CHAPTER cxlvi.

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An Act to confer further powers on the Caledonian Railway Company in relation to their own Undertaking and on them and the Glasgow and South Western Railway Company in relation to the Glasgow Barrhead and Kilmarnock Joint Line to confirm an Agreement with the Trustees of the late Robert Haldane to provide for the acquisition by the Caledonian Railway Company of the Forfar and Brechin Railway and for other purposes.

[31st July 1894.]

WHEREAS it is expedient that the Caledonian Railway Company (in this Act called "the Company") should be authorised to make and maintain the widening railway and road No. 1 and to acquire and hold the lands in the counties of Lanark Edinburgh and Forfar herein-after described and to abandon the construction of so much of the railway authorised by the Caledonian Railway (Edinburgh Leith and Newhaven Extension Lines) Act 1890 (in this Act called "the Leith Lines Act of 1890") and therein called Railway No. 2 as would have been situate between the commencement and termination of the deviation thereof by this Act authorised and that the Company and the Glasgow and South Western Railway Company (in this Act called "the South Western Company") should be authorised to make the road No. 2 in the county of Renfrew also herein-after described:

53 & 54 Vict. c. clxvii.

And whereas it is expedient that the powers granted by the Leith Lines Act of 1890 for the compulsory purchase of lands for the purposes of the Railways Nos. 2 3 5 and 6 thereby authorised but as regards Railway No. 2 so far only as that railway is not by this Act authorised to be abandoned should be revived and extended and that the powers granted by the Caledonian Railway (Edinburgh and Leith Lines) Act 1891 (in this Act called "the Leith Lines Act of 1891") for the compulsory purchase of lands for the purposes of

54 & 55 Vict. c. ciii.

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the Railways Nos. 4 and 5 by that Act authorised and of the other lands in the parish of St. Cuthbert in the county of Edinburgh by the same Act authorised to be purchased by the Company should be extended and that the periods limited by the said Acts for the completion of such railways should be also extended:

53 & 54 Vict. c. cxxxi.

And whereas it is expedient that the period limited by the Caledonian Railway (Additional Powers) Act 1890 (in this Act called "the Additional Powers Act of 1890") for the completion of the Railways Nos. 1 2 3 4 5 and 6 thereby authorised should be likewise extended:

And whereas it is expedient that the agreement set forth in the schedule to this Act between the Company and the trustees of the late Robert Haldane of Kirkton in the parish of Mains and Strathmartine in the county of Forfar should be confirmed and that the level crossings of the Dundee and Newtyle Branch of the Caledonian Railway at Baldovan in that parish referred to in such agreement should be abolished:

And whereas it is expedient that the Company and the South Western Company should be empowered to stop up the portion of the Carlibar Road in the parish of Neilston in the county of Renfrew for which the Road No. 2 by this Act authorised is proposed to be substituted and that the site of such portion should be vested in the Company and the South Western Company as joint owners of the Glasgow Barrhead and Kilmarnock Joint Line of Railway and that the Company and the South Western Company should contribute towards the construction of the said new road in the proportions herein-after provided and the other provisions in this Act contained should be made in reference to such new road:

53 & 54 Vict. c. clxvi.

And whereas by the Forfar and Brechin Railway Act 1890 (in this Act called "the Forfar Act of 1890") the Forfar and Brechin Railway Company (in this Act called "the Forfar Company") were incorporated and authorised to make certain railways in the county of Forfar which are now in course of construction:

And whereas the Company have agreed with the Forfar Company for the purchase of the undertaking of the Forfar Company free from all incumbrances in consideration of the sum of one hundred and sixty-eight thousand four hundred pounds the aggregate amount of the authorised share capital and borrowing powers of the Forfar Company and on the terms in this Act contained and it is expedient that the Company should be authorised to acquire such undertaking and that the same should be transferred to and vested in the Company and that the Forfar Company should be dissolved and the sum deposited for securing the completion of the railways authorised by the Forfar Act of 1890 should be released and penalties upon the

Company in the event of their failing duly to complete such railways should be substituted therefor :

And whereas it is expedient that the other powers and provisions in this Act contained should be conferred on or made in relation to the Company and their undertaking and that the Company should be authorised to raise additional money for the purposes of this Act and for the completion of the railways of the Forfar Company and for other purposes of their undertaking :

And whereas plans and sections showing the lines and levels of the widening railway and roads authorised by this Act and the lands which may be taken for the purposes of this Act and books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the principal sheriff clerks of the counties of Lanark Renfrew Edinburgh and Forfar respectively and are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas the purposes of this Act 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 Caledonian Railway Act 1894.

Incorporation of Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation (Scotland) Act 1845 Part I. (relating to construction of a railway) Part II. (relating to extension of time) and Part V. (relating to amalgamation) of the Railways Clauses Act 1863 the clauses and provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the following matters (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 non-payment 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 the general meetings of the Company and the exercise of the right of voting by the shareholders the making of dividends and the giving of notices and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture

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stock) of the Companies Clauses Act 1863 as amended by the Railway Companies (Scotland) Act 1867 are (except where and as expressly varied by this Act) incorporated with and form part of this Act and all the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 so incorporated with this Act which relate to stock into which shares in the capital of the Company have been converted or consolidated shall apply to the stock which the Company are by this Act authorised to issue and to the holders thereof and the provisions of the Caledonian Railway (Conversion of Stock) Act 1890 shall apply to any ordinary stock created and issued under the authority of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And in the Acts wholly or partially incorporated herewith the expression "the Company" means the Caledonian Railway Company and in connexion with the Road No. 2 includes also the South Western Company the expression "the special Act" means this Act the word "schoolmasters" means session clerks and the expression "the railway" means the widening railway and roads by this Act authorised or any part thereof.

Power to make railways and roads and take lands for purposes thereof.

4. Subject to the provisions of this Act the Company and as regards Road No. 2 the Company and the South Western Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the widening railway and roads herein-after described with all proper stations sidings junctions roads approaches and other works and conveniences in connexion therewith 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 those purposes (that is to say):—

(1.) A widening of the Company's Glasgow Central Railway one furlong 5·67 chains in length (herein-after called "the widening") commencing by a junction with the railway authorised by the Glasgow Central Railway Act 1888 and therein called Railway No. 1 at a point sixty-three yards or thereabouts eastwards from the centre of the bridge carrying the Caledonian Railway over Argyle Street and terminating by a junction with the said Railway No. 1 at a point two hundred and seventy-eight yards or thereabouts westwards from the centre of the said bridge carrying the Caledonian Railway over Argyle Street;

(2.) A railway two furlongs 5·50 chains in length (herein-after called "the railway") being a deviation of the railway

authorised by the Leith Lines Act of 1890 and therein called Railway No. 2 commencing by a junction with the said Railway No. 2 at a point about six furlongs and one hundred and ninety-eight yards from the junction of that railway with the Leith branch of the Caledonian Railway and terminating by a junction with the said Railway No. 2 at a point about one mile one furlong and sixty-six yards from the junction of that railway with the said Leith Branch of the Caledonian Railway;

(3.) A road (herein-after called "Road No. 1") in the parish of Mains and Strathmartine in the county of Forfar commencing by a junction with the road known as the American Muir Road at a point fifty yards or thereabouts westwards from the centre of the level crossing by the said road of the Dundee and Newtyle Branch of the Caledonian Railway and terminating by a junction with the main road from Dundee to Downfield at a point two hundred yards or thereabouts southwards from the junction of the said American Muir Road with the said main road from Dundee to Downfield;

(4.) A road (herein-after called "Road No. 2") in the parish of Neilston in the county of Renfrew commencing by a junction with the road known as the Carlibar Road at a point sixty yards or thereabouts south-eastwards from the centre of the bridge carrying the Glasgow Barrhead and Kilmarnock Joint Line of Railway over the said Carlibar Road and terminating by a junction with the road known as the Grahamston Road at a point sixteen yards or thereabouts southwards from the centre of the bridge carrying the said joint line of railway over the said Grahamston Road.

