CHAPTER clxxxv.

An Act for enabling the Caledonian Railway Company to make certain Branch Railways and other Works, and to acquire certain Lands in the counties of Lanark, Forfar, Renfrew, Stirling, and Perth; and for other purposes. A.D. 1873.

[21st July 1873.]

WHEREAS it is expedient that the Caledonian Railway Company (herein-after called "the Company") should be empowered to make the railways and road herein-after described in the counties of Lanark, Renfrew, and Stirling, to alter and improve their Carmyllie Railway in the county of Forfar, to acquire for station purposes the lands herein-after described near Carstairs, and at Hamilton and Uddingston in the county of Lanark, and at Perth in the county of Perth, and to acquire, for depositing spoil from dock excavations at Grangemouth Harbour, the lands herein-after described near Grangemouth in the county of Stirling, as also to raise money for the several purposes aforesaid:

And whereas plans and sections showing the lines and levels of the railways and road by this Act authorised to be made, and plans showing the lands by this Act authorised to be acquired, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the several purposes or under the powers of this Act, were duly deposited with the principal sheriff clerks for the said counties, 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,

A.D. 1873.

and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Caledonian Railway (Additional Powers) Act, 1873."

Provisions of Acts herein named incorporated.

2. "The Lands Clauses Consolidation (Scotland) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation (Scotland) Act, 1845," Part I. (relating to construction of a railway) 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 nonpayment of calls, the remedies of creditors of the Company against the shareholders, the borrowing of money by the Company on mortgage or bond, the conversion of the borrowed money into capital, the consolidation of the shares into stock, the general meetings of the Company, and the exercise of the right of voting by the shareholders, the making of dividends, the giving of notices, and the provision to be made for affording access to the special Act by all parties interested; and Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock), of "The Companies Clauses Act, 1863," are (except where 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," 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.

Interpretation of terms.

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 with this Act as applied to this Act, the expression "the Company" means the Caledonian Railway Company; the expression "the special Act" means this Act; and the expressions "the railway" and "the undertaking" mean and include respectively the railways and road and the undertaking by this Act authorised.

Power to make railways and

4. Subject to the provisions of this Act, the Company may make, in the lines and according to the levels shown on the deposited

plans and sections, the railways and road herein-after described, and all proper stations, sidings, approaches, works, and conveniences in connexion therewith respectively, and may maintain the said railways and works connected 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. The railways and road herein-before referred to and authorised by this Act are— road according to deposited plans.

A railway, in this Act called Railway No. 1, three miles five furlongs one chain and nineteen yards or thereabouts in length, commencing by a junction with the Motherwell branch of the Company's Clydesdale Junction Railway, at a point about two hundred and twenty yards eastward from the Uddingston station house on that branch, and terminating by a junction with the Cleland branch of the Company's Wishaw and Coltness Railway, at a point about six hundred and sixty yards, measuring along that branch, from the turnpike road bridge over the Wishaw and Coltness Railway, near Holytown station; which Railway No 1, and works connected therewith, will be situate in the parish of Bothwell and county of Lanark:

A railway, in this Act called Railway No. 2, four furlongs two chains and one yard or thereabouts in length, commencing by a junction with Railway No. 1, at a point about three hundred and twenty yards southward from Mossend House, and about one hundred and eighty yards north-westward from Mossend Farm Buildings, and terminating by a junction with the Wishaw and Coltness Railway, at a point about three hundred and fifty yards northward from the turnpike road bridge over that railway, near Holytown station; which Railway No. 2, and works connected therewith, will be situate in the parish of Bothwell and county of Lanark:

A railway, in this Act called Railway No. 3, one mile one furlong two chains and ten yards or thereabouts in length, commencing by a junction with the said Motherwell branch, at a point about forty yards south-eastward from the Fallside station house on that branch, and terminating at a point about one hundred and fifteen yards north-westward from the parish church of Bothwell, which Railway No. 3, and works connected therewith, will be situate in the parish of Bothwell and county of Lanark:

A railway, in this Act called Railway No. 4, two miles three furlongs five chains and one yard or thereabouts in length, commencing by a junction with the Company's Muirkirk branch,

A.D. 1873.

