



ANNO PRIMO

# VICTORIÆ REGINÆ.

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## *Cap. c.*

An Act for further extending the Time for completing the *Wishaw and Coltness Railway* in the County of *Lanark*. [12th July 1837.]

**W**HEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making a Railway from Chapel in the Parish of Cambusnethan in the County of Lanark, by Coltness and Gariongill, to join the Monkland and Kirkintilloch Railway where the same passes through the Lands of Coats or Garturk in the Parish of Old Monkland and County of Lanark*, whereby the Persons therein mentioned were united into a Company and made one Body Corporate by the Name and Style of “The *Wishaw and Coltness Railway Company*,” and were authorized and empowered to make, complete, and maintain a Railway or Tramroad, to be called the *Wishaw and Coltness Railway*, passable for Waggons and other Carriages; the First or Main Branch of the said Railway beginning at or near the Collieries of *Chapel* and *Crawfoot* in the Parish of *Cambusnethan* and County of *Lanark*, and passing through the Parishes of *Dalziel*, *Hamilton*, *Bothwell*, and *Old Monkland* in the said County, by or near *Coltness*, *Overtoun*, *Wishawtown*, *Motherwell*, and *Burnhouse*, to or near *Carnbroe* and *Rosehall*, to the *Monkland and Kirkintilloch Railway* at or near the Lands of *Coats* and *Garturk* in the said Parish of *Old Monkland*, with a Side Branch or Branches from the said Main Railway through the said Lands of *Garturk* to the Estate of *Rosehall*, and another Side Branch from the said Main Railway to the Collieries in the Estates of *Stevenson*, *Carfin*,  
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and *Cleland*, and a Third Branch from the same to the Collieries in the Estate of *Law* in the Parish of *Carlisle* and County of *Lanark* aforesaid: And whereas another Act was passed in the Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled 4 W. 4. c. 41. *An Act for extending the Time for completing the Wishaw and Coltness Railway in the County of Lanark*, whereby the Time limited by the said first-recited Act for the Completion of the said Railway, Branches, and other Works, and which expired on the First Day of *June* in the Year One thousand eight hundred and thirty-four, was extended and enlarged for the further Space of Three Years, to commence and be computed from the passing of the said last-recited Act: And whereas since the passing of the said last-recited Act the said Company have proceeded to form and complete the Main Line of the said Railway so far as the Northern Boundary of the Estate of *Jerviston*, but have been prevented from completing certain Portions of the said Main Line and other Parts of the said Railway, Branches, and Works which had not been completed before the passing of the said last-recited Act: And whereas it is expedient and necessary, in order to complete the said Railway, Branches, and other Works by the said first-recited Act authorized to be made, that the Time so extended by the said last-recited Act, and which expired on the Sixteenth Day of *June* in the present Year One thousand eight hundred and thirty-seven, should be further extended and enlarged; but the same 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 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 Acts of the Tenth Year of the Reign of His late Majesty King *George* the Fourth and Fourth Year of the Reign of His late Majesty King *William* the Fourth, and all and every the Powers, Provisions, Authorities, Regulations, Directions, Privileges, Restrictions, Forfeitures, Penalties, and other Matters and Things therein contained, shall extend and be construed to extend to this Act, and shall remain and continue in full Force and Effect, and be as good, valid, and effectual to all Intents and Purposes for carrying this Act into execution as if the same had respectively been repeated and re-enacted in the Body of this Act.

Powers of recited Acts extended to this Act.

Time for completing the Railway enlarged.

II. And be it further enacted, That the Time for making, completing, and finishing the said Railway or Tramroad, with the Branches and other Works by the said first-recited Act authorized to be made, and for purchasing the Land or Ground by the said Act authorized to be taken or used for the Purposes thereof, and which was extended and enlarged by the said last-recited Act in manner aforesaid, shall be further extended and enlarged, and the several Powers by the same Acts given to and conferred upon the said Company for these Purposes shall be and are hereby continued for the further Space of Three Years, to commence and be computed from the passing of this Act.

Grants and Contracts made by

III. And be it further enacted, That all Grants, Obligations, Submissions, Decrees at Law, Decrees Arbitral, Contracts, Agreements, and



and other legal Rights and Titles whatever, made, entered into, or contracted under or by virtue of the said recited Acts or either of them, being duly stamped, and in which Grants, Obligations, Contracts, Agreements, Rights, and Titles the Consideration for making the same shall be truly specified, shall subsist in full Force and Effect, and shall be binding and prestable under this Act, in the same Manner and as fully and effectually in all respects as they were or could be under the said recited Acts, and the said Company shall be and they are hereby authorized and empowered to continue and proceed in the Execution of all and every Works, Matters, and Things which by the said recited Acts they are authorized and empowered to do, make, maintain, and construct, and to use and exercise all and every the Powers and Authorities given by the said Acts as to all such Works, Matters, and Things as aforesaid, for the further Time herein-before mentioned, subject always to the several Powers, Provisoes, and Restrictions in the said recited Acts contained, in the same Manner and to the same Effect as they could have done or may do under the said recited Acts.

virtue of recited Acts to be binding under this Act.

