



ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

Cap. Ivii.

An Act for enabling the *Slamannan* Railway Company to raise a further Sum of Money.

[1st July 1839.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty *William* the Fourth, 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*, whereby sundry Persons were incorporated under the Name and Style of the *Slamannan* Railway Company, and were authorized to raise the Sum of Eighty-six thousand Pounds in Shares of Fifty Pounds each, for the Purpose of making a single or double Railway, to be called the *Slamannan* Railway, and Works connected therewith, and for other Purposes specified in the said recited Act; and the said Company have proceeded to a considerable Length with the Formation of the said Railway and Works: And whereas it has been ascertained that the foresaid Sum of Eighty-six thousand Pounds will be insufficient to defray the Cost of completing the said Railway and Works as authorized by the said recited Act, and as required for the proper Accommodation of the Public, and it is necessary and expedient that the said Company should be empowered to raise a larger Sum of Money for effecting the Purposes of the said recited Act, and that the said recited Act should in these

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respects

respects be altered and amended; but these Purposes 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 Act, 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 or varied, shall extend to this Act, and shall be as full and effectual for carrying the Purposes of this Act into execution as if the same and every Part thereof were repeated and re-enacted in this Act.

Powers of recited Act applied to this Act.

Company authorized to raise a farther Sum of Money.

II. And be it further enacted, That it shall and may be lawful for the said *Slamannan* Railway Company and they are hereby authorized and empowered from Time to Time to raise such a Sum or Sums of Money as they may think necessary, not exceeding in all the Sum of One hundred and forty thousand Pounds, including therein the foresaid Sum of Eighty-six thousand Pounds by the said recited Act authorized to be raised, by the Creation of new Shares in addition to those which have been already created, of the Amount of Fifty Pounds each, of and in the Capital Stock of the said Company and Undertaking, to be paid for and contributed among themselves or by other Parties in whole or in part.

Persons subscribing to the Undertaking to be liable for the Amounts subscribed by them.

III. And be it further enacted, That all and every Persons or Person who have or hath already subscribed or who shall hereafter subscribe any Money for or towards any of the Purposes of the said recited Act and this Act 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 contained in the said recited Act and this Act, at such Time and Times and Place or 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.

Company may borrow Money.

IV. And be it further enacted, That it shall and may be lawful for the said Company and they are hereby authorized from Time to Time to borrow and take up at Interest, in the Manner provided in the said recited Act, any Sum or Sums of Money not exceeding One Third Part of the Capital Stock of the said Company at the Date of such Loan or Loans, including therein the Sum of Twenty thousand Pounds by the said Act authorized to be borrowed and taken up at Interest: Provided always, that before any Sum or Sums are borrowed and taken up at Interest as aforesaid Fifty Pounds *per Centum* at least upon the Amount of the Capital Stock of the said Company as at the Date of such borrowing shall have been actually paid

paid up to the said Company: Provided also, that the Securities granted or to be granted for such Sum or Sums of Money shall not be transferable unless by Instrument duly stamped, in which the Consideration for such Transfer shall be stated; nor shall any Interest be paid on such Securities unless to the *bonâ fide* Holders thereof, or the Parties to whom the same may have been lawfully assigned under an Instrument duly stamped, or to the Agents of such Holders or Parties duly authorized to receive the same:

V. Provided always, and be it further enacted, That on the Repayment 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 Amount so repaid, 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 shall not at any Time exceed the Sums thereby and hereby authorized to be borrowed.

When borrowed Money is repaid, Company may borrow again.

VI. Provided always, and be it further enacted, That the whole Monies hereby authorized to be raised, or so much thereof as may be so raised, shall be laid out and applied towards the Purposes of the said recited Act and this Act, and to no other Purposes whatsoever.

Monies to be applied towards the Purposes of recited Act and this Act.

VII. Provided farther, and be it enacted, That nothing in this Act contained shall be held or construed to alter, affect, or diminish any Security or Securities, Mortgage or Mortgages, granted for Money borrowed under the Authority of the said recited Act, all of which shall remain good, valid, and sufficient in favour of the Grantees therein; any thing in this Act contained to the contrary notwithstanding.

Securities already granted for borrowed Money not to be affected by this Act.