Company to abandon portion of railway.

5. The Company shall abandon the construction of so much of the said Railway No. 2 authorised by the Leith Lines Act of 1890 as would have been situate between the respective points of commencement and termination of the railway by this Act authorised and the subsidiary works connected therewith and section forty-two of the last-mentioned Act so far as relating to the portion of railway so required to be abandoned is hereby repealed.

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

6. The abandonment by the Company under the authority of this Act of the said portion of railway or works 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

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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 Leith Lines Act of 1890.

Compensation to be made in respect of portion of railway abandoned.

7. Where before the passing of this Act 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 any portion of railway or works authorised to be abandoned by this Act 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 of 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 be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Saving for compulsory purchase of lands of Messrs. Dicksons and Company and others.

8. Notwithstanding the provisions contained in the immediately preceding section of this Act the Company shall complete under and in pursuance of their notice to treat dated the twenty-fourth day of July one thousand eight hundred and ninety-three served upon Messrs. Dicksons and Company Edinburgh and others and the counter notice and claim served by the said Messrs. Dicksons and Company and others on the Company dated the twenty-fifth day of May one thousand eight hundred and ninety-four and the arbitration proceedings which have followed or may follow on the said notice to treat and counter notice and claim or either of them for the purpose of ascertaining the amount of purchase money and compensation payable the compulsory taking or purchase of the whole of the land or property in the parish of Saint Cuthbert and county of Midlothian specified in the said counter notice and claim and extending to one acre and three roods or thereabouts as if notice to treat had been served by the Company upon the said Messrs. Dicksons and Company and others for the compulsory taking or purchase of the whole of the said land or property and as if the said arbitration proceedings had followed thereon.

Power to acquire certain lands in Glasgow and Edinburgh.

9. Subject to the provisions of this Act and in addition to the other lands which the Company are by this Act authorised to acquire the Company may from time to time enter upon take and use for the purposes of and connected with their undertaking all or

any of the lands following delineated on the deposited plans and described in the deposited books of reference relating thereto (that is to say):—

(A.) Certain lands in the barony parish of Glasgow and city parish of Glasgow or one of those parishes in the city and Royal burgh of Glasgow in the county of Lanark situate on the north side of and abutting upon Argyle Street between Union Street on the east and West Campbell Street on the west;

(B.) Certain lands in the parish of Calton in the city and Royal burgh of Glasgow in the county of Lanark situate on the north side of and abutting upon Dalmarnock Road between Mordaunt Street on the east and Nuneaton Street on the west;

(C.) Certain lands in the parish of St. Cuthbert in the city and Royal burgh of Edinburgh in the county of Edinburgh situate on the north-west side of and abutting upon the Company's railway and lying between that railway and Rutland Street and Rutland Square on the north-west and extending from Canning Street Lane on the south-west to the Company's land on the north-east.

Confirming acquisition of certain lands.

10. Whereas certain portions of the lands referred to in the foregoing section have already been acquired by the Company the acquisition of such lands is hereby sanctioned and confirmed as if the same had been acquired under the provisions of this Act.

Provisions as to nuisance.

11. Subject to the provisions of the section of this Act the marginal note of which is "Providing for ventilation &c." nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land acquired or held under the powers of the two immediately preceding sections.

Power to take servitudes by agreement.

12. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant any servitude right or privilege (not being a servitude right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any lands and the provisions of the said Acts with respect to lands and feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Company may appropriate subsoil &c.

13. With respect to any lands which the Company are by this Act authorised to enter upon take and use in the city of Glasgow and which are in or under the roadway pavement or footway of any

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public street road or lane shown on the deposited plans and described in the deposited books of reference the Company shall not be required wholly to take the same or any part of the surface thereof or any cellar vault or other construction therein or thereunder but the Company may appropriate and use without price or consideration the soil subsoil and under-surface of the roadway pavement or footway of any such street road or lane for the purposes of their undertaking and if need be they may purchase take and use and the owners of and other persons interested in any such cellar vault or other construction shall sell the same and no such soil subsoil or under-surface cellar vault or other construction to be appropriated and used or purchased as aforesaid shall be deemed part of a house or other building or manufactory within the meaning of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

Powers of lateral deviation for the widening.

14. The Company may (without prejudice to the powers of deviation exerciseable under the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 in respect of the railway and roads by this Act authorised) deviate in the construction of the widening from the lines thereof delineated on the deposited plans to any extent within the limits of deviation marked thereon in relation to the widening anything in the first above-mentioned Act to the contrary notwithstanding.

Powers of vertical deviation for the widening.

15. The Company may (without prejudice as in the last preceding section mentioned) deviate in the construction of the widening from the levels thereof shown on the deposited sections to the extent of five feet and to such further extent as may be found necessary or convenient for accommodating preserving or improving the drainage of or the sewers drains pipes or other works in or under the streets roads lanes pavements footpaths and places under which the widening will be made or for avoiding such sewers drains pipes or other works anything in the Railways Clauses Consolidation (Scotland) Act 1845 to the contrary notwithstanding Provided that the Company shall make full satisfaction to the owners lessees and occupiers of any lands or buildings abutting on or adjoining the widening that may be injuriously affected by reason of any deviation under the powers of this section to a greater extent than might have been executed under the powers of that Act.

Company empowered or may be required to underpin or otherwise strengthen houses.

16. And whereas in order to avoid in the execution and maintenance of the widening and railway authorised by this Act injury to the houses and buildings within one hundred feet thereof it may be necessary to underpin or otherwise strengthen the same Therefore the Company at their own costs and charges may and if required by the owners and lessees of any such house or building shall subject

as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

(1.) At least ten days notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened ;

(2.) Each such notice if given by the Company shall be served in manner prescribed by section 18 of the Lands Clauses Consolidation (Scotland) Act 1845 and if given by the owners and lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Company ;

(3.) If any owner lessee or occupier of any such house or building or the Company as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they as the case may be dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade ;

(4.) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier he shall prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building ;

(5.) The cost of the reference shall be in the discretion of the referee ;

(6.) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment ;

(7.) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made within six months from the discovery thereof ;

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(8.) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Company from liability to compensate under the Lands Clauses Consolidation (Scotland) Act 1845 or under any other Act;

(9.) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions contained in the Lands Clauses Acts;

(10.) Nothing in this section shall repeal or affect the application of the ninetieth section of the Lands Clauses Consolidation (Scotland) Act 1845.

Providing for ventilation &c.

17. Subject to the provisions of this Act and upon lands belonging to the Company or which they may acquire under the powers of this Act or have obtained right to use for that purpose the Company may make and for ever after maintain openings shafts or vents to any portion of the widening or of the lands acquired by them under the powers of this Act in the city of Glasgow for the purpose of ventilating their railways and may provide and work ventilating fans in connexion therewith and may for the purposes of such openings shafts or vents and for other purposes in the construction of the works by this Act authorised or in connexion with the use and occupation of the lands acquired by them under the powers of this Act alter divert or interfere with any sewers drains pipes tramways electric apparatus and other works subject to the provisions of the Telegraph Act 1878 as regards any telegraph wires and works connected therewith which may impede the construction or use of the said openings shafts or vents or of the said works or lands Provided that in the exercise of the powers conferred by this section the Company shall do as little damage as possible and shall in all cases provide sufficient substitutes for any sewers drains pipes apparatus or works so interfered with and shall make compensation to all persons injuriously affected by the construction of any works executed in the exercise of such powers Provided further that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section fifteen of the former Act apply except in accordance with and subject to the provisions of that section.

Certain provisions of Glasgow Central Railway Act 1888 extended to this Act.

