



CHAPTER cxxxiii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Motherwell and Bellshill Railway (Abandonment). A.D. 1904.

[22nd July 1904.]

WHEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners made the Provisional Order set forth in the Schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict.
c. 47.

Be it therefore 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 as follows:—

1. The Provisional Order contained in the Schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation
of Order in
schedule.

2. This Act may be cited as the Motherwell and Bellshill Railway (Abandonment) Order Confirmation Act 1904. Short title.

A.D. 1904.

SCHEDULE.

MOTHERWELL AND BELLSHILL RAILWAY
(ABANDONMENT).

Provisional Order for the abandonment of the Motherwell and Bellshill Railway and for other purposes.

WHEREAS by the Motherwell and Bellshill Railway Act 1900 (in this Order called "the Act of 1900") the Motherwell and Bellshill Railway Company (in this Order called "the Company") were incorporated and authorised to make and maintain in the county of Lanark the railways and works therein described and therein called the Motherwell and Bellshill Railway :

And whereas the powers of the Act of 1900 with respect to the purchase of land the making of the railways and works and the raising of capital have not been exercised :

And whereas the deposit fund in section 38 of the Act of 1900 mentioned was provided and deposited by John Colville since deceased and David Henderson Macdonald who with the executors of the said John Colville are hereinafter called "the depositors" :

And whereas by section 6 of the Act of 1900 it was provided that the Company should within four months from the passing of the said Act deposit at a bank in Motherwell to the credit of the commissioners of the burgh of Motherwell (in that section and this Order called "the commissioners") the sum of ten thousand pounds or security to be approved by the commissioners for that amount and if the said sum should not be so paid or approved security therefor deposited within the said period the powers conferred on the Company by the said Act should absolutely cease and determine at the expiration of that period And it was further provided that such deposit should if the Company did not previously to the expiration of the period limited for the completion of the railways complete the same and open them for the public conveyance of passengers or if the Company did not bonâ fide work the railways (of which the Board of Trade should be the judge) for the twelve months next ensuing the opening of the same be forfeited to and

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become the property of the commissioners free from all claims or demands of the Company and should be applied by the commissioners with the approval of the Secretary for Scotland for the benefit of the said burgh. And it was also further provided by the said section that any interest or dividends accruing on the deposit should from time to time and as often as the same should become payable until any such forfeiture as aforesaid be paid to the Company and that after the expiration of the said period of twelve months from the completion and opening of the railways unless the same should not have been bonâ fide worked as aforesaid the deposit should be repaid or released by the commissioners to the Company :

And whereas the said sum of ten thousand pounds was advanced on behalf of the Company by the said deceased John Colville the principal promoter and by certain others of the promoters of the Bill for the Act of 1900 and was duly deposited with the Commercial Bank of Scotland Limited at Motherwell to the credit of the commissioners :

And whereas in consequence of the death of the said John Colville and other material changes in the circumstances affecting the construction of the railway it is expedient that the same should be abandoned and that provision should be made for the release and repayment of the said deposit fund and for the release and appropriation of the said sum of ten thousand pounds as in this Order provided and for the winding-up and dissolution of the Company :

And whereas the provost magistrates and councillors of the burgh of Motherwell (hereinafter called "the corporation") are under the Town Councils (Scotland) Act 1900 the successors of the commissioners :

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows :—

1. This Order may be cited as the *Motherwell and Bellshill Railway (Abandonment) Order 1904* and shall come into operation at the date of the passing of the Act confirming the same which date is hereinafter referred to as "the commencement of this Order." Short title.

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Abandonment of railway.

Compensation for damage to land by entry &c. for purposes of railway abandoned.

2. The Company shall abandon the construction of the railways and works authorised by the Act of 1900 (in this Order called "the railway").

3. The abandonment of the railway by the Company under the authority of this Order shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation (Scotland) Act 1845 or the Act of 1900.

Compensation to owners and occupiers for injury by reason of non-completion of purchase of land.

4. If before the commencement of this Order any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the railway or any portions thereof authorised to be abandoned by this Order the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall in case of dispute be determined in manner provided by the Lands Clauses Acts as amended by any subsequent Act for determining the amount and application of compensation to be paid for lands taken under the provisions thereof.

Repayment of deposit fund mentioned in section 38 of Act of 1900.

