and they are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to continue and extend the said Second Branch of the said Railway, by making, completing, and maintaining a Railway, with Inclined Planes, Wharfs, Depôts, and other proper Works and Conveniences attached thereto, from a Point on the same at or near the March between the said Lands of *Stanrig* and *Wester Arbuckle*, through the said Lands of *Wester Arbuckle*, and from thence by or through or near the said Lands of *Darn-gavel*, and the Lands of *Mid-Arbuckle* or *Arden*, into and through the said Lands of *Long-rigend*, all in the said Parish of *New Monkland* and County of *Lanark*, with a Branch running Northward from a Point or Place on the said Railway at or near the East March of the said Lands of *Whiterig*, passing into and through a Part of the said Lands of *Stanrig*,

Stanrig, and from thence through the said Lands of *Whiterig* and *Darngavel* in the said Parish of *New Monkland* and County of *Lanark*; and also to make, construct, and maintain such Inclined Planes, with fixed Engines for working the same, Bridges, Wharfs, Landing Places, and other Works and Conveniences attached to or connected with the said extended Railway and Branch, as shall be deemed by the said Company necessary and convenient for making, using, and maintaining the same.

III. Provided always, and be it further enacted, That the Lands or Grounds to be acquired for the Purposes of this Act shall not be liable in Payment of any Feu Duties, Casualties of Superiority, Cess, Minister's Stipend, Schoolmaster's Salary, or other public or parochial Burdens, but the same shall be paid by the original Proprietors of such Lands or Grounds, unless the said Company shall purchase and acquire all the Land or Ground belonging to any Person or Persons, in which Case all such Feu Duties, Casualties of Superiority, Cess, Minister's Stipend, Schoolmaster's Salary, or other public or parochial Burdens, shall be paid by the said Company for the whole of the Land or Ground so acquired by them from such Person or Persons.

Proviso as to Feu Duties and other Burdens on Lands.

IV. And whereas a Map or Plan showing the said Extension and Branch hereby authorized to be made, with Books of Reference thereto, containing Lists of the Owners or reputed Owners and Occupiers of the Lands through which the same are respectively to be carried, have been deposited at the Office of the Clerk of the Peace for the County of *Lanark* at *Hamilton* for the Middle Ward of the said County; be it further enacted, That the said Map or Plan and Books of Reference shall remain in the Custody of the said Clerk of the Peace for the said County, to the end that all Persons shall have Liberty, at all seasonable Times, to resort to and examine and make Extracts from or Copies of the same, as Occasion shall require, paying to the said Clerk of the Peace the Sum of Two Shillings and Sixpence for every Inspection, and for Copies or Extracts from the said Books of Reference at the Rate of Sixpence for every Seventy-two Words.

Map and Books of Reference to be kept by the Clerk of the Peace for Inspection.

V. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Company and they are hereby empowered to make and execute the said Extension, Branch, and other Works into, through, across, or over the Lands or Grounds which are set out and described in the said Map or Plan as aforesaid respectively, although the Name or Names of the Owner or Owners, or Occupier or Occupiers, may happen to be erroneously set forth, mis-stated, or omitted in the said Books of Reference, in case it shall appear to any One or more of the Justice or Justices of the Peace for the said County of *Lanark*, and be certified by Writing under his or their Hand or Hands, that such Error or Omission proceeded from Mistake.

Extension may be made, notwithstanding Errors in Books of Reference.

VI. And be it further enacted, That the Lands or Grounds to be taken and used for the Purposes of the said recited Act and this Act shall not exceed Twenty Yards in Breadth, except in such Places

Lands to be taken not to exceed 20 Yards in

Breadth, except in certain Cases.

Places as it shall be judged necessary for Waggon or other Carriages to turn, lie, or pass each other, or where any Warehouses, Cranes, or Weighbeams may be erected, or where any Places may be set out or appropriated for the Reception or Delivery of Minerals, Goods, and Commodities which shall be conveyed on the said Railway, Extension, and Branches made and to be made, and not above Fifty Yards in Breadth in any Place, without the Consent in Writing of the Owners and Occupiers of the Lands and Heritages that may be required to be taken for such additional Width.