18. Subject to the provisions of this Act the provisions of section forty-one of the Glasgow Central Railway Act 1888 (herein-after called "the Act of 1888") (except sub-sections (G) and (H) thereof) for the protection of the lord provost magistrates and council of the city of Glasgow as a municipal corporation and as trustees or

commissioners acting in execution of the several public and local and personal Acts by which any powers jurisdiction or authorities are conferred on them (herein-after called "the corporation") and for the protection of the Glasgow Tramway and Omnibus Company Limited the lessees for the time being of the tramways of the said corporation and the provisions of section forty-three of the Act of 1888 for the protection of or with reference to the mains and pipes of the commissioners acting under the Glasgow Corporation Water-works Act 1855 and the mains and pipes of the lord provost magistrates and council of the city of Glasgow acting under the Glasgow Corporation Gas Act 1869 shall except in so far as by this Act otherwise provided extend and apply (so far as applicable) to the widening and to the streets roads lanes pavements or footpaths under or along which the widening may be made or on which the lands by this Act authorised to be acquired by the Company in the city and Royal burgh of Glasgow abut in the same manner as they would have applied if the widening and those lands had been originally part of the railways and works authorised by the Act of 1888 and as fully as if those provisions as varied by this Act had been repeated in this Act with reference to the widening and lands Provided that all notices and relative plans sections working drawings and specifications of and relating to the widening required to be given by the Company to the corporation under the provisions of the said sections forty-one and forty-three of the Act of 1888 shall be given to the corporation in each of its several capacities.

Interference with streets.

19. Subject to the provisions of this Act the Company may for the purpose of constructing the widening and in connexion with the lands by this Act authorised to be acquired by the Company in the city and Royal burgh of Glasgow temporarily cross alter break open stop up or divert any streets roads lanes pavements and footpaths shown on the deposited plans and described in the deposited books of reference and may during the period limited by this Act for the construction of the widening use and appropriate any of the streets roads lanes or footpaths so stopped up or diverted and may also during such period from time to time break or open any such streets roads lanes pavements or footpaths when necessary for the protection or repair of any sewers drains or pipes under the same.

Restoration of streets.

20. The Company shall restore the portions of the carriageway and footway of any street road lane pavement or footpath which may be from time to time stopped up by them for traffic for the purposes of the works (other than the occupations made under the provisions of the next succeeding section of this Act) within three months from the day upon which such portions shall respectively be

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so stopped up and they shall be liable to a penalty not exceeding ten pounds for every day after the expiration of the said period during which such portions respectively shall not be so restored and such penalty shall be recoverable with costs in the court of the sheriff of the county of Lanark at Glasgow on summary application by all or any of the proprietors or tenants in that part of the street which is opposite or in the immediate vicinity of the respective portions which shall not be so restored.

For protection of the Corporation of Glasgow.

21. For the protection of the corporation the following provisions shall have effect:—

(A.) The powers of the Company to interfere with or occupy the several streets roads lanes pavements or footpaths shown on the deposited plans and described in the deposited books of reference shall be subject to the following conditions viz.:—

(1.) Subject to the provisions of this section the Company shall not at any one time occupy a greater extent of the surface of such streets roads lanes pavements or footpaths than an area or areas one hundred feet long by seventeen feet wide which areas shall be fenced and protected to the satisfaction of the master of works and there shall be intervals of not less than one hundred yards between any such areas so occupied in any one street No such area shall be so situate as to close any street at any time against vehicular and other traffic Except as herein-after provided the Company shall in no case occupy the footpath or pavement of the streets to a greater width than three feet from the kerbstone and where practicable shall leave a space of not less than ten feet between the area so occupied and the building line of the street;

(2.) No such occupation of a street shall unless with the consent of the corporation be continued at any one place for a longer period than six months (other than any occupation under the bridge carrying the Caledonian Railway over Argyle Street which may be continued for a period of two years) under the penalty in the next preceding section provided and the Company shall not use for the display of advertisements or notices the hoardings by which any such portions of streets may be enclosed by them but the occupiers of shops opposite each enclosure and on the same side of the street therewith shall free of charge have the exclusive right subject to the regulation of the city engineer to use such hoardings for advertisements and notices in relation to their businesses and in the event of any question arising as to the allocation of such

advertising spaces the same shall be disposed of in a summary manner by the city engineer whose decision shall be final;

(3.) The Company may occupy at any one place for a period not exceeding six months an area or areas on the north side of the tramway rails in Argyle Street one hundred feet in length and extending in width from the north building line of the street to seven feet six inches from the northmost rail of the tramways in that street but no such occupation shall take place within one hundred yards of any occupation by the Company on either side of Argyle Street The occupation of such area or areas shall be made only where the Company own the property on the north side of the street abutting on the area of occupation but the Company may for that period successively occupy separate areas of that extent on the north side of Argyle Street within the limits of deviation so far as they own the property as aforesaid The Company shall round the corners of such areas and shall form outside such areas temporary footpaths five feet in width to connect the existing pavements or footpaths on the east and west all to the satisfaction of the master of works;

(4.) The Company shall not occupy or enclose the pavement or footpath on the south side of Argyle Street except as provided in sub-section (A) (1) hereof;

(5.) Notwithstanding anything in the section of this Act the marginal note of which is "Period for completion of works" the powers of the Company to interfere with or occupy any part of the streets shall (except for the purpose of executing any works required for ventilating the railways in terms of the Act of 1888 or required by the Board of Trade or required for the purpose of underpinning or otherwise strengthening houses and buildings within one hundred feet of the widening or lands by this Act authorised to be acquired) be limited as herein-after provided (that is to say) (1) the powers of the Company to interfere with or occupy any part of the roadway of Argyle Street shall cease on the eleventh day of November one thousand eight hundred and ninety-six and (2) the powers of the Company to interfere with or occupy the other streets shown on the deposited plans shall cease on the eleventh day of November one thousand eight hundred and ninety-seven:

(B.) (1.) Subject to the provisions of paragraph three of this sub-section the Company shall construct the sewers in

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Hope Street and Wellington Street in accordance with the plan served by them on the corporation under the powers of the Act of 1888 on the seventh day of July one thousand eight hundred and ninety-three and the Company shall free and relieve the corporation from all claims of whatever description for damage or otherwise from whatever cause arising which may be occasioned by the construction existence or use of such sewers;

(2.) The Company shall if required by the master of works at their own expense construct and maintain in all time coming a sufficient relief or overthrow sewer from the Hope Street sewer in such position and of such capacity as the master of works may determine but the Company may discharge such relief or overflow sewer into their railway and works and shall at their own expense dispose of the sewerage therefrom to the satisfaction of the master of works The Company shall free and relieve the corporation from all claims of whatever description for damage and otherwise from whatever cause arising which may be occasioned by the construction existence or use of such sewer;

(3.) Where the Company's works adjoin or abut on the buildings on either side of Argyle Street Hope Street and Wellington Street the Company shall at their own expense to the satisfaction of the master of works make provision by new or substituted sewers for the drainage of those buildings and in the event of such new or substituted sewers being constructed in or through the works or property of the Company the Company shall in all time coming maintain at their own expense those sewers and any other sewers which may be constructed in or through their works or property and the Company shall at their own expense make such connexions with any of those sewers as may be from time to time required by the corporation or by the frontagers or others having right to use the sewers and shall also free and relieve the corporation and the frontagers from all claims of whatever description for damage or otherwise from whatever cause arising which may be occasioned by the construction existence or use of such sewers;

(4.) The Company shall at their own expense construct in the several streets within the limits of deviation shown on the deposited plans of the widening such gullies for surface drainage with outlet pipes and connexions as the master of

works may in his discretion think necessary and there shall be no appeal to the arbitrator with reference to such gullies outlet pipes and connexions The Company shall in all time coming maintain at their own expense all the gullies outlet pipes and connexions which may be constructed within the limits of deviation shown on the deposited plans of the widening:

(c.) The Company shall maintain in all time coming the foot pavements of the several streets situated above their underground station railway and other works situated within the limits of deviation shown on the deposited plans of the widening and they shall to the satisfaction of the inspector of cleansing cleanse such pavements during the construction of such underground station and works:

