



ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

Cap. cci.

An Act to authorize the *Monkland* Railways Company to make Branch Railways in the County of *Lanark*, and for other Purposes.

[29th *June* 1865.]

WHEREAS by “The *Monkland* Railways Act, 1848,” the *Monkland and Kirkintilloch* Railway Company, the *Ballochney* Railway Company, and the *Slamannan* Railway Company were dissolved, and the several Persons and Corporations who were Proprietors of Shares in the said Companies were united and incorporated into One Company under the Name of “The *Monkland* Railways Company:” And whereas it would be attended with public Advantage and Convenience if the *Monkland* Railways Company were authorized to make the Branch Railways herein-after described in connexion with their Undertaking: And whereas the Sums authorized to be raised, and which had on the Thirtieth Day of *June* Eighteen hundred and sixty-four been raised and received by the Company in pursuance of the several Acts relating to their Undertaking, are respectively specified in the Schedule to this Act annexed: And whereas the Company had at the same Date expended for the Purposes of the said Acts the Sum of Nine hundred and forty-two thousand three hundred and ninety-four Pounds Eight

[*Local.*] 32 P Shillings

11 & 12 Vict.
c. cxxxiv.

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Shillings and Sevenpence, and it is expedient that the Company should be authorized to raise additional Capital for the Purposes of this Act; but these Objects cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The *Monkland Railways (Branches) Act, 1865.*"

8 & 9 Vict.
cc. 19. & 33.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
c. 92. in-
corporated.

2. Subject to the Provisions of this Act, "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation (*Scotland*) Act, 1845," and Part First of "The Railways Clauses Act, 1863," relating to Construction of a Railway, are incorporated with this Act.

8 & 9 Vict.
c. 17. and
26 & 27 Vict.
c. 118. incor-
porated.

3. Subject to the Provisions of this Act, the Clauses and Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Distribution of the Capital of the Company into Shares, with respect to the Transfer or Transmission of Shares, with respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls, with respect to the Forfeiture of Shares for Nonpayment of Calls, with respect to the Remedies of Creditors of the Company against the Shareholders, with respect to the borrowing of Money by the Company on Mortgage or Bond, with respect to the Conversion of the borrowed Money into Capital, with respect to the Consolidation of the Shares into Stock, with respect to the General Meetings of the Company and the Exercise of the Right of voting by the Shareholders, and with respect to the Provision to be made for affording Access to the Special Act by all Parties interested, and Parts First, Second, and Third of "The Companies Clauses Act, 1863," relating respectively to Cancellation and Surrender of Shares to additional Capital, and to Debenture Stock, are incorporated with this Act: Provided that each Holder of new Shares or Stock in the Capital by this Act authorized to be raised shall be entitled to the same Number of Votes in respect thereof as the Possession of an equal nominal Amount of the Capital authorized by the Acts relating to the Company would have conferred upon him.

Interpre-
tation of
Terms.

4. In this Act the following Expressions shall have the Meanings hereby assigned to them:

"The Company" shall mean the *Monkland Railways Company*:

"The Railways" shall mean the Railways by this Act authorized to be made and maintained.

5. It

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5. It shall be lawful for the Company from Time to Time, in addition to the Capital authorized by the Acts relating to the Company, to raise for the Purposes of this Act any Sum not exceeding Thirty thousand Pounds, by the Creation and Issue of new Ordinary Shares or new Preference Shares or Stock in their Undertaking, or by the Creation and Issue of new Ordinary Shares and new Preference Shares or Stock in their Undertaking, of such Amounts respectively as the Company may think fit, but not exceeding in the whole the said Sum of Thirty thousand Pounds: Provided that the Company shall not issue any Share created under the Authority of this Act, nor shall any such Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Power to raise additional Capital by new Shares or Stock.

Shares not to issue until One Fifth paid up.

6. The Capital to be raised by such new Shares or Stock shall be Part of the general Capital of the Company, and except as otherwise provided by the Special General Meeting of the Company which shall resolve to create and issue the same, such new Shares or Stock shall confer and impose on the Holders thereof all the Rights and Privileges, Liabilities and Obligations, which the existing Shares or Stock of the Company confer and impose on the Holders thereof.