VIII. And be it further enacted, That the Provision in the said recited Act contained for apportioning the Payment of the Expences of summoning Juries and taking Inquest as to the Price or Compensation to be paid by the said Company for any Lands taken or used by them for any of the Purposes of the said recited Act, or for Damages done to any such Lands, shall be and the same are hereby repealed; and that in every Case after the passing of this Act in which the Verdict of a Jury summoned in the Manner directed by the said recited Act shall be given for the same Sum as or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands to be used or taken by them for the Purposes of the said recited Act, or as Compensation for any Damage done to such Lands in the Execution of the Powers of the said recited Act, all the Costs, Charges, and Expences of summoning such Jury, and of the Witnesses, and of the Inquisition and Judgment thereon, shall be defrayed by the said Company; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by the said Company, one Moiety of the said Costs, Charges, and Expences shall be defrayed by the Party with whom the Company shall have such Dispute, and the other

Provision in recited Act as to Apportionment of the Expences of Jury Trials repealed, and new Provision made.

other Moiety shall be defrayed by the said Company ; and such Costs, Charges, and Expences shall be taxed and decerned for accordingly by the Sheriff or Sheriff Substitute who shall have presided at such Trial and Inquest.

Expences of Counsel to be allowed in the Taxation of Costs.

IX. And be it further enacted, That in all Cases where the Verdict of a Jury, summoned as by the said recited Act directed, shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands or Heritages used or taken by them, or as Compensation for any Damage done to any Lands or Heritages, the reasonable Fees which may have been paid to One Counsel for attending the Inquiry before such Jury by the Party with whom the said Company may be in dispute shall be paid by the said Company ; and the Amount of such Fees shall be settled and determined by the Sheriff or Sheriff Substitute presiding at the Inquest, in like Manner as the Costs of summoning such Jury and other Expences payable by the said Company.

The Court may order reasonable Expences of Purchases to be paid by the Company.

X. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands to be purchased, taken, or used under the Authority of the said recited Act, or from any other Cause, (except the wilful Refusal of such Person or Corporation to convey the said Lands, or to accept the Purchase or Compensation Money,) the Purchase Money for the same, or the Money paid for such Compensation, shall be required to be paid into a Bank as provided by the said recited Act, it shall be lawful for the Court of Session to order the reasonable Costs, Charges, and Expences attending any such Purchase, taking, or using of such Lands, and also all the Costs, Charges, and Expences of the Investment of the Purchase or Compensation Money, or the Re-investment of the same in the Purchase of other Lands, together with the necessary Costs and Charges of obtaining the proper Orders and all other Proceedings for such Purposes, except such as may be occasioned by Litigation between Claimants, and for the Payment of the Dividends and Interest of such Money so invested, and for the Payment out of Court of the Principal of such Purchase or Compensation Money, to be paid by the said Company ; and the said Company shall from Time to Time pay such Sums of Money for the Costs, Charges, and Expences herein-before mentioned as the said Court shall direct.

Power of taking temporary Possession of Lands, and Provisions relative thereto, repealed.

XI. And whereas the said recited Act contains Provisions by virtue of which the said Company are enabled to enter upon and take temporary Possession of Lands adjoining or lying near to the said Railway and Works, for the Purposes therein mentioned, upon Condition of the said Company doing as little Damage as may be in the Execution of the said Powers, and of their making Satisfaction to the Parties interested in such Lands for the Damages sustained by them, without requiring any previous Payment, Tender, or Investment in satisfaction of such Damages ; be it enacted, That the said Provisions in the said recited Act contained shall be and the same are hereby repealed, excepting in regard to such Lands as shall have been entered upon and taken possession of for temporary Purposes
previous

previous to the passing of this Act, as to all which Lands the Rights and Interests of the Owners and Occupiers thereof, and of the said Company, shall be regulated by the Provisions in the said recited Act contained.