(d.) Subject to the provisions of paragraph (6) of this sub-section the powers of the Company to take down the buildings for the purposes of the widening and in connexion with the lands by this Act authorised to be acquired by the Company shall be limited to the area within the limits of deviation between their existing railway bridge over Argyle Street and the east side of Wellington Street and the powers of the Company to take down such buildings and to erect others shall be subject to the following conditions:—

(1.) The Company shall take down such buildings in lengths not exceeding one hundred feet of frontage to each street and for that purpose may enclose for a period of two months the pavement along each such section to the width of ten feet or such greater width as in the opinion of the master of works may be necessary for the safety of the public;

(2.) The Company shall prior to the eleventh day of November one thousand eight hundred and ninety-seven erect the buildings fronting and abutting on Argyle Street Hope Street and Wellington Street shown on the drawings signed on the twenty-fifth day of April one thousand eight hundred and ninety-four by David Richmond on behalf of the corporation and by Joseph C. Bolton on behalf of the Company;

(3.) For the erection of such new buildings the Company may enclose for twelve feet in width the pavement adjoining such buildings but such enclosure shall not without the consent of the master of works continue for more than six months;

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(4.) The Company shall within the period limited by this Act for the execution of the widening take down the several buildings situated on the properties numbered 10 11 13 and 15 on the deposited plans of the widening and shall construct a façade in the architectural style or character shown on the perspective drawing signed on the twenty-fifth day of April one thousand eight hundred and ninety-four by David Richmond and Joseph C. Bolton on behalf of the corporation and the Company respectively;

(5.) The detailed plans of the several buildings to be erected and re-constructed under the provisions of this section shall be submitted to the corporation and adjusted by the city engineer on behalf of the corporation and John James Burnet architect Glasgow on behalf of the Company and in the case of difference between them by James Thomson architect 88 Bath Street Glasgow;

(6.) So far as the corporation are interested the Company may at any time within the period limited by this Act for the construction of the widening take down the buildings or any part thereof situated on the property marked No. 17 on the deposited plans of the widening and in that event shall erect thereon buildings fronting and abutting on Argyle Street and Wellington Street of not less than two storeys in height with a dome at the corner of Argyle Street and Wellington Street according to plans to be submitted by the Company to the corporation and adjusted by the city engineer on behalf of the corporation and by John James Burnet architect Glasgow on behalf of the Company and in case of difference between them by James Thomson architect 88 Bath Street Glasgow and the Company in the exercise of those powers may enclose the pavement adjoining such buildings to the extents and for the periods respectively prescribed in paragraphs one and three of this sub-section:

(E.) (1.) The Company may for the construction of their authorised works within the limits of deviation shown on the deposited plans close Argyle Street for tramway and other vehicular traffic from twelve o'clock midnight on Saturday till five o'clock in the morning on Monday and on other days from twelve o'clock midnight till five o'clock in the morning of the next day during the time prior to the eleventh day of November one thousand eight hundred and ninety-six limited by this Act for their interference with Argyle Street and in respect of the interruption of traffic

by this Act authorised the Company shall pay to the corporation the sum of two thousand five hundred pounds towards the cost of laying a tramway line in St. Vincent Street from Dumbarton Road to Bothwell Circus which line after the completion thereof may be used along with the existing lines in continuation thereof and shall form part of the tramway undertaking of the corporation and as a substituted line for that in Argyle Street during the time that line is closed in terms of this section;

(2.) The corporation shall on obtaining the requisite Parliamentary sanction construct such new tramway line in St. Vincent Street and shall complete the same prior to the eleventh day of November one thousand eight hundred and ninety-four and on that date the Company shall pay to the corporation the said sum of two thousand five hundred pounds with interest thereon at five per centum from that date till payment;

(3.) The Company shall so construct their works in Argyle Street as to leave the space between the surface of the street and the upper surface of the Company's works specified in the joint minute for the corporation and the Company lodged on the twenty-seventh day of January one thousand eight hundred and ninety-three with the arbitrator appointed under the Act of 1888 and the Company shall at their own expense provide and place within the limits of deviation shown on the deposited plans such pulley boxes as may be required by the tramway engineer of the corporation and the Company shall provide for the drainage of those boxes:

(F.) (1.) (*a*.) If the Company without having first had and obtained in writing the consent of the corporation commence any works under the powers contained in this Act the execution of which would in any way interfere with or affect any road street lane pavement or footpath or which would interfere with or affect the sewers drains tramways gas and water mains and pipes or other property belonging to the corporation or in which they have interest without previously giving to the corporation notice thereof in writing accompanied by the necessary plans sections working drawings and specifications as provided herein and in the Act of 1888 or (*b*) if the Company having given to the corporation notice in writing with the necessary plans sections working drawings and specifications as aforesaid commence within the periods allowed to the corporation by the Act of 1888 for the intimation of approval or

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disapproval any such works without having first had and obtained in writing the consent of the corporation or (*c*) if the Company having given to the corporation notice in writing with the necessary plans sections working drawings and specifications as aforesaid and having received from the corporation within fourteen days from the service of such notice on them intimation of the disapproval by the corporation of the said plans sections working drawings and specifications commence any such works without the authority of the arbitrator appointed under the Act of 1888 and this Act or without having first had and obtained in writing the consent of the corporation they shall be liable to the corporation in a penalty not exceeding ten pounds for every day or part thereof during which such interference with any of the said roads streets lanes pavements or footpaths sewers or drains continues;

(2.) The said penalties may be sued for and recovered from the Company by and at the instance of the corporation in a summary manner in terms and under the provisions of the Summary Jurisdiction (Scotland) Acts 1864 and 1881:

(G.) Nothing in this Act contained with respect to the occupation of the several streets shown on the deposited plans shall be held to extend to prevent the Company from forming and maintaining in conformity with section forty-one sub-section (B) of the Act of 1888 temporary carriageways and footpaths or pavements during the construction of the widening or in connexion with the lands by this Act authorised to be acquired by the Company:

(H.) If the corporation and the Company shall differ upon or with reference to any matter or thing arising out of this and the two next preceding sections of this Act every such difference except those by this Act referred to the said master of works or James Thomson shall be referred to the determination of the arbitrator appointed by the corporation and the Company under section forty-one sub-section (P) of the Act of 1888.

Certain provisions of Leith Lines Act of 1890 extended to this Act.

22. The provisions of section 25 of the Leith Lines Act of 1890 for the protection of the Water of Leith Purification and Sewerage Commissioners and of sections 15 and 18 of that Act and the agreement set forth in the second schedule to such Act for the protection of the corporation of Edinburgh and of sections 19 and 20 of the same Act and the agreement set forth in the third schedule to such Act for the protection of the corporation of Leith and of sections 21 and 22 of the same Act for the protection of the

Edinburgh and Leith Corporations Gas Commissioners and of sections 23 and 24 of the same Act for the protection of the Edinburgh and District Water Trustees shall extend and apply (so far as applicable) to the railway by this Act authorised and relative works and also to the lands in the parish of St. Cuthbert authorised to be acquired by this Act in the same manner as they would have applied to the portion of the railway authorised by the Leith Lines Act of 1890 and therein called Railway No. 2 which is by this Act required to be abandoned and of which the railway is a deviation as aforesaid and to the lands in the parish of St. Cuthbert authorised to be acquired by the Leith Lines Act of 1891 and as fully as if those provisions had been repeated in this Act with reference to the said railway and to the lands in the parish of St. Cuthbert authorised to be acquired by this Act Provided that nothing contained in this Act shall prejudice or affect the said agreement set forth in the second schedule to the Leith Lines Act of 1890.

For protection of Leith Cemetery Company Limited.

23. Nothing in this Act contained shall be held or construed to alter vary enlarge restrict or extinguish section 8 of the Leith Lines Act of 1890 for the protection of the Leith Cemetery Company Limited and that section shall continue in full force and effect as if this Act had not been passed and the Company shall notwithstanding the time by this Act extended for the completion of the railways authorised by the Leith Lines Act of 1890 be bound to execute the works specified in that section within the time limited by the last-mentioned Act for the completion of those railways.