5. Notwithstanding that the period limited for the completion of the railway and works authorised by the Act of 1900 has not expired but subject to the provisions of this Order and of section 39 of the Act of 1900 with respect to compensation to landowners or other persons as therein provided the Court of Exchequer in Scotland at any time after the commencement of this Order on application by or on behalf of the depositors or either of them may and shall order that the sum of nine thousand six hundred and seventy-seven pounds sixteen shillings the deposit fund mentioned

in section 38 of the Act of 1900 with any interest due thereon be paid to the depositors or to any other person or persons whom the depositors or either of them may appoint in that behalf and upon such order being made the said sum of nine thousand six hundred and seventy-seven pounds sixteen shillings and any interest due thereon shall be paid to the depositors or to the person or persons appointed as aforesaid.

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6. Of the sum of ten thousand pounds mentioned in section 6 of the Act of 1900 five thousand pounds shall within one month from the commencement of this Order be released by the corporation and paid to the Company and refunded by the Company to the executors of the said John Colville and to the other persons by whom the said sum of ten thousand pounds was advanced and the remaining five thousand pounds shall at the commencement of this Order forthwith become the property of the corporation and shall be paid to and applied by the corporation with the approval of the Secretary for Scotland for the benefit of the burgh of Motherwell.

Repayment
of portion of
deposit men-
tioned in
section 6 of
Act of 1900.

7. From and after the release and repayment of the said deposit fund and of the release and appropriation of the said sum of ten thousand pounds as provided by this Order the Company shall subsist only for the purpose of winding-up their affairs and shall forthwith be wound up and dissolved in the same manner and with the same incidents as if the Company were a company registered under the Companies Acts 1862 to 1900 and shall from and after the commencement of this Order be deemed to be so registered in Scotland accordingly and for the purposes of calling and holding meetings and passing resolutions and other matters incident to such winding-up resolutions of meetings of the Company convened and held in pursuance of the provisions contained in the Act of 1900 and the Acts incorporated therewith may and shall take effect as resolutions of a company duly registered as aforesaid and the directors who are in office at the date of the commencement of this Order and the survivors and survivor of them shall continue without re-election to hold the office of directors until superseded by a liquidator appointed in the winding-up and on the dissolution of the Company the Act of 1900 shall be repealed.

Winding-up
and dissolu-
tion of Com-
pany.

8. The following provisions shall unless otherwise agreed upon between the corporation and the Caledonian Railway Company

Caledonian
Railway
Company to

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A.D. 1904. (hereinafter called "the Caledonian Company") apply and have
widen certain effect (that is to say) :—
bridges.

- (1) The Caledonian Company shall at their own expense widen to a width between the parapets of not less than sixty feet the bridge carrying Clyde Street over the Lesmahagow Branch of the Caledonian Company the bridge carrying Merry Street over the main line of the Caledonian Company from Glasgow to Carlisle and the bridge carrying Merry Street over the branch from the railway of the Caledonian Company to the works of the Glasgow Iron and Steel Company Limited:
- (2) The Caledonian Company shall for the purpose of enabling the corporation at their own expense to widen the streets at either end of the said several bridges to a width of sixty feet make over and convey to the corporation free of charge such lands now belonging to the Caledonian Company as may be required for such purpose :
- (3) The said bridge widenings shall be constructed by the Caledonian Company according to such plans and sections and of such materials as shall be previously approved by the corporation or in the event of any difference between the corporation and the Caledonian Company with respect thereto by William Crouch or him failing by Charles Pullar Hogg both civil engineers Glasgow Provided that if the corporation do not within fourteen days of the receipt by them of such plans and sections intimate to the Caledonian Company their approval or disapproval thereof the Caledonian Company may thereupon proceed to execute the said bridge widenings in conformity therewith :
- (4) The said bridge widenings shall be completed and the roadways and footways over the said bridges as widened made good to the reasonable satisfaction of the corporation by the Caledonian Company within two and one half years from the commencement of this Order and any difference between the corporation and the Caledonian Company under this subsection shall be determined by the said William Crouch or him failing the said Charles Pullar Hogg.

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9. All costs charges and expenses preliminary to and of and A.D. 1904.
incident to the preparing applying for obtaining and passing of ^{Costs of}
this Order and the confirming Act or otherwise in relation thereto ^{Order.}
shall be paid by the Company.

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