XII. And be it further enacted, That, notwithstanding any thing in the said recited Act or this Act contained, it shall be lawful for the said Company, their Agents and Workmen, and they are hereby empowered, at any Time or Times before the Expiration of the Period by the said recited Act limited for the Completion of the said Railway and other Works, to enter and continue upon the Lands of any Person or Corporation whatsoever adjoining or lying near to the said Railway and other Works by the said recited Act authorized to be made and maintained, or any of them; or any Part thereof respectively, for any of the Purposes of the said recited Act, and also to make use of any existing Roads, without having previously made any Payment, Tender, or Investment of any Money in satisfaction of any Damages to be sustained by any Party or Parties interested in any such Lands or existing Roads, they the said Company, their Agents and Workmen, doing as little Damage as may be in the Execution of the said several Powers, and making Compensation in manner herein-after mentioned to the Owners and Occupiers of such Lands and Roads respectively for the Occupation thereof, and for the Injury or Damage which may be done thereto, as soon as the Amount thereof can be ascertained, and at all events within Six Calendar Months after the Expiration of the Period by the said recited Act limited for the Completion of the said Railway: Provided always, that before entering upon any such Lands for any temporary Purposes (except for the sole Purpose of setting out, by Stakes or otherwise, the Line of the said Railway, and ascertaining the Quantity and Extent of Land requisite to be taken therefor,) the said Company shall and they are hereby required to give Fourteen Days Notice of such their Intention to the Owners and Occupiers of such Lands, and, if required so to do, shall previously to such Entry pay to the Occupier of such Lands the Value of any Crop or Dressing that may be thereon, such Value to be ascertained in the same Manner as temporary Damages are herein-after provided for: Provided also, that the said Company shall and they are hereby required, within Six Calendar Months next after their Entry upon such Lands, to agree with the Owner or Occupier thereof for the Payment of a certain fixed Rent in respect thereof during the Continuance of such Occupation, unless the Owner of such Lands shall, within the Period last mentioned, by Notice in Writing, require the said Company to purchase the Fee Simple and Inheritance of such Lands, in which Case it shall be compulsory upon the said Company so to do within Two Calendar Months after the Receipt of such Notice, the Value of such Lands, and also the Amount of any permanent Damage or Injury that may be done in the Exercise of the Powers hereby granted, to be settled and ascertained in like Manner as in the said recited Act is mentioned and provided with respect to the Purchase of Lands required for the Purposes of the same Act; but the Amount of such Rent, and also of any temporary Damage to which the Owner or Occupier of such Lands may be entitled, shall be settled and ascer-

New Powers and Provisions as to temporary Occupation of Lands.

tained by Two indifferent Persons, One to be named by each Party, or in case Two such Persons cannot agree, or in case any or either of the Parties shall neglect or refuse to name a Valuer for the Space of Three Days after Notice in Writing from the other Party, then by the Sheriff or any Two Justices of the Peace acting in and for the County in which such Lands shall be situate: Provided also, that it shall not be lawful for the said Company to make such temporary Use of any such Lands as aforesaid lying at a greater Distance than Two hundred and fifty Yards from the said Railway, nor any Land used as a Garden, Orchard, Park, Plantation, planted Walk or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, nor to make Bricks or place a Steam Engine upon any such Lands which shall not be at least Two hundred and fifty Yards distant from any Mansion House, without the Leave of the Owner or Occupier thereof first obtained.

Penalty for
entering on
Lands before
Purchase.

XIII. And be it further enacted, That if the said Company or any of their Contractors shall wilfully enter upon and take possession of any Lands, except for the Purposes and according to the Provisions herein-before mentioned, without the Consent of the Persons in Receipt of the Rents, or of the Occupiers thereof, or without having made or tendered Payment for the same in manner by the said recited Act directed, the said Company shall forfeit and pay to the Party in Possession or in Receipt of the Rents of such Lands the Sum of Ten Pounds, over and above the Amount of any Damage done to the said Lands by reason of such Entry and taking possession thereof as aforesaid, such Penalty and Damage respectively to be recovered before the Sheriff or any Two Justices of the Peace for the County in which such Lands shall be situate; and if the said Company or their Contractors shall, after Conviction in such Penalty as aforesaid, or after Notice from the Party in Receipt of the Rents and Profits of such Lands, continue in the unlawful Possession of the said Lands after a reasonable Time allowed them for removing therefrom, the said Company shall be liable to forfeit and pay the Sum of Fifty Pounds for every Day they or their Contractors may so remain in Possession as aforesaid, such Penalty to be recoverable by the Party in Possession or in Receipt of the Rents of the said Lands, with full Costs of Suit: Provided always, that nothing herein contained shall be held to subject the said Company to the Payment of any such Penalties as aforesaid if they shall *bond fide* and without Collusion have paid or tendered or deposited the Compensation agreed on or awarded to be paid in respect of the said Lands, to any Person whom the said Company shall believe to be legally entitled to receive the same, although such Person may not be legally entitled thereto, or shall have deposited the same incorrectly; nor shall any Decision of the Sheriff or Justices under the Provisions herein-before contained be held conclusive as to the Right of Entry by the said Company: Provided also, that in case the said Company shall have given Notice of this Provision to any Contractor or Contractors the said Company shall be entitled to recover from such Contractor or Contractors any Penalty in which they may have been convicted in consequence of the Acts of such Contractor or Contractors, or his

