CHAPTER cxciii.

An Act for enabling the Caledonian Railway Company to make and maintain certain railways in the county of Lanark and to abandon a portion of the Glasgow Central Railway to increase their subscriptions to the undertaking of the Lanarkshire and Ayrshire Railway Company for reviving the powers of purchase of lands for and extending the time for the completion of certain railways and works for authorising the purchase of the Shield Hall Branch Railway by the Caledonian and Glasgow and South-western Railway Companies for modifying certain of the rights of the North-eastern and Great Northern Railway Companies in connexion with the Scottish Central and Scottish North-eastern Railways and for other purposes. A.D. 1891.

[5th August 1891.]

WHEREAS it is expedient that the Caledonian Railway Company (in this Act called the Company) should be empowered to make and maintain the several railways in the county of Lanark herein-after described and to abandon the construction of so much of the railway authorised by the Glasgow Central Railway Act 1888 (in this Act called the Central Act of 1888) and therein called Railway No. 2 as would have been situate between the commencement and termination of the deviation thereof by this Act authorised: 51 & 52 Vict. c. cxciv.

And whereas the undertaking of the Lanarkshire and Ayrshire Railway Company (in this Act called the Lanarkshire and Ayrshire Company) is worked and maintained by the Company and the Company have subscribed to and hold shares in that undertaking and it is expedient that they should be authorised to subscribe for and hold further shares in that undertaking:

And whereas the periods respectively limited by the Caledonian Railway (Additional Powers) Act 1876 (in this Act called the Act 39 & 40 Vict. c. lxiv.

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of 1876) as extended by the Caledonian Railway Act 1879 (in this Act called the Act of 1879) and by the Caledonian Railway (Additional Powers) Act 1878 (in this Act called the Act of 1878) and by the Caledonian Railway (No. 1) Act 1884 (in this Act called the No. 1 Act of 1884) for the compulsory purchase of lands for the purposes of the following railways (namely) The railway authorised by the Act of 1876 and therein called Railway No. 1 the railways authorised by the Act of 1878 and therein called respectively Railway No. 1 and Railway No. 2 and the railway authorised by the No. 1 Act of 1884 and therein called Railway No. 2 and the works connected with such railways respectively have expired and it is expedient that the powers of the Company for the compulsory purchase of lands for such respective railways except so far as the said Railway No. 1 authorised by the Act of 1876 is required to be abandoned by the Act of 1878 should be revived and extended and that the periods for the completion of the said respective railways except as aforesaid should be extended and that the period limited for the completion of the dredging deepening and improvement of the navigation of the River Carron authorised by the Caledonian Railway (Grangemouth Harbour) Act 1876 (in this Act called the Grangemouth Act of 1876) should also be extended:

42 & 43 Vict. c. clxxxi. 41 & 42 Vict. c. clxxiii. 47 & 48 Vict. c. cxxix.

39 & 40 Vict. c. xlviii.

And whereas it is expedient that the Company and the Glasgow and South-western Railway Company (in this Act called the South-western Company) should be enabled to acquire the private railway in the parish of Govan known as the Shield Hall Branch or any portion thereof or rights therein and to maintain and work the same when so acquired as part of the Glasgow and Paisley Joint Railway and to apply their funds for those purposes:

28 & 29 Vict. c. cclxxxvii. 29 & 30 Vict. c. cccl.

And whereas by the Caledonian and Scottish Central Railways Amalgamation Act 1865 and the Caledonian and Scottish North-eastern Railways Amalgamation Act 1866 certain facilities powers rights privileges and provisions in respect of east coast traffic as defined by or referred to in those Acts respectively including obligations on the Company to run and carry forward for the accommodation of east coast traffic certain trains from Larbert Junction and Perth respectively to Perth and Aberdeen respectively and vice versâ in conjunction with trains run or appointed to be run for the accommodation of that traffic from London or York to Larbert Junction or Perth respectively and vice versâ viâ Edinburgh and also similar trains viâ Broughty Ferry or elsewhere across the Tay to and from Aberdeen were granted secured or provided to or in favour of the North-eastern Railway Company and the Great Northern Railway Company on over or in connexion with the Scottish Central and

Scottish North-eastern Railways of the Company which railways at the time of the passing of such Acts formed the only direct continuation north of Larbert as well for east coast traffic between England and Scotland viâ Berwick and Edinburgh as for west coast traffic viâ Carlisle: A.D. 1891.

And whereas since the construction of the Forth and Tay bridges another route for traffic between England and the North of Scotland has been established in connexion with which the North-eastern Railway Company and the Great Northern Railway Company have or enjoy rights facilities and powers for the accommodation of their traffic between England and Scotland by the east coast route and it is expedient that certain of the obligations of the Company above mentioned should be modified as herein-after provided:

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 whereas plans and sections showing the lines and levels of the several railways authorised by this Act 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 purposes or under the powers of this Act were duly deposited with the principal sheriff clerk of the county of Lanark 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 (Additional Powers) Act 1891.

Incorporation of Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation (Scotland) Act 1845 Part I. (relating to construction of a railway) and Part II. (relating to extension of time) 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

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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 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 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 the expression "the special Act" means this Act the word "schoolmasters" means session clerks and the expression "the railway" means and includes the railways by this Act authorised or any part thereof.