Company not bound to carry manure.

24. Nothing contained in this Act shall make it compulsory on the Company to convey on the widening any nightsoil dung or other offensive matter.

Lands for extra-ordinary purposes.

25. The quantity of land to be acquired by agreement by the Company for the extraordinary purposes mentioned in the Railways Clauses Consolidation (Scotland) Act 1845 in connexion with the works authorised by this Act shall not exceed three acres in addition to the lands which they are authorised by this Act to take compulsorily but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land so taken by them.

Period for compulsory purchase of lands.

26. The powers of the Company and as regards Road No. 2 of the Company and the South Western Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for completion of works.

27. If the widening railway and roads by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted

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to the Company and as regards Road No. 2 to the Company and the South Western Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Tolls rates and charges.

28. For the purposes of maximum rates and charges for merchandise traffic including perishable merchandise by passenger train and of all tolls and other rates and charges the widening shall be part of the Glasgow Central Railway of the Company and the railway shall be part of the railways authorised by the Leith Lines Act of 1890 as if the said widening and railway had been part of those railways respectively at the date of the passing of the Railway Rates and Charges No. 19 (Caledonian Railway &c.) Order Confirmation Act 1892 and the widening and railway shall for all other purposes be part of the undertaking of the Company.

Reviving powers and extending period for purchase of lands for certain railways.

29. The powers for the compulsory purchase and taking of lands granted by the Leith Lines Act of 1890 in respect of the construction of the railways authorised by that Act and therein called Railways Nos. 2 3 5 and 6 but as regards Railway No. 2 so far only as that railway is not required to be abandoned by this Act and the subsidiary works connected with such respective railways are hereby revived and extended and may be exercised by the Company at any time within but shall cease after the expiration of three years after the passing of this Act but excepting from the provisions of this section the property now belonging or reputed to belong to Charles Jameson Turcan numbered 106 and 109 on the deposited plans in the parish of South Leith save and except so much thereof as regards which notice to treat under the provisions of the Leith Lines Act of 1890 has already been served on the said Charles Jameson Turcan by the Company and excepting also from the provisions of this section the lands now belonging or reputed to belong to the Leith Cemetery Company Limited and numbered 198 199 and 200 on the deposited plans in the parish of South Leith.

Extending period for purchase of lands for certain railways.

30. The powers for the compulsory purchase and taking of lands granted by the Leith Lines Act of 1891 in respect of the construction of the railways authorised by that Act and therein called Railways Nos. 4 and 5 and the subsidiary works connected with such respective railways and the powers for the compulsory purchase and taking of the other lands in the parish of St. Cuthbert at or near Rutland Square Edinburgh granted by the same Act and referred to in section 6 of such Act are hereby extended and may be exercised by the Company at any time within but shall cease after the expiration of three years after the passing of this Act.

Extending periods for completion

31. The periods limited for the completion and opening for the public conveyance of passengers of the railways hereunder respec-

tively mentioned are hereby respectively extended as follows (that is to say):—

of certain railways and works.

(A.) The period limited by the Leith Lines Act of 1890 for the completion and opening for the public conveyance of passengers of the railways authorised by that Act and therein called Railways Nos. 2 3 5 and 6 is extended for three years from the expiration of the said period that is until the fourth day of August one thousand eight hundred and ninety-eight except as regards that portion of the railway authorised by that Act and therein called Railway No. 2 which is required to be abandoned by this Act;

(B.) The period limited by the Additional Powers Act of 1890 for the completion and opening for the public conveyance of passengers of the railways authorised by that Act and therein called Railways Nos. 1 2 3 4 5 and 6 is extended for three years from the expiration of the said period that is until the twenty-fifth day of July one thousand eight hundred and ninety-eight;

(C.) The period limited by the Leith Lines Act of 1891 for the completion and opening for the public conveyance of passengers of the railways authorised by that Act and therein called Railways Nos. 4 and 5 is extended for two years from the expiration of the said period that is until the third day of July one thousand eight hundred and ninety-eight:

And the powers of the Company for making the said respective railways and works connected therewith may be exercised by the Company at any time previously to the said respective dates above-mentioned and those sections of the Company's Acts which relate to the periods for the completion of the said several railways and to the penalties exigible from the Company in the event of their failing to complete and open any of the said railways for the public conveyance of passengers within the said respective periods shall be read and construed as if the respective periods for such completion and opening referred to in those sections did not expire until the expiration of the extended periods hereby limited in respect of the said railways respectively.

Restrictions on displacing persons of labouring class.

32.—(1.) The Company shall not under the powers of this Act or under the powers of any former Act revived or extended by this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which after the passing of this Act have been or on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised as the case may be were occupied either wholly or

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partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A.) They shall have obtained the approval of the Secretary for Scotland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number of persons as the Secretary for Scotland shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the other circumstances of the case; and

(B.) They shall have given security to the satisfaction of the Secretary for Scotland for the carrying out of the scheme.

(2.) The approval of the Secretary for Scotland to any scheme under this section may be given either absolutely or conditionally and after the Secretary for Scotland has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Secretary for Scotland may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit.

(4.) Any provisions of any scheme under this section or any conditions subject to which the Secretary for Scotland may have approved of any such scheme or of any modifications of any such scheme or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by an order of the Court of Session to be obtained by the Secretary for Scotland.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase section 90 of the Public Health (Scotland) Act 1867 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of that Act and the scheme were one of the purposes of that Act.

(7.) The Company may on any lands belonging to them or purchased or acquired under this section or under any provisional order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for the period of twenty-five years from the date of the scheme be appropriated solely for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings by the Company shall contain proper covenants to secure during such period of twenty-five years the exclusive use of the buildings on such lands for the purpose of such dwellings and shall be endorsed with the notice of this enactment:

Provided also that the Secretary for Scotland may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as he may see fit.

(8.) The Secretary for Scotland may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and he and any person appointed by him to hold inquiry shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them respectively under the Public Health (Scotland) Act 1867 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act.

(9.) The Company shall pay to the Secretary for Scotland a sum to be fixed by him in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by him in relation to any inquiries under this section

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including the expenses of any witnesses summoned by the person appointed to hold any such inquiry and a sum to be fixed by the Secretary for Scotland not exceeding three guineas a day for the services of the person so appointed.

(10.) The Company and the South Western Company shall not in connexion with the Road No. 2 by this Act authorised to be constructed by them purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or without the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(11.) For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Confirming agreement with Haldane's Trustees.

33. The minute of agreement between the Company and the trustees of the late Robert Haldane of Kirkton in the parish of Mains and Strathmartine in the county of Forfar as set forth in the schedule to this Act is hereby confirmed and unless otherwise agreed between the parties thereto made binding on the Company and the trustees respectively and the powers conferred on the Company by this Act for the construction and maintenance of the Road No. 1 herein-before described shall not be deemed to relieve the parties to such agreement from any of their obligations thereunder but such powers may if so agreed between the parties be exercised by the Company on behalf of the trustees to enable such trustees to perform their obligation to make such road or any part thereof.

Power to stop up level crossings at Baldovan.

34. When and so soon as Road No. 1 is completed and open for use the Company may stop up and abolish the level crossing of the Dundee and Newtyle branch of their railway in the parish of Mains and Strathmartine in the county of Forfar by the road known as the American Muir Road and the level crossing of the same railway at the north end of the Company's Baldovan Station in that parish respectively referred to in such agreement and all rights of way over the said level crossings shall thereupon be extinguished.

Power to stop up portion of Carlibar Road.