or their Servants, Agents, or Workmen, done without the express Authority of the said Company.

XIV. And be it further enacted, That the Charges by the said recited Act authorized to be made for the Carriage of Passengers, Goods, Animals, or other Matters or Things to be conveyed by the said Company, or for the Use of any Steam Power, or Carriage to be supplied by the said Company, shall be at all Times charged equally to all Persons, and after the same Rate *per Mile* or *per Ton per Mile* in respect of all Passengers, and of all Goods, Animals, or Carriages of a like Description; and conveyed or propelled by a like Carriage or Engine, passing on the same Portion of the Line, and no Reduction or Advance in any Charge for Conveyance by the said Company, or for the Use of any locomotive Power to be supplied by them, shall be made, either directly or indirectly, in favour of or against any particular Company or Person travelling upon or using the same Portion of the said Railway.

Rates of Carriage to be charged equally.

XV. And be it further enacted, That the Waggons for the Conveyance of Minerals and other Commodities, and the locomotive Engines and Carriages which the said Company are by the said recited Acts authorized to build and provide, may be used on any Railway communicating with the said Railway and Branches, subject to the Rules and Regulations of such Railway, and may be built and provided in connexion with the Company of Proprietors of any such Railway.

Company's Engines may be used on other Railways.

XVI. And whereas by the said first-recited Act the said Company are empowered to make Rules and Orders, and to impose Penalties for the Nonobservance thereof; be it enacted, That no Rules or Orders already made by the said Company (except such as relate solely to the Proprietors or Directors of the said Company, or to any of their Officers or Servants,) shall continue in force for a longer Space of Time than Six Calendar Months next after the passing of this Act, unless the same shall previously to the Expiration of that Period have been submitted to and approved by the Sheriff of the County of *Lanark*, or the Sheriff of the County of *Stirling*, and that no Rule or Order (excepting as aforesaid) which shall be made by the said Company after the passing of this Act shall have any Operation or Effect until the same shall have been in like Manner approved by One of the said Sheriffs, but every such Rule or Order, when approved as aforesaid, shall be binding and conclusive upon all Persons whomsoever.

Bye Laws to be approved by Sheriff.

XVII. And be it enacted, That in all Cases in which Provision is made by the said recited Act or this Act for Punishment of Offences against the same, or against the Rules or Orders made in virtue thereof, by Procedure before any Justice or Justices of the Peace, such Procedure shall be lawful and equally competent before the Sheriffs of the foresaid Counties of *Lanark* and *Stirling*, and their respective Substitutes.

Sheriffs to have cumulative Jurisdiction with Justices.

XVIII. And

Railway Constables may be appointed by Justices of the Peace.