at a point about five hundred yards south-westward from Poniel Farm Buildings, and terminating by a junction with the Company's Lesmahagow line, at a point about one hundred and thirty yards southward from the bridge carrying the Glasgow and Carlisle turnpike road, at a point thereon between twenty-four and twenty-five miles from Glasgow, over the said Lesmahagow line; which Railway No. 4, and works connected therewith, will be situate in the parishes of Douglas and Lesmahagow and county of Lanark:

A railway, in this Act called Railway No. 5, three miles five furlongs and seven yards or thereabouts in length, commencing by a junction with the Company's Hamilton and Strathaven Railway, at a point about forty yards north-eastward from the bridge by which that railway is carried over the public road leading from High Blantyre by Hunthill to Barnhill, and terminating by a junction with the Kilbride extension line of the Busby Railway Company, at or near the termination of that line at East Kilbride; which Railway No. 5, and works connected therewith, will be situate in the parishes of Blantyre, Cambuslang, and East Kilbride, and county of Lanark:

A railway, in this Act called Railway No. 6, one mile four furlongs nine chains and six yards or thereabouts in length, commencing by a junction with the branch railway authorised by and called line No. 7 in "The Caledonian Railway (Lanarkshire and Midlothian Branches) Act, 1866," now in course of construction, at a point about one hundred and eighty yards south-eastward from the Company's station house at Hamilton, and terminating at a point about four hundred and seventy yards southward from the house called Maryfield, near Low Waters, on the turnpike road leading from Hamilton to Strathaven; which Railway No. 6, and works connected therewith, will be situate in the parish of Hamilton and county of Lanark:

A railway, in this Act called Railway No. 8, two miles five chains and sixteen yards or thereabouts in length, commencing by a junction with the Company's Hamilton and Strathaven Railway, at or near the bridge by which the turnpike road leading from Hamilton to Strathaven is carried over the Hamilton and Strathaven Railway, and terminating at a point about five hundred and fifty yards eastward from Wakenwee, and about five hundred and forty yards westward from Craigendhill Farm Buildings; which Railway No. 8, and works connected therewith, will be situate in the parish of Hamilton and county of Lanark:

A railway, in this Act called Railway No. 9, five furlongs seven chains and three yards or thereabouts in length, commencing by a junction with Railway No. 8, at the point herein-before described as the point of termination of that railway, and terminating at a point about five hundred yards southward from East Drumloch Farm Buildings; which Railway No. 9, and works connected therewith, will be situate in the parishes of Hamilton and Glassford, and county of Lanark:

A railway, in this Act called Railway No. 10, five miles two furlongs eight chains and eleven yards or thereabouts in length, commencing by a junction with the Cleland branch of the Company's Wishaw and Coltness Railway, at a point about two hundred and thirty yards south-westward from Stevenston House, and terminating by a junction with the Company's main line of railway from Carlisle to Glasgow, at a point about two hundred and ninety yards westward from the mile-post thereon indicating a distance of eighty-four miles from Carlisle; which Railway No. 10, and works connected therewith, will be situate in the parishes of Bothwell, Dalziel, Cambusnethan, and Carluke, and county of Lanark:

A railway, in this Act called Railway No. 12, two furlongs nine chains and six yards or thereabouts in length, commencing by a junction with the Company's railway leading from their Wishaw and Coltness Railway, near Holytown station, to the Motherwell branch of their Clydesdale Junction Railway, near Motherwell, authorised by and secondly described in "The Caledonian Railway (Branches and Amendment) Act, 1854," at a point about seven hundred yards southward from the turnpike road bridge over the Wishaw and Coltness Railway, near Holytown station, and terminating by a junction with the said Cleland branch at the point herein-before described as the termination of Railway No. 1; which Railway No. 12, and works connected therewith, will be situate in the parish of Bothwell and county of Lanark:

A railway, in this Act called Railway No. 13, five miles four furlongs four chains and four yards or thereabouts in length, being an alteration and improvement of the Company's existing railway called the Carmyllie Railway, commencing by a junction with the Company's Dundee and Arbroath Railway, at a point about one hundred and fifty yards north-eastward from the junction of the existing Carmyllie Railway with the Dundee and Arbroath Railway, called Elliot Junction, and terminating at a point about two hundred and sixty yards

A.D. 1873.

southward from Slade Farm Buildings; which Railway No. 13, and works connected therewith, will be situate in the parishes of Arbirlot and Carmyllie, and county of Forfar:

A railway, in this Act called Railway No. 14, three furlongs five chains and eighteen yards or thereabouts in length, commencing by a junction with the Company's Glasgow, Paisley, and Greenock Railway, at or near the bridge carrying the road leading from the turnpike road between Port Glasgow and Greenock to Gibshill Quarry over the Glasgow, Paisley, and Greenock Railway, and terminating at a point about eighty yards northward from the toll-house on the said turnpike road at Cappielow; which Railway No. 14, and works connected therewith, will be situate in the parish of Greenock and county of Renfrew:

A railway, in this Act called Railway No. 15, three furlongs six chains and eight yards or thereabouts in length, commencing by a junction with the Glasgow, Paisley, and Greenock Railway, at a point about three hundred and ten yards westward from the bridge carrying the Glasgow, Paisley, and Greenock Railway over the stream called Devol Burn, and terminating at a point about forty yards north-eastward from the bridge carrying the said road leading to Gibshill Quarry over the Glasgow, Paisley, and Greenock Railway; which Railway No. 15, and works connected therewith, will be situate in the parish of Greenock and county of Renfrew:

A railway, in this Act called Railway No. 16, seven furlongs four chains and seven yards or thereabouts in length, commencing by a junction with the Company's Grangemouth branch railway, at a point about two hundred and thirty yards westward from Eastend Farm Buildings, and terminating at a point about one hundred and sixty yards south-westward from the bridge over the stream called Grange Burn, near the junction of that stream with the river Carron; which Railway No. 16, and works connected therewith, will be situate in the parishes of Falkirk, Bothkennar, and Polmont, and county of Stirling; and

A road commencing at a point on the statute labour road leading from the ferry over the river Clyde, called the Float or Lampits Ferry, to the village of Pettinain, about eighty yards north-eastward from the place where the said road is now crossed on the level by the Company's main line of railway from Carlisle to Edinburgh and Glasgow, and terminating at a point on the said road about four hundred and thirty yards

south-westward from the said level crossing; which road and works connected therewith will be situate in the parish of Pettinain and county of Lanark:

Provided always, that it shall not be lawful for the Company to make Railways Nos. 6, 8, and 9, nor to enter upon, take, or use any of the lands (other than turnpike and other public roads and streets) required for those railways respectively, without the consent in writing of the owners of such lands, and of any persons holding leases thereof for terms of which not less than twenty years shall at the time of entry be unexpired; and if the compensation to be paid to any such owner or lessee in respect of any such lands belonging to or held in lease by him shall not have been agreed upon before or at the time when such consent is given by him, such compensation shall be fixed in the manner provided by "The Lands Clauses Consolidation (Scotland) Act, 1845," with respect to the purchase and taking of lands otherwise than by agreement.

Company may stop up and appropriate site of portion of road for which new road substituted.

5. When the road herein-before specially authorised to be made is completed and opened to the public, the Company may stop up and appropriate the site of that portion of the said existing road which is situate between the point of commencement and the point of termination of the said road by this Act authorised.

New portions of road to be subject to same provisions as existing roads.

6. The road by this Act specially authorised to be made shall, as respects management and maintenance, and in all other respects, be held as part of and be subject to the same provisions as the said existing statute labour road; and all other new portions of road authorised by the provisions of "The Railways Clauses Consolidation (Scotland) Act, 1845," as incorporated with this Act to be formed in lieu of roads altered or diverted, shall, as respects management, maintenance, and tolls (where tolls are exigible), and in all other respects, be held as parts of and be subject to the same provisions as the existing roads so altered or diverted respectively.

Power to take lands for purposes of existing undertaking.

7. Subject to the provisions of this Act, the Company may enter upon, take, hold, and use for the herein-before recited purposes of their undertaking the lands herein-after described, which are delineated on the deposited plans and described in the deposited books of reference, or such parts thereof as they may find necessary; (that is to say,)

(1.) Certain land in the parish of Pettinain and county of Lanark, near Carstairs Junction, extending along and on both sides of the Company's main line of railway between Carlisle and Edinburgh, from a point at or near the southern end of the viaduct by which the said main line is carried over the

A.D. 1873.

river Clyde, near the Float or Lampits Ferry aforesaid, to a point about eight hundred and seventy yards, measuring along the said main line, south-eastward from the southern end of the said viaduct:

(2.) Certain land in the parish of Hamilton and burgh of Hamilton, in the county of Lanark, bounded on the north by Brandon Street, on the east by Quarry Street, and on the south and west by property already purchased by the Company:

(3.) Certain land in the parish of Bothwell and county of Lanark extending along the southern side of the Motherwell branch of the Company's Clydesdale Junction Railway, near Uddingston station, from the western side of the turnpike road leading from Glasgow by Uddingston to Bothwell, to the eastern side of the statute labour road leading from Uddingston to Clydeneuk:

(4.) Two pieces of land in the parish of Perth in the county of Perth, the one of the said pieces of land lying on the western side of the lines and sidings of the Company and of the Highland Railway Company, and on the eastern side of the road leading from the Long Causeway at Dovecotland, by Wellshill Cemetery, to the turnpike road from Perth to Creiff, and extending from about one hundred yards northward from the junction of the first-mentioned road with the Long Causeway to about one hundred and ninety yards southward from the junction of the same road with the turnpike road leading from Perth to Creiff; and the other of the said pieces of land lying along the eastern side of the Company's Scottish North-eastern Railway, and on the western side of the Town Lead, and extending from the road or street between High Street and Dovecotland to near the Boot of Balhousie; and

(5.) Certain land in the parishes of Bothkennar and Polmont and county of Stirling, and in the Firth of Forth in or ex adverso of the parish of Polmont, lying along the right bank of the river Carron, near Grangemouth, between a point about two hundred and seventy yards westward from the junction of the stream called Grange Burn with the said river and a point about three hundred yards south-westward from the lighthouse at the junction of the said river with the Firth of Forth.

Extending certain provisions of 8 & 9 Vict. c. 33. to works which may be con-

8. The provisions of the seventeenth section of "The Railways Clauses Consolidation (Scotland) Act, 1845," and of the thirteenth, sixteenth, eighteenth, and nineteenth sections of "The Railways Clauses Act, 1863," shall extend to any works which the Company may hereafter construct on the last-mentioned lands in the parishes

of Bothkennar and Polmont and county of Stirling, and in the Firth of Forth ex adverso of the parish of Polmont.

structed on last-mentioned lands.

9. Notwithstanding anything in this Act, the Company shall not, for the purposes of Railway No. 6, enter upon, take, or use any part of the property numbered on the deposited plans of that railway 116, in the parish of Hamilton, without the previous consent in writing of the Reverend Robert Pender Hutchison, and Alexander Hamilton Hutchison, or David Patrick his curator bonis, or of the owners of the said property for the time being.

Company not to take by compulsion the property of Robert Pender Hutchison and Alexander Hamilton Hutchison.

10. Notwithstanding anything in this Act, the Company shall not, for the purposes of Railway No. 12, enter upon, take, or use any part of the property which on the thirtieth day of November one thousand eight hundred and seventy-two belonged to the Clydesdale Iron Company, otherwise than by agreement in writing on the part of that company, or of the owners of the said property for the time being.

Company not to take by compulsion the property of the Clydesdale Iron Company.

11. Notwithstanding anything in this Act, the Company shall not, for the purposes of Railway No. 14, enter upon, take, or use any part of the property of the trustees of the port and harbours of Greenock, lying to the northward of the turnpike road leading from Renfrew to Greenock, without the previous consent in writing of the said trustees.

Company not to take by compulsion any property of the Greenock Harbour Trustees.

12. The Company shall not, without the consent in writing of the Marine Investment Company, Limited, and Thomas Snaith Haviside, or their successors in title, take any land belonging to those parties, except the land already agreed to be purchased by the Company from them under an agreement dated the second day of April one thousand eight hundred and seventy-three; and, in constructing Railway No. 15 through the lands of those parties, the Company shall not construct the same at a higher level than their existing main line adjoining thereto.

For protection of Marine Investment Company and Thomas Snaith Haviside.

13. Nothing contained in this Act, nor to be done under the authority thereof, shall take away, prejudice, diminish, or alter the rights and privileges of the trustees of the late James Meiklam, of Carnbroe, or other proprietor of the estate of Carnbroe for the time, or their or his mineral tenants, or of the Mossend Iron Company, under the 31st section of "The Caledonian Railway (Additional Powers) Act, 1865," and under the agreement following thereon, called tripartite agreement and deed of servitude and conveyance, entered into between the said trustees of the first part, the partners of the Mossend Iron Company of the second part, and the Company of the third part, dated the 15th day of December

Saving rights of James Meiklam's Trustees, and of Mossend Iron Company.

A.D. 1873.