Company to proceed with Works authorized by recited Acts.

IV. Provided always, and be it further enacted, That no Land or Grounds shall be taken for completing the said Railway without the Consent in Writing of the Owners and Occupiers of such Land or Grounds respectively; and that in the Completion of the said Railway the said Company shall not deviate more than Ten Yards from the Course or Direction delineated on the Map or Plan thereof deposited at each of the Offices of the Clerks of the Peace for the County of *Lanark*, at *Lanark* and *Hamilton*, in or through any Town, or more than One hundred Yards from such Course or Direction in any other Place or Places.

Land not to be taken without the Consent of Owners and Occupiers, and Deviations restrained.

V. Provided also, and be it further enacted, That the said Company shall be and they are hereby authorized and required to make or carry the said Railway across the Turnpike Road between *Hamilton* and *Newhouse*, and passing through the Village of *Motherwell*, at a Level of Sixteen Feet and a Half below the present Surface of the said Road, by means of a Tunnel or Arch of the Width of the said Road, and to raise the said Road not exceeding the Height of One Foot, at the Sight and to the Satisfaction of the Surveyor of the said Road; and that the Expence of making and maintaining the said Tunnel or Arch and of raising the said Road in manner aforesaid shall be defrayed by the said Company.

Railway to cross Turnpike Road at Motherwell by a Tunnel.

VI. And be it further enacted, That if the Railway hereby authorized to be completed shall cross any Turnpike or public Carriage Road, and locomotive Engines shall be used or employed thereon, the same shall be carried over such Road, or such Road shall be carried over the said Railway, at the Expence of the said Company, by means of a Bridge or Tunnel, where not otherwise provided for by the said recited Acts or this Act, of such Construction as is herein-after mentioned.

Railway to be carried over or under Turnpike Roads by Bridges or Tunnels.

VII. And be it further enacted, That where any Bridge shall be erected by the said Company for the Purpose of carrying the said Railway

Regulations as to Width and Height



of Bridges  
for carrying  
Railway over  
Roads;

Railway over or across any Turnpike or other public Carriage Road the Span of the Arch of such Bridge shall be formed and shall at all Times be continued of such Width as to leave a clear and open Space under every such Arch of not less than Twenty-five Feet for a Turnpike Road, and of not less than Twenty Feet for a public Carriage Road, and of a Height from the Surface of such Turnpike Road to the Centre of such Arch of not less than Eighteen Feet, and of a Height from the Surface of such public Carriage Road to the Centre of such Arch of not less than Sixteen Feet, and the Descent under any such Bridge, in the Case of a Turnpike Road, shall not exceed One Foot in Thirty Feet, and in the Case of any public Carriage Road, One Foot in Twenty Feet, and in the Case of any other Road, One Foot in Sixteen Feet beyond the original Level or Inclination of such Road.

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Bridges for  
carrying  
Roads over  
the Railway.

VIII. And be it further enacted, That where any Bridge shall be erected for carrying any Turnpike Road over the said Railway, the Road over such Bridge shall be formed and shall at all Times be continued of such Width as to leave a clear and open Space between the Fences of such Road of not less than Twenty-five Feet; and where any public Carriage Road, not being a Turnpike Road, shall be carried over the said Railway, such Space shall not be less than Twenty Feet, and the Ascent of every such Bridge for the Purpose of such Turnpike Road shall not be more than One Foot in Thirty Feet; and with respect to any public Carriage Road, not being a Turnpike Road, not more than One Foot in Twenty Feet, and with respect to any Occupation Road or private Carriage Road, not more than One Foot in Sixteen Feet; and a good and sufficient Fence shall be made, and at all Times thereafter continued and repaired, by and at the Expence of the said Company, on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of the Road over such Bridge: Provided nevertheless, that the Regulations herein-before contained respecting the Descent and Ascent of Roads under or over the said Railway shall not apply where the Inclination of such Roads shall not be increased or altered by the making of the said Railway.

Penalty on  
Default in  
reinstating  
Turnpike  
Roads.