35. When and so soon as the Road No. 2 is completed and opened for public traffic the Company and the South Western Company may stop up and discontinue for public traffic so much of the present

Carlibar Road in the parish of Neilston in the county of Renfrew as lies between the junction with the Carlibar Road of the said Road No. 2 and Grahamston Road Provided that the Company and the South Western Company shall not stop up such portion of road until they have obtained the certificate of the sheriff of the county of Renfrew that Road No. 2 has been duly completed and opened for public traffic And provided also that the Company and the South Western Company shall before applying to such sheriff for his certificate give not less than seven days notice in writing to the road authority of the district of their intention to apply for such certificate.

For the protection of the county council and first or upper district committee of the county of Renfrew.

36. For the protection of the county council of the county of Renfrew and the district committee of the first or upper district of that county and the successors in office of the county council and district committee (all of whom are herein-after included in the expression "the county council") the following provisions shall notwithstanding anything shown on the deposited plans and sections apply and have effect with respect to Road No. 2 by this Act authorised to be constructed by the Company and the South Western Company (that is to say) :—

(1.) The road shall be constructed of a width of not less than sixty feet including footpaths throughout its whole extent with bell-mouthed entrances at the junctions with and running sweetly into the existing roads and the entrance at the western end entering from Grahamston Road shall be not less than seventy feet in width ;

(2.) The gradients of the road for a distance of not more than fifty yards eastwards from the junction with Grahamston Road shall not be steeper than one foot in twenty-six feet and shall not be steeper than one foot in forty-two feet for the remaining portion thereof ;

(3.) Proper and sufficient drains cesspools and gratings shall be laid for carrying off the surface water from the road ;

(4.) Properly constructed footpaths seven feet in width shall be formed on both sides of the road with dressed whinstone kerbs and water channels the footpath on the north side commencing at the junction of the road with Grahamston Road and extending to a point to be determined by the county council or their surveyor about forty feet eastwards from the present entrance door to the booking office of Barrhead Railway Station and that on the south side extending the whole length of the road ;

(5.) Level crossings nine feet in width of dressed whinstone setts properly bedded shall be formed (1) in line of the footpath

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of Grahamston Road and (2) across Road No. 2 at a point where the north footpath on that road terminates;

(6.) A sufficient space or recess shall be left open at the western end of the portion of the Carlibar Road authorised to be stopped up so as to afford a safe and convenient access to the northern entrance to Barrhead Railway Station and so that carriages stopping thereat may in no way obstruct or interfere with the passenger or other traffic along Grahamston Road;

(7.) An extent of ground of not less than fifty square yards at the junction of the road known as Ferneze Road with Grahamston Road shall with a view of improving these roads and the accesses to Barrhead Railway Station be given by the Company and the South Western Company and the angle of the junction of these roads shall be rounded off in such way that the line of curve shall commence not less than fifty feet on either side of the present apex nor approach nearer thereto than a distance of at least twenty feet;

(8.) The whole of the works specified in this section shall be carried out by the Company and the South Western Company to the reasonable satisfaction of the county council and in accordance with working plans and specifications to be approved of by their surveyor and by the engineer of the Company and the South Western Company and in the event of difference the same shall be settled by an engineer to be mutually agreed upon and failing agreement by an engineer to be appointed by the sheriff of the county of Renfrew and Bute and the fee of such engineer shall be paid by the Company and the South Western Company.

Extinguishment of rights of way and vesting of site of portion of road stopped up.

37. All rights of way over and along the portion of the Carlibar Road by this Act authorised to be stopped up and discontinued shall upon and after such stopping up and discontinuance be extinguished and the site and soil thereof shall when and so far as the same shall be bounded on both sides by property of the Company and the South Western Company and subject to the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to mines lying under or near the railway be vested in and belong to those Companies jointly as part of the undertaking of the Glasgow Barrhead and Kilmarnock Joint Line of Railway.

Provisions as to repair of new road.

38. The Road No. 2 shall when completed and opened for public traffic be dedicated to public use and shall be thenceforth managed and maintained by the same parties as are liable to manage and maintain the portion of the present Carlibar Road for which the said Road No. 2 is to be substituted.

Expenses of Road No. 2 to be defrayed by Company and South Western Company.

39. The expense of constructing the Road No. 2 including the cost of the lands necessary therefor and works connected therewith shall be borne and paid by the Company and the South Western Company in equal proportions and the South Western Company may apply any funds or moneys belonging to them for such purpose.

Acquisition by Company of undertaking of Forfar Company.

40. Subject to the provisions of this Act the Company may and shall purchase and acquire from the Forfar Company and that Company shall sell to the Company the undertaking of the Forfar Company including all railways whether already constructed or now in course of construction stations sidings works and conveniences lands buildings heritages plant rolling stock rights powers authorities and privileges (including the power to levy tolls rates and charges but except the power of raising capital or borrowing moneys) moneys assets and property of whatever description and undertaking of or belonging to or to or in which the Forfar Company are entitled or interested at the time of the transfer of their undertaking as herein-after provided all of which are in this Act included in the expression "the Forfar undertaking."

Consideration for transfer.

41. The Company shall within two months from the passing of this Act pay to the Forfar Company as the consideration for the transfer to and vesting in the Company of the Forfar undertaking as herein-after provided the sum of one hundred and sixty-eight thousand four hundred pounds with interest thereon at the rate of three pounds ten shillings per centum per annum from the passing of this Act until the date of payment:

The receipt of three directors of the Forfar Company for such sum and interest shall be a sufficient discharge to the Company for the same and shall relieve the Company from any obligation to see to the application thereof.

Transfer of undertaking to Company.

42. On payment to the Forfar Company in manner provided by this Act of the said sum of one hundred and sixty-eight thousand four hundred pounds and interest thereon the Forfar undertaking shall as on and from the date of the passing of this Act be and is hereby transferred to and vested in the Company:

Provided that within three months after payment of the consideration for the transfer the Company shall produce to the Commissioners of Inland Revenue a copy of this Act printed by Her Majesty's printers and duly stamped with the ad valorem stamp duty of the same amount as would have been payable if the transfer of the Forfar undertaking had been by a deed of conveyance and if the Company shall not within the said period of three months produce to the said Commissioners such copy of this Act duly stamped as

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aforesaid the ad valorem stamp duty shall be recoverable from the Company with full costs of suit and all costs and charges attending the same :

The transfer and vesting shall be deemed to be an amalgamation of the undertaking of the Forfar Company with the undertaking of the Company within the meaning of Part V. (relating to amalgamation) of the Railways Clauses Act 1863 and the provisions of the said Part V. shall extend and apply thereto accordingly so far as the same are not inconsistent with or varied by the provisions of this Act and the date of the passing of this Act shall be deemed to be the time of amalgamation referred to in such Act and for the purposes of the said Part V. the Forfar Company shall be deemed to be by this Act dissolved.

Forfar Company to pay debts &c.

43. Without prejudice to the liability of the Company for the debts charges obligations and liabilities of the Forfar Company under Part V. (relating to amalgamation) of the Railways Clauses Act 1863 the Forfar Company shall as between themselves and the Company be liable for and pay and discharge all debts charges and obligations affecting the Forfar undertaking or due from the Forfar Company at the time of the transfer and vesting of their undertaking in the Company and shall free and relieve the Company and the Forfar undertaking therefrom so far as the same are not released by this Act.

Release of mortgage debt on Forfar undertaking.

44. Upon the transfer of the Forfar undertaking to the Company as herein-before provided the several mortgages granted by the Forfar Company under the Forfar Act of 1890 for the aggregate amount of forty thousand pounds and the interest thereon shall as from the time of the transfer cease to be charges upon the Forfar undertaking but nothing herein contained shall relieve the Forfar Company from the obligation of paying to the holders of such mortgages the principal sums and interest due in respect of such mortgages out of the consideration money of one hundred and sixty-eight thousand four hundred pounds and interest payable by the Company as herein-after provided.

Application of consideration money.