1868, the 6th and 18th days of January 1869, and the 15th day of September 1869.

Power to raise money by the issue of ordinary or preference shares or stock.

14. The Company may, subject to the provisions of Part II. of "The Companies Clauses Act, 1863," raise any additional sum or sums, not exceeding in the whole four hundred and twenty 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: 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.

Shares not to issue until one fifth paid up.

15. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Votes in respect of new shares or stock.

16. 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.

Capital under several Acts of this session may be raised by shares or stock of one class.

17. If by any other Act or Acts passed in the present session of Parliament, whether before or after the passing of this Act, the Company be authorised to raise any capital by the issue of new shares or stock (whether ordinary or preference), the Company may, if they think fit, subject to the provisions of such other Act or Acts and of this Act, raise by the issue of shares or stock of one and the same class, and entitled to the same privileges, all or any part or parts of the aggregate capital which they are by such other Act or Acts and this Act authorised to raise by the issue of shares or stock.

Power to borrow on mortgage.

18. The Company may from time to time borrow on mortgage, in addition to the amount which they are or may be authorised to borrow by any other Act of Parliament, any sums not exceeding in the whole one hundred and forty thousand pounds, in manner following, that is to say, a sum of one hundred thousand pounds in respect of the first three hundred thousand pounds of the additional capital which shall be raised by the issue of new shares or stock as herein-before provided, and a sum of forty thousand pounds in respect of the remaining one hundred and twenty

thousand pounds of the said additional capital; but no part of such respective sums of one hundred thousand pounds and forty thousand pounds shall be borrowed until the whole capital of three hundred thousand pounds, or one hundred and twenty thousand pounds, as the case may be, in respect of which such sum is hereby authorised to be borrowed is issued and accepted, and one half thereof is paid up, and the Company have proved to the sheriff who is to certify under the forty-second section of "The Companies Clauses Consolidation (Scotland) Act, 1845," before he so certifies, that the whole of such capital of three hundred thousand pounds, or one hundred and twenty thousand pounds, as the case may be, has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share (forming part of such capital of three hundred thousand pounds, or one hundred and twenty thousand pounds, as the case may be,) so issued has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital of three hundred thousand pounds, or one hundred and twenty thousand pounds, as the case may be, was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assignees, and that such persons or corporations, 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 shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a judicial factor.

19. The mortgagees of the Company 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 not be less than ten thousand pounds in the whole.

Existing securities to have priority.

20. All mortgages and bonds 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 bonds, 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.

A.D. 1873.

Power to create debenture stock.

21. 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."

Application of moneys.

22. All moneys raised under this Act, whether by shares or stock, or debenture stock, or borrowing, shall be applied for the purposes of this Act only.

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

23. The Company may apply towards the purposes authorised by this Act 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.

Lands for extraordinary purposes.

24. 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," shall not exceed twelve acres, in addition to the lands which they are authorised by this Act to take compulsorily, and by any other Acts to take compulsorily or acquire by agreement.

Powers for compulsory purchases limited.

25. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Powers of lateral and vertical deviation.

26. The Company, notwithstanding the provisions of "The Railways Clauses Consolidation (Scotland) Act, 1845," may deviate from the lines of the railways and of the road by this Act specially authorised, as delineated on the deposited plans, to any extent within the limits of deviation shown on those plans; and may deviate from the levels of Railways Nos. 1, 5, 10, and 14, and of the said road, as delineated on the deposited sections, to any extent not exceeding five feet: Provided always, that the Company shall not make the inclinations of the said road steeper than one in fourteen.

Provisions as to carrying Railway No. 14 over Renfrew and Greenock Road by a bridge.

27. The Company shall carry Railway No. 14 over the turnpike road leading from Renfrew to Greenock, without altering the line or levels of that road, by a bridge having a clear span of not less than sixty feet, measuring at right angles to the centre line of the road, and a clear height of not less than sixteen feet from the surface of the road; and if, by reason of the construction of the said bridge, the trustees of the said road shall find it necessary to remove the existing toll-bar and toll-house at or near the point of crossing, the said trustees may re-erect the same as near to the present

site thereof as conveniently may be, and may levy at such re-erected toll-bar, and at the other toll-bars under their charge, the same tolls which they might have levied if no such removal and re-erection had taken place; and the compensation to be paid by the Company to the said trustees for the said toll-house and the ground connected therewith, if taken by the Company, shall be fixed and determined under the provisions of "The Lands Clauses Consolidation (Scotland) Act, 1845."