IX. And be it further enacted, That in case the said Company shall neglect to set out and make such good and sufficient Roads as are directed to be set out and made by the said first-recited Act, or if, in the Execution of the said recited Acts and this Act, any Turnpike Road shall be cut through, raised, sunk, or injured, and the same shall not be restored within the Period prescribed by the said first-recited Act, then and in either of such Cases the said Company shall forfeit and pay, for every Day during which such good and sufficient Roads shall be neglected to be set out and made, and during which such Turnpike Road shall not be restored, after the said prescribed Period (as the Case may be), the Sum of Twenty Pounds, to be levied, recovered, and applied in the same Manner as other Penalties are by the said Act directed to be recovered, levied, and applied.

Locomotive  
Engines may  
be used on

X. And whereas it was provided by the said first-recited Act that nothing therein contained should authorize or be construed to authorize



authorize the said Company, or any Person or Persons using the said Railway, to use or employ locomotive Steam Engines for towing or dragging Waggon or other Carriages along that Part of the Line of the said Railway which passes through the Estate of *Jerviston* belonging to Major *James Drysdale* (since deceased) without the Consent of the said *James Drysdale*, or the Proprietor of the said Estate for the Time being, first had and obtained thereto in Writing: And whereas it is expedient, for the Purpose of facilitating the Transport, Carriage, and Conveyance of Goods, Merchandize, and other Articles and Things, and for the Conveyance of Passengers on the said Railway, that locomotive or moveable Engines should be used or employed along or upon the said Part or Portion of the Line of the said Railway passing through the said Estate of *Jerviston*; be it therefore enacted, That it shall and may be lawful to and for the said Company, and any Person or Persons authorized or permitted by them, on the said Company obtaining the Consent thereto in Writing of the present Proprietor or Proprietrix of the said Estate of *Jerviston*, from thenceforth and at all Times thereafter to use or employ locomotive or moveable Steam Engines for towing or drawing Waggon or other Carriages along or upon that Part of the said Railway which passes or is intended to pass through the said Estate of *Jerviston*, in the Course or Direction delineated on the Map or Plan herein-before mentioned or referred to, or not nearer to the Mansion House of *Jerviston* than as laid down and shewn on the said Map or Plan, except with the Consent of the Proprietor of the said Estate for the Time being first had and obtained thereto in Writing, in manner provided by the said first-recited Act.

obtaining  
the Consent  
of the Pro-  
prietor of the  
Estate of  
*Jerviston*.

XI. And be it further enacted, That the said Company shall not partially lower the Tolls, Rates, and Duties granted by the said first-recited Act, but all such Tolls, Rates, and Duties shall be so fixed as that the same shall be taken from all Persons alike under the same or similar Circumstances.

Rates not to  
be reduced  
partially.

XII. And whereas by reason of the Exercise of the Powers by the said recited Acts and this Act granted there may be Deficiencies in the Assessments for Land Tax in the several Parishes through or in which the Works hereby authorized may pass or be situate; be it therefore enacted, That the said Company shall, from and after they shall have become seised or possessed by virtue of the said recited Acts and this Act of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of Land Tax, be subject and liable from Time to Time to pay and make good, to or in aid of such several Parishes as aforesaid, out of the Monies to arise by virtue of the said recited Acts and this Act, all such Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said several Parishes by reason of taking down or using for the Purposes of the said recited Acts and this Act any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of

Provision for  
Deficiencies  
of Land Tax.

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the passing of this Act; and the Treasurer, Collector, or Receiver appointed or to be appointed by the said Company is hereby required to pay all such Deficiencies, on Demand thereof, to the Collector of the said Assessments.

If the Railway be not completed within Three Years, the Powers of this Act to cease.

XIII. And be it further enacted, That in case the said Railway or Tramroad, with the Branches and Works therewith connected, authorized to be made and completed by the said recited Acts, shall not have been made, completed, or finished within the said Space or Time of Three Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Three Years all the Powers, Authorities, and Privileges by this Act and also by the said recited Acts, given to or conferred upon the said Company for making and completing such Railway or Tramroad, and the several Works, Matters, and Things belonging thereto or connected therewith, shall cease and determine, save and except only as to so much of the said Railway, Branches, and Works as have been made and completed under the said recited Acts, or as shall have been completed within the said Space of Three Years, to be computed from the passing of this Act.

For paying Costs of this Act.

XIV. And be it further enacted, That all the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, and all other Expences incident thereto, shall, in the first place, and in preference to all other Payments whatever, be paid by and out of any Money now in the Hands of the Treasurer or Treasurers of the said Company, or out of the first Money which shall be raised or received under or by virtue of the said recited Acts and this Act, or any or either of them.

Public Act.

XV. 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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