XVIII. And be it enacted, That it shall be lawful for any Two Justices of the Peace for the Counties of *Lanark* and *Stirling*, or either of them, and they are hereby required, on the Application of the said Company, to appoint from Time to Time such fit and proper Persons as they shall think proper to be Special Constables upon the said Railway and other Works, and every or any Part thereof; and every Person so appointed shall make a solemn Declaration, to be administered by any One Justice of the Peace, that he shall duly execute the Duties of such Special Constable upon and for the said Premises; and every Person so appointed, and having made such Declaration as aforesaid, shall have Power to act as a Constable for the Preservation of the Peace, and for the Security of Persons and Property against Felonies and other unlawful Acts, within the Limits of the said Premises, and within One Mile therefrom, and shall have, use, exercise, and enjoy all such Powers, Authorities, Protections, and Privileges for the Apprehension of Offenders, as well by Night as by Day, and for doing all Acts, Matters, and Things for the Prevention, Discovery, and Prosecution of Felonies and other Offences, and for the Preservation of the Peace, as Constables duly appointed now have by the Laws and Statutes of this Kingdom; and it shall be lawful for any Two Justices of either of the said Counties to dismiss or remove any such Constable from his Office of Constable, and upon every such Dismissal or Removal all Powers, Authorities, Protections, and Privileges by virtue of such Appointment as aforesaid vested in any Person so dismissed or removed shall entirely cease; and every Person so appointed by such Justices as aforesaid shall, during such Time as he shall act as Constable for the Purposes aforesaid, receive from the said Company such Remuneration as may be agreed upon between him and the said Company, or, for Want of such Agreement, as any Two such Justices shall appoint.

For the Apprehension of Offenders whose Names are unknown, and the summary Removal of Obstructions attended with Danger.

XIX. And be it enacted, That it shall be lawful for any such Constable, and any Officer or Agent of the said Company, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Residence shall be unknown to such Constable, Officer, or Agent, who shall commit any Offence against this Act or the said recited Act, or the Bye Laws and Regulations thereby authorized, and convey him with all convenient Dispatch before any Magistrate by the said recited Act and this Act authorized to take cognizance of such Offence, without any Warrant or other Authority than this Act; and such Magistrate is hereby empowered and required to proceed with all convenient Dispatch to the hearing and determining of the Complaint; and it shall be lawful for the said Constable, and the Servants and Officers of the said Company, in every Case of Infraction or Nonobservance of any of their Rules and Regulations which shall be attended with Danger to the Public or Annoyance to Travellers, summarily to interfere and obviate such Danger, or to remove or prevent the same.

Provision in recited Act limiting Actions repealed.

XX. And whereas it is provided by the said recited Act, that no Action, Suit, or Complaint should be brought, commenced, or prosecuted against any Person or Persons for any thing done or to be done

done in pursuance of the said recited Act, or in the Execution of any of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under the said recited Act, unless One Month's previous Notice in Writing should be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Complaint to the said Company, or to their Clerk or Treasurer, or unless such Action, Suit, or Complaint should be brought or commenced within Three Calendar Months next after the Fact committed, or in case there should be Continuation of Damage, then within Three Calendar Months next after the doing or committing such Damages should cease, and not afterwards; be it enacted, That the said Provision shall be and the same is hereby repealed.

XXI. And be it further enacted, That the Rules, Orders, and Regulations of the said Company, and the Tables of Rates, Tolls, and Duties leviabie by them, which are directed by the said recited Act to be painted on Boards for the Purpose of Publication, may either be so painted, or may be legibly printed on Paper pasted on such Boards, and affixed, published, and renewed as by the said recited Act directed, and such Publication shall be effectual for the Purposes of the said recited Act and this Act.

Rules and Regulations and Tables of Rates may be printed instead of being painted.

XXII. And be it further enacted, That the said Company shall and they are hereby required, in each and every Year, to cause an annual Account in abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied under or by virtue of this or the said recited Act, for the Year ending on some convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account duly audited and certified by the Clerk for the Time being of the said Company, and shall transmit a Copy of the said Account, free of Charge, to the Clerks of the Peace for the several Counties through which the said Railway will pass, on or before the First Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit or neglect to prepare and transmit, or cause to be prepared and transmitted, such Account as aforesaid, they shall forfeit and pay for every such Omission or Neglect the Sum of Twenty Pounds.

Annual Account to be made up, and a Copy to be transmitted to the Clerk of the Peace.

XXIII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this and the said recited Act authorized to be made from the Provisions of any General Act relating to Railways which may pass during the present or any future Session of Parliament.

Railway not to be exempt from Provisions of any General Act.

XXIV. And be it enacted, That all the Costs and Charges of obtaining and passing this Act shall be paid and defrayed by the said Company out of the Monies, Tolls, or Rates received or to be received in virtue of the said recited Act or of this Act.

Expences of this Act.

Public Act.

XXV. 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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