Company not to interfere with that road for purposes of Railway No. 15.

28. The Company shall not alter or interfere with any part of the said turnpike road leading from Renfrew to Greenock for the purposes of Railway No. 15.

Inclinations of certain roads and railway sidings.

29. In altering for the purposes of this Act the roads and railway sidings next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on deposited Plans.	Parish.	Description.	Intended Inclination.
		RAILWAY No. 1.	
12	Bothwell - -	Road - -	1 in 12.
34	Bothwell - -	Parish road - -	1 in 12.
43	Bothwell - -	Occupation road -	1 in 9.
		RAILWAY No. 6.	
39	Hamilton - -	Parish road - -	1 in 25 on the one side, and level on the other side.
		RAILWAY No. 8.	
66	Hamilton - -	Parish road - -	1 in 15 on the one side, and 1 in 20 on the other side.
		RAILWAY No. 12.	
2, 3, 5	Bothwell - -	Railway sidings - -	1 in 150.
		RAILWAY No. 13.	
2	Arbirlot - -	Turnpike - -	1 in 35.

A.D. 1873.

No. on deposited Plans.	Parish.	Description.	Intended Inclination.
		RAILWAY No. 16.	
7	Bothkennar -	Turnpike road -	1 in 16½ as respects portion between points marked B and C on deposited plans.

And the Company may make the road by this Act specially authorised of any inclinations not steeper than one in fourteen: Provided also, that the said road numbered on the deposited plans 2, in the parish of Arbirlot, shall be formed with a uniform inclination from the summit of the bridge by which the same will be carried over Railway No. 13, to the summit of the bridge by which it is carried over the stream called Elliot Water.

Height and span of certain bridges.

30. The Company may make the arches of the bridges for carrying the railways and road by this Act authorised over the railways and railway sidings next herein-after specified of any heights and spans not less than the heights and spans herein-after mentioned in connexion with the last-mentioned railways and railway sidings respectively; (that is to say,)

No. on deposited Plans.	Parish.	Description.	Height.	Span.
		RAILWAY No. 1.	Feet.	Feet.
203	Bothwell - -	Railway siding -	14	15
206	Bothwell - -	Railway - -	14	28
		RAILWAY No. 10.		
207	Cambusnethan -	Railway and sidings -	14	
		ROAD.		
1	Pettinain - -	Railway - -	14	28

Notice to be given of taking houses of labouring classes.

31. The Company shall, not less than eight weeks before they take in any city, town, or parish, fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in

public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of the sheriff that it has been proved to his satisfaction that they have so made known their intention.

Power to take easements, &c. by agreement.

32. Persons empowered by "The Lands Clauses Consolidation (Scotland) Act, 1845," to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act in, over, or affecting any such lands; and the provisions of the said Act with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Penalty imposed unless certain lines are opened within period limited.

33. If the Company fail within the period limited by this Act to complete the railways authorised to be made by this Act, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said railways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railways not so completed; and the said penalty may be applied for by any landowner or other person claiming to be compensated, in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, 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 and with the privity of the Queen's Remembrancer of the Court of Exchequer in Scotland, in the bank named 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 lines respectively 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 penalty.

34. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the Edinburgh

A.D. 1873.

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 railways, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, 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 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 shall have 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 either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the Court of Exchequer in Scotland thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the court, if the Company is insolvent, and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Period for completion of works.

35. If the railways 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 to the Company for making and completing the said railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Tolls on railways other than Railway No. 13.

36. The Company may demand and take, in respect of the use of the railways by this Act authorised (other than Railway No. 13), or any of them or any part thereof, and of carriages and engines thereon, and in respect of accommodation and services provided by them in connexion therewith, any tolls, rates, and charges not exceeding the tolls, rates, and charges which the Company are by "The Caledonian Railway (Lanarkshire and Midlothian Branches) Act, 1866," authorised to demand and take in respect of the use of the railways by that Act authorised to be made, and of carriages and engines thereon, and in respect of accommodation and services provided by them in connexion therewith: Provided that the

railways by this Act authorised (other than Railway No. 13), shall be considered in all respects part of the Caledonian Railway, and only one short-distance charge shall be made for the conveyance of any traffic partly on those railways, or any of them, and partly on the Caledonian Railway. A.D. 1873.

