



ANNO VICESIMO NONO & TRICESIMO

VICTORIÆ REGINÆ.

Cap. clxxiii.

An Act to authorize the *North British* Railway Company to make several Railways in the Counties of *Lanark*, *Dumbarton*, and *Stirling*, in connexion with the late *Edinburgh and Glasgow* and *Monklands* Railways; and for other Purposes.

[16th July 1866.]

WHEREAS a Railway from the *North British* (late *Edinburgh and Glasgow*) Railway, in the Parish of *Kirkintilloch* in the County of *Dumbarton* to *Kilsyth* in the County of *Stirling*, and a Railway from such first-mentioned intended Railway in the said Parish of *Kirkintilloch* to the *North British* (late *Monkland*) Railway in the Parish of *Cadder* in the County of *Lanark*, would be of public Advantage, and the *North British* Railway Company (in this Act called "the Company") are willing (if authorized by Parliament) to make such Railways: And whereas Plans and Sections of the proposed Railways showing the Lines and Levels thereof respectively, and the Lands required for the Purposes of the Undertaking, and also Books of Reference to such Plans, have been deposited with the Principal Sheriff Clerks of the Counties of *Lanark*, *Dumbarton*, and *Stirling* respectively: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament:

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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 of the 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 North British Railway (Stirling Branches) Act, 1866.*"

8 & 9 Vict.
cc. 17., 19.,
& 33.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
cc. 92. & 118.
incorporated.

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. of "The Railways Clauses Act, 1863," relating to Construction of a Railway, the Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the several Matters following; (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, and the Provision to be made for affording Access to the Special Act, and Parts I., II., and III. of "The Companies Clauses Act, 1863," relating respectively to Cancellation and Surrender of Shares, to additional Capital, and to Debenture Stock, are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpre-
tation of
Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Expression "the Special Act" shall mean this Act; the Expression "the Company" shall mean the *North British Railway Company*.

Power to
make Rail-
ways accord-
ing to
deposited
Plans.

4. Subject to the Provisions of this Act, and of the Acts wholly or partially incorporated herewith, the Company may make and maintain, in the Line and according to the Levels shown on the deposited Plans and Sections, the Railways herein-after described, with all proper Sections, Approaches, Works, and Conveniences connected 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 that Purpose. The Railways herein-before referred to and authorized by this Act are,—

1. A Railway

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1. A Railway (in this Act called Railway No. 1.) Five Miles Three Furlongs and Seven Chains or thereabouts in Length, commencing by a Junction with the *North British* (late *Edinburgh and Glasgow*) Railway in the Parish of *Kirkintilloch* in the County of *Dumbarton*, and terminating at the Road numbered 62, in the Parish of *Kilsyth*, on the deposited Plans:
2. A Railway (in this Act called Railway No. 2.) Three Furlongs and 1.25 Chains in Length, commencing by a Junction with Railway No. 1, in the said Parish of *Kirkintilloch*, and terminating by a Junction with the *North British* (late *Monkland*) Railway in the Parish of *Cadder* in the County of *Lanark*.

But it shall not be lawful for the Company to make, nor under the Powers of this Act to acquire, any of the Lands required for the making of that Part of Railway No. 1. as shown upon the deposited Plans which lies Eastward of the said Road numbered 62, in the Parish of *Kilsyth*, on the said Plans, or any Part of the Railway described on the deposited Plans as "Railway No. 3."

5. The Railways and Works by this Act authorized shall form Part of the Undertaking of the Company.

Railways,
&c. to form
Part of Un-
dertaking.

6. The Company, with the Consent of Three Fourths of the Votes of the Shareholders present in person or by proxy at any General Meeting or General Meetings convened with special Notice of the Purpose, may raise, by the Creation of new Ordinary or Preference Shares or Stock, such additional Capital beyond the Amount which they may be authorized to raise by other Acts of Parliament as they think fit, not exceeding in the whole Eighty-one thousand Pounds.

Power to
raise Capital
by Shares
or Stock.

7. All Shares or Stock to be created by the Company under the Authority of this Act shall, subject to the Provisions of this Act, form Part of the general Capital of the Company.

Shares or
Stock to
form Part
of general
Capital.