45. The consideration money to be paid by the Company to the Forfar Company as herein-before provided and any interest thereon shall be applied by the Forfar Company first in payment to the several holders of the mortgages granted by the Forfar Company under the Forfar Act of 1890 amounting in the aggregate to forty thousand pounds of the principal sums due to them respectively upon such mortgages at the time of the transfer of the Forfar undertaking to the Company and of all interest due thereon up to the time of such payment then in payment and discharge of all

other debts charges and obligations affecting the Forfar undertaking or due from the Forfar Company at the time of such transfer or in repayment to the Company of any such debts charges and obligations which may be paid by them and the balance after deducting such payments and the expenses of and incidental thereto and to the winding up of the affairs of that Company shall be distributed among the shareholders of the Forfar Company according to their respective rights and interests in such Company.

Maximum rates for merchandise on Forfar Railway.

46. The classification of merchandise traffic including perishable merchandise by passenger train and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the Railway Rates and Charges No. 19 (Caledonian Railway &c.) Order Confirmation Act 1892 shall be applicable and apply to the railways authorised by the Forfar Act of 1890 as if those railways had been part of the undertaking of the Company at the date of the passing of the Railway Rates and Charges No. 19 (Caledonian Railway &c.) Order Confirmation Act 1892 and the provisions of this section shall be held to be sufficient compliance with the requirements of section forty-two of the Forfar Act of 1890.

Winding up of Forfar Company.

47. On payment to the Forfar Company by the Company in manner provided by this Act of the said consideration money and any interest due thereon the directors of the Forfar Company shall proceed to wind up the affairs of that Company and the Forfar Company shall from and after such payment subsist only for the purpose of applying and distributing such consideration money in accordance with the provisions of this Act and of winding up the affairs of the Forfar Company and carrying into effect the purposes of this Act so far as relating to the Forfar Company and the directors of the Forfar Company who are in office at the time of the transfer and the survivors and survivor of them shall continue without re-election to hold the office of directors so far as necessary and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes herein mentioned.

Dissolution of Forfar Company.

48. Upon the purposes before specified for which the Forfar Company is to subsist being fulfilled the Forfar Company shall ipso facto be dissolved and the provisions of any Act of Parliament relating to the Forfar Company with respect to the constitution and the share and loan capital of that Company shall be and the same are hereby repealed.

Working agreement of Forfar undertaking to cease.

49. Upon the transfer of the Forfar undertaking as aforesaid the working agreement scheduled to and confirmed by the Forfar Act of 1890 shall cease to have effect.

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Scottish East Coast traffic facilities and running powers extended to Forfar undertaking.

50. The facilities and running powers granted to the North British Railway Company over the Scottish North Eastern lines by the Caledonian and Scottish North Eastern Railways Amalgamation Act 1866 as regards Scottish East Coast traffic as defined by that Act shall extend and apply to the Forfar undertaking by this Act transferred to and vested in the Company Provided that nothing herein contained shall be deemed to extend to the stations on the Forfar undertaking the power to run certain passenger trains conferred on the North British Railway Company by section one hundred and eight of the Caledonian and Scottish North Eastern Railways Amalgamation Act 1866 Provided also that section forty-two of the North British Railway (Tay Bridge and Railways) Act 1870 with respect to certain traffic therein mentioned shall apply to the Forfar undertaking as if that undertaking had formed part of the railways of the company referred to in the one hundred and eighth section of the Caledonian and Scottish North Eastern Railways Amalgamation Act 1866 And provided also that the restriction upon the conveyance of certain traffic contained in section thirty-four of the North British Arbroath and Montrose Railway Act 1871 in connexion with the railways and stations therein specified shall remain in full force and be binding with respect to the stations on the Forfar undertaking as effectually as if that undertaking had been therein specified.

Saving for Postmaster General.

51. Nothing in this Act shall affect the rights of the Postmaster General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Forfar Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster General shall after the passing of this Act be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Forfar Company is transferred to and vested in the Company or amalgamated with the undertaking thereof.

For protection of Postmaster General.

52. Nothing in this Act or in the Forfar Act of 1890 relating to the transfer to and vesting in the Company of the Forfar undertaking or relating to the making of agreements for the working of the Forfar undertaking or any part thereof by the Company and no other provision of this Act shall extend to impose upon the Postmaster General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement made in pursuance thereof between the Postmaster General and the Company any larger number of telegraphic messages of the Company free of charge than the Postmaster-General would have been bound to

transmit had such transfer and vesting or working agreement not been authorised or had this Act not been passed.

Penalty imposed unless the widening and railway and the Forfar and Brechin Railways are opened within the time limited.

53. If the Company fail within the period limited by this Act to complete the widening or the railway by this Act authorised or if after the transfer to them of the Forfar undertaking they fail within the period limited by the Forfar Act of 1890 to complete the railways by that Act authorised so far as not completed by the Forfar Company the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the respective periods so limited until such widening or railways are completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per cent. on the estimated cost of the widening or railways not so completed and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act 1854 And every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Queen's and Lord Treasurer's Remembrancer on behalf of the Court of Exchequer in Scotland in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided 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 such widening or railways by unforeseen accident or circumstances beyond their control provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalties.

54. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the Edinburgh Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the said widening or railways respectively or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred by this Act or the Forfar Act of 1890 respectively and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions

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as to the Court of Exchequer in Scotland may seem fit and if no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a judicial factor has been appointed or the Company is insolvent or the railway or railways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such judicial factor or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the Company.

Release of Forfar Company's deposit.

55. Sections thirty-eight and thirty-nine of the Forfar Act of 1890 shall upon the transfer of the Forfar undertaking to the Company be repealed and the Court of Exchequer in Scotland may at any time thereafter on the application of the depositors referred to in section thirty-eight of that Act or of the majority of their number or of the survivors or survivor of them order that the sum of four thousand nine hundred and ninety-two pounds eight shillings and sixpence being the deposit fund therein mentioned and any interest accrued thereon so far as not previously paid to such depositors shall be repaid to the persons or person so applying or to the survivors or survivor of them or to such person or persons whom they may appoint in that behalf and upon such order being made the said sum and interest shall be repaid accordingly.

Power for Company to raise additional capital.

56. The Company may for any of the purposes of this Act and for completing the railways and works authorised by the Forfar Act of 1890 and for other purposes of their undertaking from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 as amended by the Railway Companies (Scotland) Act 1867 raise any additional capital not exceeding in nominal amount three hundred and thirty thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof Provided that if in any year ending on the thirty-first day of January there are not profits available for the payment of the full amount of preferential dividend or interest for that year on any such new preference shares or stock no part of the

deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Except as otherwise provided new shares or stock to be subject to the same incidents as other shares or stock:

57. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

And to form part of capital of Company.

58. The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

59. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Votes in respect of new shares or stock.

60. Each holder of new shares or stock in the capital by this Act authorised to be raised shall be entitled to the same number of votes in respect thereof which the possession of an equal nominal amount of the existing capital stock of the Company would have conferred upon him Provided that except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

New shares or stock raised under this Act and any other Act of past or present sessions may be of same class.

61. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act and of any other Act passed in the present session of Parliament whether before or after the passing of this Act by which the Company may be authorised to raise capital by new shares or stock the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Acts and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power for Company to borrow.

62. The Company may in respect of the additional capital of three hundred and thirty thousand pounds which they are herein-before authorised to raise from time to time borrow on mortgage of their undertaking any sums not exceeding in the whole one hundred and ten thousand pounds in manner following (that is to say) They may borrow a sum of fifty-five thousand pounds in respect of each entire sum of

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one hundred and sixty-five thousand pounds of the said additional capital but no part of any such sum shall be borrowed until shares or stock or shares and stock for the whole of the portion of the said additional capital in respect of which the borrowing powers are to be exercised are issued and accepted and one half of such portion of capital 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 shares or stock or shares and stock for the whole of such portion of capital have been issued and accepted and that one half of such portion of capital has been paid up and that not less than one fifth part of the amount of each separate share and the whole amount of the stock in the said portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares or stock or shares and stock as the case may be were issued and accepted and such one half of the said portion of capital was paid up bonâ fide and that such shares or stock or shares and stock as the case may be are held by the persons to whom the same were issued or their executors administrators successors or assignees and also in so far as the said portion of additional capital is raised by shares that such persons or their executors administrators successors or assignees 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.