Tolls on Railway No. 13.

37. The Company may demand and take in respect of the use of Railway No. 13 (being an alteration and improvement of the Carmyllie Railway), or any part thereof, and of carriages and engines thereon, and in respect of accommodation and services provided by them in connexion therewith, any tolls, rates, and charges not exceeding the tolls, rates, and charges which the Company are by "The Caledonian and Scottish North-eastern Railways Amalgamation Act, 1866," authorised to demand and take in respect of the use of the railways by that Act vested in the Company, including the Carmyllie Railway, and in respect of carriages and engines thereon, and of accommodation and services provided by them in connexion therewith: Provided that Railway No. 13 shall be considered in all respects part of the Scottish North-eastern Railway, and only one short-distance charge shall be made for the conveyance of any traffic partly on Railway No. 13, and partly on the Scottish North-eastern Railway.

London and North-western and Midland Railway Companies to have running powers over Railway No. 10 for certain purposes.

38. For the purpose only of conveying between Carlisle on the one hand, and the Company's stations at Buchanan Street in Glasgow, at Perth and at Dundee respectively, or any place beyond any of these towns, or intermediate between Carlisle and any of these towns, on the other hand, any passenger or other traffic of any description, which shall have passed or shall be about to pass over any portion of the Lancaster and Carlisle Railway, or any portion of the lines belonging to or leased by the Midland Railway Company, it shall be lawful for the London and North-western Railway Company and the Midland Railway Company respectively to run over and use with their engines, trucks, and carriages of every description Railway No. 10, and the stations, watering-places, works, and conveniences upon and connected with that railway, subject to the terms and conditions and to payment of the rates provided by section 72 of "The Caledonian and Scottish Central Railways Amalgamation Act, 1865," with respect to the running over and use by the two last-named companies respectively of the portions of the undertaking of the Company therein referred to, in the same manner in all respects as if Railway No. 10 had been one of such portions of the Company's undertaking; and for the purpose hereinbefore mentioned, and with respect to Railway No. 10, and the

A.D. 1873.

stations, watering-places, works, and conveniences upon and connected with that railway, the London and North-western Railway Company and the Midland Railway Company respectively shall have all the powers and rights, and be subject to all the obligations and liabilities conferred and imposed on the running company by the said section; and the Company shall have all the powers and rights, and be subject to all the obligations and liabilities conferred and imposed by that section on the company whose lines are run over; and the standing arbitrator from time to time appointed under the provisions of section 86 of the last-mentioned Act shall have the same powers with respect to all matters provided for by this section as are conferred upon him by the said Act with respect to the matters provided for by sections 71 and 72 of that Act.

Saving rights of the Crown to mines, &c.

39. Nothing contained in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers, and authorities reserved by or mentioned in sections twenty-one and twenty-two of "The Crown Lands Act, 1866," or shall divest, alter, or affect any other estate, right, or interest belonging to the Queen's most Excellent Majesty, her heirs or successors.

Saving rights of the Crown in the foreshore.

40. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving of rights as to future accretions.

41. If any land to the seaward of the lands by this Act authorised to be acquired by the Company shall at any time after the execution of any works under the authority of this Act, or of any future Act which may be obtained by them, become raised in height or reclaimed, whether gradually or imperceptibly or otherwise, so as to be above, instead of being, as all land to the seaward of the lands by this Act authorised to be reclaimed now is, below the line of ordinary high-water mark, the Company shall not, by virtue of the ownership of any lands which they are by this Act empowered to acquire, have any estate, right, or interest in or to the lands so

raised in height or reclaimed, by reason that such raising or reclamation has been gradual or imperceptible, or has been either wholly or partially caused by the works by this Act authorised or otherwise; but the right and title to the soil and freehold of such land, when so raised or reclaimed, shall continue vested in the Queen's Majesty, or such other corporation or person or persons as is or are at the time of the passing of this Act entitled to the same, and as if the same had continued, as the same now is, subject to the flow and reflow of the ordinary tides.

Interest not to be paid on calls paid up.

42. The Company shall not, out of any money by this Act or any other Act relating to the Company authorised to be raised, pay interest or dividend 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.

43. 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.

Railways not exempt from provisions of present and future general Acts.

44. Nothing in this Act contained shall exempt the railways by this Act authorised to be made 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.

Expenses of Act.

45. 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.

LONDON : Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1873.