Rights of Holders of new Shares or Stock.

7. The Amount of each Call which the Company may make upon each Shareholder shall not exceed One Tenth Part of the Amount of the new Shares held by him, and successive Calls shall not be made at a less Interval than Two Months, and the aggregate Amount of Calls made in any One Year shall not exceed One Half of the Amount of such new Shares.

Amount and Interval of Calls.

8. After the said additional Capital of Thirty thousand Pounds shall have been subscribed for, and One Half thereof shall have been paid up, it shall be lawful for the Company from Time to Time to borrow, and if paid up to re-borrow, on Mortgage of their Undertaking any Sum not exceeding Ten thousand Pounds, in addition to the Sums authorized to be borrowed by the Acts relating to the Company, but no Part of such Sum shall be borrowed until the Company shall have proved to the Sheriff who is to certify under the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," that Shares for the whole of such additional Capital have been issued, and One Half of such additional Capital has been paid up, and that not less than Twenty *per Centum* has been paid on account of each separate Share before or at the Issue thereof, and that such Shares are *bonâ fide* held by the Subscribers, or their Executors, Administrators, or Assignees, and that such Subscribers, or their Executors, Administrators, or Assignees, are legally liable for the same.

Power to borrow on Mortgage.

9. The

The Monkland Railways (Branches) Act, 1865.

Priority of
existing
Mortgages.

9. The Mortgages and Bonds granted by the Company before the passing of this Act under the Authority of the Acts relating to the Company or any of them shall during their Subsistence have Priority over any Mortgage to be granted by the Company under the Authority of this Act.

Debt may
be funded.

10. The Company may fund the whole or any Part of the Sums by this Act authorized to be raised on Mortgage under the Powers and Provisions, and with the Rights and Privileges, and subject to the Restrictions and Conditions, which are contained in Sections Twenty-eight to Thirty-six, both inclusive, of "The *Monkland Railways Branches Act, 1857.*"

Debenture
Stock.

11. The Company may create and issue Debenture Stock.

Application
of Money
raised.

12. The whole Sums by this Act authorized to be raised by the Creation of new Shares or by borrowing shall be applied in defraying the Expense of the Works to be executed and the Lands to be acquired under the Authority of this Act, and in carrying into effect the Purposes of this Act, and to no other Purpose whatsoever.

Power to
take Lands
and make
Railways.

13. And whereas Plans and Sections describing the Lines and Levels of the intended Railways and the Lands to be taken for the Purposes thereof, with a Book of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, have been deposited with the Principal Sheriff Clerk of the County of *Lanark*: It shall be lawful for the Company, with the Powers and subject to the Provisions contained in this Act and the Acts incorporated herewith, to enter upon, take, and use for the Purposes before specified the Lands described on the said Plans and in the said Book of Reference, or such of them or such Parts thereof as they may deem necessary, and to make and maintain the Railways by this Act authorized and all necessary Works and Conveniences connected therewith in the Lines and on the Levels described on the said Plans and Sections.

Powers for
compulsory
Purchases
limited.

14. The compulsory Powers of taking Lands conferred by this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Lands for
extraordi-
nary Pur-
poses.

15. The Company may purchase by Agreement and may hold Lands on or near to the Railways not exceeding Five Acres in extent for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation (*Scotland*) Act, 1845."

16. The

The Monkland Railways (Branches) Act, 1865.

16. The Railways by this Act authorized to be made and maintained shall consist of: Description of Railways.

First, a Railway commencing by a Junction with the *Slamannan* Railway belonging to the Company near the Mile Post on the said *Slamannan* Railway indicating Fifteen Miles from *Kirkintilloch*, and terminating near the Pit No. 1. in the Lands of *Roughrigg*, now or lately belonging to or worked by the *Roughrigg* Coal Company:

Second, a Railway commencing by a Junction with the *Dykehead* Branch of the *Ballochney* Railway belonging to the Company, near the Farm Steading of *Grayrig*, and terminating by a Junction with the said *Slamannan* Railway, near the Mile Post thereon indicating Fifteen Miles from *Kirkintilloch*:

Third, a Railway diverging out of the Railway second above described, at a Point near the Farm Steading of *Brownrig*, and terminating near the Farm Steading of *Langdales*:

Which Railways and Works connected therewith will be situate in the Parish of *New Monkland* and County of *Lanark*.