8. It shall not be lawful for the Company to issue any Share or Stock to be created under the Powers of this Act, nor shall any such Share or Stock 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 or Stock shall have been paid up in respect thereof.

Shares not to
issue until
One Fifth
paid up.

9. If by any other Act or Acts passed in the present Session of Parliament, and whether before or after the passing of this Act, the Company be authorized to raise any Capital by new Shares or Stock, then, subject to the Provisions of the other Act or Acts and this Act respectively, the Company, if they think fit, may raise by the Creation and Issue of Shares or Stock of one and the same Class, or any Part of the aggregate Capital which they are by the other Act or Acts and

Capital
under several
Acts may
be raised by
Shares or
Stock of
one Class.

this

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this Act respectively authorized to raise by the Creation and Issue of Shares or Stock.

Power to borrow on Mortgage.

10. The Company, in addition to any Sums which they are authorized to borrow under other Acts of Parliament, may from Time to Time borrow on Mortgage any Sums not exceeding in the whole Twenty-seven thousand Pounds, but no Part thereof shall be borrowed until the whole of the said Capital of Eighty-one thousand Pounds is subscribed for, 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 the said Capital has been issued and accepted, and that One Half thereof has been paid up, and that not less than One Fifth of the Amount of each separate Share or Sum of Stock has been paid on account thereof before or at the Time of Issue or Acceptance thereof, and that such Capital was issued *bonâ fide* and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns 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.

Priority of existing Mortgages.

11. All Mortgages granted by the Company in pursuance of the Powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the Time of the passing of this Act, shall during the Continuance of such Mortgages, and as regards the Undertaking comprised in and assigned by such Mortgages, have Priority over all Mortgages to be granted by virtue of this Act.

Debenture Stock.

12. The Company may create and issue Debenture Stock.

Application of Money raised under Act.

13. All Monies raised under this Act, whether by Shares or Stock or borrowing, shall be applied for the Purposes of this Act only.

Power to apply authorized but unexpended Capital.

14. The Company may apply for the Purposes of this Act any Monies which they may have in their Hands, or which they have Authority to raise, and which may not be required for the Purposes to which the same are by any Act declared to be specially applicable.

Lands for extraordinary Purposes.

15. The Quantity of Land to be taken by the Company for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," in connexion with the Railways and Works by this Act authorized shall not exceed Three Acres.

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16. The Powers of the Company for the compulsory Purchase of Land for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act. Powers for compulsory Purchases limited.

17. The Railways shall be completed within Four Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the Railways, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as shall then be completed. Period for Completion of Works.

18. Whereas Railway No. 1. is intended to be carried under the Canal belonging to the Company of Proprietors of the *Forth and Clyde* Navigation (herein-after called "the Canal Company"), and such passing under the said Canal cannot be executed without a temporary Diversion thereof: Therefore, the Company, before they enter upon or interfere with the Lands, Canal, or other Works belonging to the Canal Company, shall make and form a temporary Diversion of the said Canal equal in Depth with that Part of the Canal under which the said Railway is intended to pass, and of a Breadth sufficient to allow any Two Vessels navigating the Canal to pass each other with Ease, and capable of conveying the Trade of the Canal as speedily and advantageously as the present Line of the Canal where so diverted, and such temporary Diversion shall be executed at the Sight and to the Satisfaction of *John Frederic Bateman*, Civil Engineer, *London*, or *James Leslie*, Civil Engineer, *Edinburgh*, and failing both of them, of an Engineer to be appointed by the Canal Company; and if the temporary Diversion on being filled with Water shall remain free from any Leakage for Two Months, or such other shorter Period as the said Engineer shall think sufficient to test the Sufficiency thereof, the same shall, under an Order in Writing from the said Engineer, be then opened for Traffic; and so much of the Canal as the temporary Diversion is substituted for may be closed for such a Period as will allow of the Construction of the Works necessary for carrying the said Railway under the same; and the Canal shall with the utmost possible Despatch be restored and reconstructed in its present Line at the Sight and to the Satisfaction of the said Engineer; and if the reconstructed Canal on being filled with Water shall remain free from any Leakage for Two Months, or such other shorter Period as the said Engineer shall think sufficient, the same shall, under an Order in Writing from the said Engineer, be then re-opened for Traffic, and the temporary Diversion shall be removed by the Company; and all the said Works shall be executed at the Expense of the Company according to Plans to be approved of by the said Engineer, and the Company shall also pay the Fees and Expenses of and incurred by the said Engineer in relation to the Works: Provided always, that the Company shall, if they think

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proper, be at liberty to support the Aqueduct for carrying the Canal over the said Railway with Cast-iron Girders, of such Dimensions as may be fixed by the said Engineer, over Two Openings or Spans, of Fifteen Feet each.