Land not to be taken without Consent after Two Years.

VII. Provided always, and be it further enacted, That no Lands or Grounds shall be taken or used for making and executing the Extension, Branch, and other Works aforesaid, without the Consent in Writing of the Owners and Occupiers thereof, after the Expiration of Two Years from and after the passing of this Act.

Power to widen Railway and complete double Lines of Tram-road.

VIII. And be it further enacted, That it shall and may be lawful to and for the said Company and they are hereby authorized and empowered to widen and improve the said Railway and Branches already formed, and to complete, make, and maintain double Lines of Tram-road or Railway thereon, and on the Extension and Branch hereby authorized to be made.

If Steam Engines are used, the Railway to be carried over or under Turnpike Roads by Bridges or Tunnels.

IX. Provided always, and be it further enacted, That in case any locomotive or other Engine to be worked by the Power of Steam or any other Power than that of Horses or other Cattle shall be used on the Extension and Branch by this Act authorized to be made, then and in such Case the said Railway Extension and Branch shall be carried over every Turnpike Road which the same may cross by means of a Bridge, or under every such Turnpike Road by means of a Tunnel, at the Expence of the said Company.

Limiting the Ascent to Bridges.

X. Provided also, and be it further enacted, That in all Places where it shall be deemed by the said Company necessary to erect or build any Bridge or Bridges over or under the said Extension and Branch for the Purpose of any public or private Road, the Ascent to every such Bridge shall not be more than One Foot in Thirteen Feet, and that the Fences on each Side of such Bridge shall not be less than Four Feet above the Surface of the Bridge.

Proviso as to parallel Line authorized to be made by Slamannan Railway Company, under the Powers of 5 & 6 W. 4. c. 55.

XI. And whereas by an Act passed in the present Session of Parliament, intituled *An Act to make and maintain a Railway from Stanrig and Arbuckle in the County of Lanark to the Union Canal at Causewayend in the County of Stirling*, Authority is given to the *Slamannan Railway Company* to make and maintain a Railway from the present Termination of the said *Ballochney Railway* Eastwards, in a Line parallel to the Line of Railway hereby authorized to be made, to the Lands of *Longrig* or *Longrigend*, belonging to *Robert Haldane* Esquire, and it is thereby provided, that in the Event of the *Ballochney Railway Company* contributing and paying to the said *Slamannan Railway Company* One Half of the whole Costs and Expences attending the Formation and Completion of the said Portion of the said Railway thereby authorized to be made, then and after such Payment it shall not

not be in the Power of the said *Slamannan* Railway Company to take, demand, or levy, for or in respect of any Coals or other Minerals or Articles carried along any Part of the said Portion of the said Railway to the said *Ballochney* Railway, any Rates or Duties exceeding One Penny *per Ton per Mile*: And whereas the Formation of Two parallel and adjoining Lines of Railway would cause an unnecessary Expence, and One Line will serve the Purposes of both the said Companies; be it therefore enacted, That the said *Ballochney* Railway Company shall and may and they are hereby authorized and empowered, if it shall seem expedient to any General Meeting of the said Company, instead of extending the said Railway to the said Lands of *Longrigend*, to contribute and pay to the said *Slamannan* Railway Company the One Half of the whole Costs and Expences attending the Formation and Completion of the said Portion of the said *Slamannan* Railway from the present Termination of the *Ballochney* Railway to the said Lands of *Longrig* or *Longrigend*, and to make and enter into an Agreement with the said *Slamannan* Railway Company fixing the Rates (not exceeding One Penny *per Ton per Mile*) which shall be levied by the said *Slamannan* Railway Company upon the said Portion of the said Railway for and in respect of Coals or other Minerals and Articles carried along any Part of the said Portion of the said Railway to the said *Ballochney* Railway: Provided that the said Rates, being so agreed upon and fixed, shall never be increased by the said *Slamannan* Railway Company without the Consent of the said *Ballochney* Railway Company; and provided also, that in the Event of the One Half of the Costs and Expences of the said Portion of the said Railway being contributed and paid as aforesaid, the said *Slamannan* Railway Company shall, in consideration thereof, and of the said modified or agreed-on Rates, be bound to maintain the said Portion of the said Railway in good Order and Repair in all Time coming.