Arrears may be enforced by the appointment of a judicial factor.

63. The mortgagees of the Company under this or any previous Act may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall be not less than ten thousand pounds in the whole.

Power to create debenture stock.

64. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Railway Companies (Scotland) Act 1867 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Existing mortgages to have priority.

65. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and

subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Application of moneys.

66. All moneys raised by the Company under this Act whether by shares or stock or debenture stock or borrowing shall be applied only to those purposes of this Act to which capital is properly applicable.

Company may apply to purposes of this Act funds not required for other purposes.

67. The Company may apply towards the purposes authorised by this Act or any of them to which capital is properly applicable any capital or funds belonging to or authorised to be raised by them and which may not be required for the purposes for which the same were authorised to be raised or directed to be applied.

Interest not to be paid on calls paid up.

68. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall 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.

Deposits for future bills not to be paid out of capital.

69. The Company shall not out of any money by this Act authorised 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 authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

70. Nothing in this Act contained shall exempt the Company or the widening or the railway by this Act authorised from the provisions of any general Act relating to railways or 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 authorised by this Act.]

Costs of Act.

71. 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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The SCHEDULE referred to in the foregoing Act.

Minute of Agreement between The Caledonian Railway Company incorporated by Act of Parliament (herein-after called the "first parties") and Mrs. Mary Elizabeth Burdon Sanderson or Haldane widow of Robert Haldane of Kirkton Earl Strathdightie and James Haldane chartered accountant in Edinburgh the surviving acting testamentary trustees of the said Robert Haldane (herein-after called the "second parties").

Whereas the first parties are desirous for the greater safety and convenience of the public of permanently shutting up the presently existing level crossing of the road called the "American Muir Road" on the said estate of Kirkton belonging to the second parties over the Dundee and Newtyle Branch of the Caledonian Railway and also of shutting up the crossing on their said railway at Baldovan Station which the second parties are entitled to use and of acquiring from the second parties a strip of ground extending to forty poles or thereby and their right and interest in a triangular piece of ground extending to two hundred and fifty square yards or thereby adjoining Baldovan Station for the extension thereof and also of restoring an accommodation bridge for the use of the second parties and others having right from them and also of persons going to or coming from said station over the railway to the south of said station which formerly existed And whereas the second parties are desirous of improving the access to the part of their said estate of Kirkton lying to the west of the said branch railway by forming new roads or streets and executing other works Therefore the parties agree as follows:—

First.—The first parties shall build and thereafter always maintain two suitable and substantial bridges the one over their said branch railway at the point marked A on the plan annexed and signed as relative hereto and the other under said railway at the point marked B on said plan The said bridges shall be of such dimensions as shall afford a free roadway across and under the same respectively of twenty-five feet in width according to plans to be adjusted by the engineers or architects to the parties hereto The headway of the underbridge shall be at least sixteen feet The first parties shall also construct and thereafter maintain a suitable foot-bridge across their railway at the level crossing of the American Muir Road mentioned in article second hereof.

Second.—As soon as said bridges are completed and open for use the first parties shall be entitled to permanently close up and discontinue the said level crossing (coloured yellow and marked C on said plan) of the said American Muir Road over their said railway and also the said crossing at their Baldovan Station (marked D on said plan) and the second parties shall execute and deliver to the first parties a conveyance to them of the triangular piece of ground extending to two hundred and fifty square yards or thereby in Baldovan Station coloured green and marked F on the said plan freed of all incumbrances.

Third.—The second parties shall free of expense to the first parties and concurrently with the building of said bridges construct good and sufficient roads

or streets of at least thirty feet in breadth (including footpaths if desired by the second parties) and of convenient gradients and fenced off from the adjoining lands leading to and passing below the underbridge before mentioned so as to form suitable accesses in lieu of the said level crossing of the American Muir Road to the lands and others on each side of the first parties railway which intended roads or streets are shown coloured red on the said plan annexed and signed as relative hereto provided that the second parties shall not be bound to adhere strictly to the lines of road laid down on said plan but the said accesses as they may be formed shall be equally convenient for all purposes and shall not be more onerous to the first parties Declaring that the first parties shall in no way be responsible for the maintenance of said accesses and that the second parties shall bear the whole expense of putting in a proper state of repair the accesses to the overbridge to be restored as aforesaid and they undertake that said last-mentioned accesses so far as required to enable persons going to and from Baldovan Station to use said overbridge shall be constructed concurrently with the restoration of the overbridge.

Fourth.—The second parties shall free and relieve and skaithless keep the first parties of and from all claims that may be made by any person or persons having or pretending right to or to use the said level crossing of the American Muir Road because of the same being closed as above provided and the second parties agree and bind themselves and their successors when required by the first parties so to do either to obtain and deliver a formal discharge and renunciatio executed by themselves and all other persons presently known to use or to be entitled to use or in any way to have interest in said level crossing of all rights of every kind in over or in connexion with said level crossing to and in favour of the first parties or to satisfy the first parties that such persons having such interests have by themselves or their predecessors waived or discharged such rights and interests.

Fifth.—The first parties shall pay to the second parties at the term of Whitsunday eighteen hundred and ninety-four the sum of six hundred and twenty-five pounds out of which sum the latter shall defray the whole cost of carrying through their part of the arrangement embodied in these presents including the cost connected with forming said roads or streets and suitable accesses to the said bridges and arranging with the parties through whose property said roads or streets and accesses pass and with parties having right to use said level crossing including the payment of compensation where due or agreed to be paid.

Sixth.—The second parties shall convey to the first parties for the purpose of extending their station at Baldovan freed of all encumbrances and with entry at Whitsunday eighteen hundred and ninety-four the strip of ground on the west side of the said railway opposite Baldovan Station coloured green and marked E on the said plan and extending to forty poles said strip of ground shall not at any time be used for any other than railway purposes and no workmen's dwelling houses or buildings other than for ordinary railway purposes may be erected thereon without the consent of the second parties nor shall it be used for loading or unloading police manure or other offensive material or as a siding for waggons containing such material and said strip of ground shall be properly fenced off from the adjoining lands by the first parties.

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Lastly.—This agreement shall be conditional on its being sanctioned by Parliament and shall be subject to such alterations as Parliament may think fit to make thereon and shall also be subject to the necessary powers for the carrying out thereof being conferred on the first parties by Parliament and the first parties shall apply to Parliament in the next session for such powers In witness whereof these presents written on this and the preceding page by John Pringle clerk to Messrs. W. and F. Haldane writers to the signet Edinburgh are together with the said plan executed by the parties hereto in duplicate as follows viz. They are subscribed for and on behalf of the said Caledonian Railway Company by John Cowan and Hugh Brown two of the directors and by John Blackburn secretary all of said Company and are sealed with the common seal of said Company all at Glasgow on the ninth day of October eighteen hundred and ninety-three before these witnesses John Tully Clarke and John Smeaton both clerks to the said Company in their secretary's office in Glasgow by the said Mary Elizabeth Burdon Sanderson or Haldane at Cloanden Auchterarder on the eighteenth day of the month and year last mentioned before these witnesses Richard Burdon Haldane Q.C. Member of Parliament residing there and Miss Margaret Brodie one Jordan Lane Edinburgh and by the said James Haldane at Edinburgh on the nineteenth day of the month and year last mentioned before these witnesses Robert Bayne and James Herschel both clerks to Messrs. Lindsay Jamieson and Haldane chartered accountants in Edinburgh.

J. Tully Clarke Witness.
John Smeaton Witness.
R. B. Haldane Witness.
Margaret Brodie Witness.
Robert Bayne Witness.
James Herschel Witness.

Seal of the Caledonian Railway Company.

John Cowan Dr.
Hugh Brown Dr.
J. Blackburn Secy.
Mary E. Haldane.
James Haldane.

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