Works to be completed and upheld by the Company.

19. The aforesaid Operations shall be carried on, completed, and upheld at the sole Risk of the Company, who shall be liable for all Damages occasioned to the Canal and Works connected therewith belonging to the Canal Company or to the Traders on the Canal, or to the adjoining Country by or in consequence of the Operations of the Company whensoever such Damages may occur; and the Portion of the Canal which shall be so temporarily diverted, or altered and reconstructed and restored by the Company, including all Works and Buildings therewith connected at present in existence or which may hereafter be formed by the Company, shall be maintained by them in all Time coming in a State of perfect Repair and free from all Leakage.

Company liable in Damages for impeding Traffic on Canal.

20. If the temporary Diversion of the Canal, or the reconstructed and restored Canal, or Works and Buildings therewith connected; or any of them, shall be so constructed or maintained by the Company as to impede Boats, Barges, or other Vessels or Traffic from navigating or using the same at all Times as freely and uninterruptedly as at present, then the Company shall pay to the Canal Company the actual Damage thereby occasioned, or in lieu thereof, and in the Option of the Canal Company as and by way of liquidated and ascertained Damages, the Sum of Ten Pounds for every Hour during which such Impediment shall be allowed to continue, not exceeding Forty-eight Hours; but if beyond Forty-eight consecutive Hours then the Sum of Twenty Pounds for every Hour during which such Impediment shall continue after such First Forty-eight Hours as aforesaid; and in default of Payment of any such actual or ascertained Damages, on Demand being made on the Secretary or any Officer of the Company, the Canal Company may sue for and recover the same, together with full Expenses against the Company, by Action in the Court of Session in *Scotland* or before the Sheriff of the County of *Lanark*, or the same may be recovered in like Manner as any other Penalties under this Act.

Company liable in Damages for Leakage or Disrepair of Works.

21. If there shall be any Leakage in the temporary Diversion of the Canal or in the reconstructed and restored Canal, or if the temporary Diversion or reconstructed Canal and the Works connected therewith respectively shall not be kept in a State of complete Repair, and if the Company shall not, within Twenty-four Hours after written Notice of such Leakage or Disrepair to the Secretary or any Officer of the Company, forthwith execute the Works necessary for

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for the Removal of such Leakage, or for completely repairing the temporary Diversion or reconstructed Canal and Works connected therewith, then the Canal Company are hereby empowered to perform all such Operations as may be necessary for any of the above Purposes at the Risk of the Company, and that without Prejudice to the Right of the Canal Company to recover the Amount of all actual Damage which may be done by such Leakage or Disrepair, or in their Option liquidated Damages at the Rates herein-before provided, so long as such Leakage or Disrepair shall continue, both before and after the giving of such Notice as aforesaid, and during the Currency thereof; and the Canal Company shall be entitled to recover from the Company the Expense of all Operations which may be performed by them in removing such Leakage or in making such Repairs; and in default of Payment of such Expenses and of such actual or liquidated Damages the same may be recovered as herein-before provided with reference to Damages for impeding the Passage along the Canal.

22. Nothing in this Act contained shall alter, prejudice, affect, or take away any of the Rights, Powers, Privileges, or Authorities vested in the Canal Company, or shall authorize or empower the Company to enter upon or interfere with any Part of the Lands, Canal, or other Works of the Canal Company, or to alter the Line of the Canal or Towing-path, except as herein provided, or to purchase or take any Lands belonging to the Canal Company without their previous Consent in Writing, or to alter the Level or reduce the Breadth of the Canal or Towing-path, or any Part thereof, or the Depth of the Canal, or in any Manner to obstruct or impede the Use of the Canal or Towing-path, or any Part thereof, or to divert, intercept, cut off, take, use, or diminish any of the Water in the Canal, or of any Stream or other Supply of Water which is now used or which may be taken for the Use thereof; and it shall not be lawful for the Company to leave less than a clear Depth in the reconstructed Canal of Ten Feet below the Top-water Level of the same, and not less than a clear Depth of Eleven Feet Six Inches in that Portion of the reconstructed Canal which shall pass over the Aqueduct to be constructed by the Company: Provided nevertheless, that nothing herein contained shall prevent the Company from carrying into execution the Powers of this Act for constructing and from Time to Time repairing and maintaining the said Railway where it shall pass under the Canal and through the Property of the Canal Company.