XII. And whereas it would promote the public and local Purposes of the said recited Act and this Act if the said *Ballochney* Railway Company were empowered to extend to a limited Extent the Branches of the said Railway already formed and to be formed under the Authority of the said recited Act and this Act into the adjoining Coal and Mineral Fields; be it therefore enacted, That it shall and may be lawful to and for the said Company, on the Application and with the Consent in Writing of the Owners and Occupiers of such adjoining Coal and Mineral Fields and of the Lands and Grounds through and into which such Extensions shall be desired to pass, to continue and maintain Extension Branches to an Extent not exceeding Half a Mile in Length from the respective Terminations of the Branches so already formed and to be formed as aforesaid; and that on the Formation of such extended Branches the same shall to all Intents and Purposes be deemed and considered Part and Parcel of the said Railway and Branches specially authorized by the said recited Act and this Act.

Power to extend the Branches to a limited Extent on Application of Land and Mineral Owners and Occupiers.

XIII. And whereas the said Extension, Branch, and other Works hereby authorized to be made and executed may be completed, if not prevented by inevitable Accident, within the Space of Five Years from the passing of this Act, according to an Estimate of the probable

Time limited for completing the Extension.

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Time within which the same may be completed; be it therefore enacted, That if the said Extension, Branch, and other Works shall not have been completed so as to answer the Objects of this Act within the Space of Five Years from and after the passing of this Act, all the Powers given by this Act for making the said Extension, Branch, and other Works shall from thenceforth cease and become void, excepting only as to so much of the said Extension, Branch, and other Works as shall have been completed within the said Space of Five Years.

Extension
to be free on
Payment of
Rates.

XIV. And be it further enacted, That all Persons whomsoever shall have free Liberty to pass upon and use the Extension and Branch hereby authorized to be made, as well as the Railway and Branches already made and executed by the said Company as aforesaid, with Waggons or other Carriages properly constructed, and to use the Wharfs and Depôts connected therewith, upon Payment only of such and the same Rates thereon as are authorized to be taken by the said recited Act.

Company
may lease or
purchase
Stone
Quarries.

XV. And be it further enacted, That it shall and may be lawful to and for the said *Ballochney* Railway Company and they are hereby empowered to treat and agree with Proprietors of Stone Quarries for the leasing or purchasing thereof, for furnishing Stones for completing the said Extension, Branch, and other Works hereby authorized to be made and executed, and for repairing the same and the said *Ballochney* Railway, and also to make and maintain Communication Roads or Railways with the Stone Quarries which shall be so leased or purchased for the Carriage and Conveyance of Stones for the Purposes aforesaid: Provided always, that no such Communication Road or Railway shall be made without the Consent in Writing of the Owners and Occupiers of the Lands through which the same shall be proposed to pass.

Provisions of
recited Act
as to Pay-
ments into
certain Banks
extended.

XVI. And be it further enacted, That the Provisions contained in the said recited Act concerning the Payment of Monies into the Bank of *Scotland*, the Royal Bank of *Scotland*, or the *British Linen Company*, shall be and are hereby extended to the Commercial Bank of *Scotland* and the National Bank of *Scotland*.

Power to use
locomotive
Engines.

XVII. And be it further enacted, That it shall and may be lawful to and for the said *Ballochney* Railway Company and they are hereby empowered to build, form, provide, maintain, and keep in repair such Number of locomotive Engines fit for the Haulage and such Number of Waggons and Carriages fit for the carrying of Coals and other Commodities and the Conveyance of Passengers upon the said Railway and the Extension and Branches thereof as they shall find to be necessary, such Waggons and Carriages being properly constructed for travelling on the said Railway, Extension, and Branches, and to use the said Engines for the Haulage of Waggons and Carriages for the Conveyance of Coals and other Commodities, and for the Conveyance of Passengers, and to demand and take such Hire and Return for the Use of the said Engines, Waggons, and Carriages as they shall think proper, or as may be agreed upon from Time to Time between the said

said Company and the Person or Persons hiring or using the said Engines, Waggons, and Carriages: Provided always, that no locomotive Engine shall be used on the said Railway, Extension, and Branches, except such as shall be constructed agreeably to the Regulations of the said Company, and approved by their Engineer.