17. The Railways by this Act authorized shall be completed and opened for public Traffic within Five Years from the passing of this Act. Period for completing Railways.

18. If the Railways shall not be completed and opened for public Traffic within Five Years from the passing of this Act, the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due to the Crown for every Day after the Expiration of the said Period until the Railways shall be completed and opened for public Traffic, but no Penalty shall accrue in respect of any Time during which it shall appear by a Certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening the Railways by unforeseen Accident or Circumstances beyond their Control; but the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company. Penalty if Railways not completed within the Period limited.

19. The Railways by this Act authorized shall form Part of the Undertaking of the Company for all Purposes whatsoever; and the Company may demand and recover for the Use of the Railways and the Conveyance thereon of Passengers, Animals, Goods, Articles, Matters, and Things, any Tolls and Charges not exceeding the Tolls and Charges by the recited Act and the other Acts relating to the *Monkland* Railways authorized to be levied on the said Railways, and the Provisions of the said Acts with respect to the said Tolls and Charges shall be applicable to the Tolls and Charges to be levied on and for the Use of the Railways by this Act authorized, as if the same Railways to form Part of Undertaking of Company.

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had formed Part of the Undertaking of the Company described in the said Acts.

Interest not
to be paid
on Calls
paid up.

20. It shall not be lawful for the Company, out of any Money by this Act or any other Acts relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay to any Shareholder any Interest or Dividend on the Amount of Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided that nothing herein contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in that Behalf contained.

Deposits for
future Bills
not to be
paid out of
Capital.

21. It shall not be lawful for the Company, out of any Money by this Act or any other Acts relating to the Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament in force for the Time being, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any Railway, or execute any other Work or Undertaking.

Railways
not exempt
from Provi-
sions of pre-
sent and
future Gene-
ral Acts.

22. Nothing herein contained shall be deemed or construed to exempt the Railways by this or the recited Act authorized to be made from the Provisions of any General Act relating to Railways now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by the recited Act or this Act.

Expenses of
Act.

23. The Expenses of applying for and obtaining this Act, and incidental thereto, shall be paid by the Company.

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SCHEDULE referred to in this Act.

PART 1.

SHARE CAPITAL under existing Acts.

Acts.	Capital authorized to be raised.			Capital raised and paid at June 30, 1864.						Capital not raised or not paid at June 30, 1864.		
	£	s.	d.	Ordinary.			Guaranteed.			£	s.	d.
11 & 12 Vict. c. cxxxiv. -	532,640	0	0	362,879	0	0	144,412	0	0	25,349	0	0
16 & 17 Vict. c. xc. -	75,000	0	0	72,050	0	0	2,950	0	0			
20 & 21 Vict. c. lxxviii. -	137,000	0	0	128,450	0	0	-	-	-	8,550	0	0
23 & 24 Vict. c. clxxviii. -	50,000	0	0				147,362	0	0	50,000	0	0
				563,379	0	0	563,379	0	0			
	794,640	0	0				710,741	0	0	83,899	0	0

PART 2.

LOAN CAPITAL under existing Acts.

Acts.	Authorized to be raised on Loan.			Due on Loans at June 30, 1864.			Converted into funded Debt at June 30, 1864.			Not borrowed at June 30, 1864.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
11 & 12 Vict. c. cxxxiv. -	177,546	13	4	220,473	19	5	1,020	0	0	42,652	13	11
16 & 17 Vict. c. xc. -	25,000	0	0									
20 & 21 Vict. c. lxxviii. -	45,000	0	0									
23 & 24 Vict. c. clxxviii. -	16,600	0	0									
	264,146	13	4									

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