Saving
Rights of
Canal
Company.

23. The Canal Company may (subject to the Byelaws, Rules, and Regulations of the Company in force for the Time being), on Payment of a Toll of Threepence *per* Ton, run over and use with their own Engines and Waggon Railway No. 1. (including the Use of the whole

Running
Powers to
Canal Com-
pany over
Railway
No. 1.

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whole Sidings, Watering Places, and other Conveniences connected therewith), but that only for conveying to the *Forth and Clyde* Canal Coal, Ironstone, Limestone, and other Minerals for Shipment on the same, at or near the crossing thereof by Railway No. 1.

As to connexion between Canal and Railway.

24. If and when required by the Canal Company the Company shall, at the Expense of the Canal Company, make and maintain Openings in the Ledges or Flanches of the Rails of Railway No. 1, and allow of the Junction therewith of a Side Line or Lines leading into any Wharf which may be formed by the Canal Company, at a Point or Points convenient for the Shipment of the said Minerals on the *Forth and Clyde* Canal, at or near the crossing thereof by Railway No. 1, and that at the Sight of the Engineer of the Company and at such suitable Point as will not interfere with or endanger the Passage of the Traffic on the Lines of Railway belonging to the Company.

If Railways not completed, &c. within a limited Period Company to be liable to a Penalty.

25. If the Railways by this Act authorized to be constructed shall not be completed and opened for public Traffic within the Period of Four Years from the passing of this Act, then and from thenceforth 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 thereafter, 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.

Power to cross certain Railway on the Level.

26. Subject to the Provisions in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," and in Part I. (relating to the Construction of a Railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of Roads on the Level, it shall be lawful for the Company in the Construction of the Railway No. 1. to carry the same with a single Line of Railway only whilst the Railway shall consist of a single Line, and afterwards with a double Line of Railway only, across and on the level of the Railway next herein-after mentioned; (that is to say,)

RAILWAY NO. 1.

No. on deposited Plan.	Parish.	Description.
11	Kilsyth - - -	Private Railway.

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27. 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 mentioned in connexion therewith ; (that is to say,) Power to alter Levels of certain Roads.

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
RAILWAY NO. 1.			
4	Kirkintilloch - -	Public Road -	1 in 16 on one Side, level on the other.

28. 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 the Company shall not take any such Houses until they have obtained the Certificate of a Justice that it has been proved to his Satisfaction that the Company have made known their Intention to take the same in manner herein-before required. Notice to be given of taking Houses of Labouring Classes.

29. The Company may demand and take in respect of the Railways by this Act authorized such Tolls and Charges as they think fit, not exceeding the Rates of Tolls and Charges authorized to be taken on the *Border Union Line* of the *North British Railway* under "The *Border Union (North British) Railways Act, 1859,*" as modified by the Second and Third Sections of the Schedule (B.) to "The *North British and Edinburgh and Glasgow Railway Companies Amalgamation Act, 1865 ;*" and in estimating the Amount of Toll or Charge in respect of any Traffic conveyed partly on the Railways by this Act authorized and partly on any other Railways of the Company, the Railways by this Act authorized and such other Railways shall be deemed One Railway. Tolls.

30. The Company shall not, out of any Money by this or any other Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him : Provided always, that this Act shall not 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.

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

31. The Company shall not, out of any Money by this or any other Act authorized 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 authorizing the Company to construct any other Railway or to execute any other Work or Undertaking.

Railways not
exempt from
Provisions of
present and
future
General
Acts.

32. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made from the Provisions of any General Act relating to Railways, or to 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 authorized by this Act.

Expenses of
Act.

33. 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.

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