XVIII. And be it further enacted, That for discharging and defraying the Debts, Costs, and Expences incurred in making and maintaining the said Railway, Branches, and other Works completed as aforesaid, and for making and constructing the said Extension and Branch, and the Works and Conveniences attached to or connected therewith, or for any or either of such Purposes, and also for defraying the Costs, Charges, and Expences of and incident to the obtaining and passing of this Act, it shall and may be lawful to and for the said *Ballochney* Railway Company and they are hereby authorized and empowered to increase the Capital Stock of the said Company, and to raise and contribute amongst themselves such Increase of Capital Stock in such Shares and Proportions as to them shall seem meet, or to admit new Subscribers for such Increase of Capital Stock, or to borrow and take up at Interest on the Credit of the said Undertaking, by Assignment or Assignments, in the Form and Manner prescribed by the said recited Act, and with, under, and subject to the Powers, Provisions, and Directions therein contained concerning the borrowing of Money, the securing and recovering the Payment thereof, with the Interest for the same, and the transferring and registering of Assignments and Transfers thereof, or to raise and procure partly by all or any of those Means, any further Sum or Sums of Money not exceeding the Sum of Ten thousand Pounds.

Power to raise a further Sum of Money.

XIX. And be it further enacted, That every Subscriber towards raising such further Sum or Sums of Money by the Addition or Creation of new Shares shall be a Proprietor in the said Undertaking, and shall have a Vote by himself or herself, or his or her Proxy, in respect of every Four Shares of Twenty-five Pounds each in the additional Sum or Sums so to be raised by an Addition to the Capital Stock of the said Undertaking, and shall also be liable to such Forfeitures, and be entitled to enjoy and exercise such Rights, Powers, and Privileges, and stand interested in all the Profits and Advantages of the said Undertaking, in proportion to the Sum which he or she shall or may subscribe thereunto, as generally and extensively to all Intents and Purposes as if such further Sum or Sums of Money hereby authorized to be so subscribed for and raised had originally been Part of the Stock of the said Company; any thing herein contained to the contrary thereof in anywise notwithstanding.

New Shares to be held in like Manner as original Stock.

XX. And be it further enacted, That all and every Persons and Person who have or hath already subscribed or who shall hereafter subscribe any Money for and towards all, any, or either of the Purposes aforesaid, shall, and they, he, or she are and is hereby required to pay the Sum or Sums of Money by them, him, or her respectively subscribed, or such Part or Parts thereof as shall from Time to Time be called for by the Committee of the said Company by virtue of the Powers and pursuant to the Directions of this and the before-recited Act,

New Subscribers to pay Calls made by the Committee.

Act, at such Time and Times and Place and Places as shall be appointed for that Purpose by the said Committee; and in case any Person or Persons shall neglect or refuse to pay the Sum or Sums so to be called for from him, her, or them at the Time or Times, Place or Places, and in the Manner to be appointed for that Purpose, it shall be lawful for the said Company to sue for and recover the same in any Court of Law or Equity.

On the Re-
payment of
Money bor-
rowed the
same may be
again bor-
rowed.

XXI. Provided always, and be it further enacted, That on the Re-payment of the Sum or Sums of Money hereby or by the said recited Act authorized to be borrowed, or any Part or Parts thereof, it shall and may be lawful to and for the said Company again to borrow and take up at Interest from Time to Time the Sum or Sums so re-paid, or such Part thereof as to them shall seem meet and convenient, but so that the total Sum borrowed and due and owing by them under the said recited Act and this Act shall not at any Time exceed the Sum of Twenty thousand Pounds.

Public Act.

XXII. And be it further 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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