Power to make railways and take lands for purposes thereof.

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

Description of railways.

5. The railways herein-before referred to and authorised by this Act are—

(1) A railway (in this Act called "Railway No. 1") three furlongs 4·25 chains or thereabouts in length being a deviation

of a portion of the railway authorised by the Central Act of 1888 and therein called Railway No. 2 commencing at the termination of the railway authorised by the Central Act of 1888 and therein called Railway No. 1 at a point thirty yards or thereabouts westward from the north-west corner formed by the line of the buildings at the crossing of Elliot Street and Stobcross Street and terminating at a point on the said Railway No. 2 twenty-nine yards or thereabouts south-eastwards from the south-east corner formed by the line of the buildings at the junction of Corunna Street and Dumbarton Road;

(2) A railway (in this Act called "Railway No. 3") two furlongs four chains or thereabouts in length commencing by a junction with the Company's said Glasgow Central Railway (Railway No. 6) at a point fifty yards or thereabouts measuring in a southerly direction from the south-west corner of the boundary wall of Maryhill Barracks and terminating by a junction with the Company's said Glasgow Central Railway (Railway No. 3) at a point one hundred and seventy-seven yards or thereabouts measuring in a south-easterly direction from the centre of the bridge carrying Balgray Road over the River Kelvin;

(3) A railway (in this Act called "Railway No. 4") five furlongs two hundred and five yards or thereabouts in length commencing by a junction with the Company's main line of railway from Glasgow to Carlisle at a point thereon eight hundred and eighty yards or thereabouts measuring in a north-westerly direction from the milepost on that railway denoting eighty-seven miles from Carlisle and terminating by a junction with the Company's railway leading from Holytown Junction to Law Junction at a point three hundred and eighty yards or thereabouts measuring in a south-easterly direction from the milepost on that railway denoting eighty-seven miles from Carlisle;

(4) A railway (in this Act called "Railway No. 5") two miles two furlongs and one hundred and thirty-eight yards or thereabouts in length commencing by a junction with the Company's railway leading from Holytown Junction to Law Junction at a point two hundred and sixty yards or thereabouts measuring in a north-westerly direction from the milepost on that railway denoting eighty-six miles from Carlisle and terminating by a junction with the Company's railway leading from Mossend Junction to Morningside Junction (viâ Newmains) at a point two hundred and seventy yards or thereabouts

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south of the viaduct by which the last-mentioned railway is carried over Auchter Water.

Company to abandon portion of Glasgow Central Railway No. 2.

6. The Company shall abandon the construction of so much of the said Railway No. 2 authorised by the Central Act of 1888 as would have been situate between the respective points of commencement and termination of Railway No. 1 by this Act authorised and the subsidiary works connected therewith and section fifty-five of the Caledonian Railway Act 1889 (in this Act called the Act of 1889) 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 railway abandoned.

7. The abandonment by the Company under the authority of this Act of any portion of any 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 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 Central Act of 1888.

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

8. 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 lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers of or other persons interested in such lands 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 Consolidation (Scotland) Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Stopping up of certain roads.

9. The Company may stop up the roads shown on the deposited plans or sections as to be stopped up without substituting any other road for the same and may subject to the provisions of the Railways

Clauses Consolidation (Scotland) Act 1845 with respect to mines lying under or near the railway appropriate the sites of the roads so stopped up when and so far as the same shall be bounded on both sides by property of the Company Provided that the Company shall not exercise the powers of this section so as to leave any property not belonging to them in the road numbered on the deposited plans 169 in the parish of Cambusnethan without access thereto.

Power to stop up portions of existing roads where roads altered &c.

10. Where any 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 existing roads altered or diverted are respectively completed to the satisfaction of the sheriff of the county in which the same are situate and opened to the public the Company may except where otherwise expressly provided by this Act permanently stop up and cause to be discontinued those portions of existing roads for which such new portions of road are respectively substituted and the sites of any portions of existing roads so stopped up when and so far as the same shall be bounded on both sides by property of the Company shall subject to the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to mines lying under or near the railway belong to and be vested in the Company and (except as provided by section thirty-nine of the same Act) all such new portions of road shall as respects management and maintenance and in all other respects be held as parts of and be subject to the same provisions as the existing roads for portions of which the same are respectively substituted Provided always that where any such new portion of road is formed through or along lands belonging wholly or partly to any person through or along whose lands the superseded portion of existing road for which such new portion of road is substituted passes the value of the site of so much of the said superseded portion of road as passes through or along the lands of such owner and is given up to him shall be taken into account in estimating the compensation payable to him for the land taken from him for such new portion of road.

Power to take servitudes by agreement.

11. 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 to the Company any servitude right or privilege not being a servitude of water required for the purposes of this Act in over or affecting any such 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

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shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Company may acquire easements only under streets or roads and may purchase cellars &c.

12. With respect to any lands which the Company are by this Act authorised to enter upon take and use for the purposes of railways by this Act authorised and which are in or under the roadway pavement or footway of any 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 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 for the purposes of the said railways 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 ninety of the Lands Clauses Consolidation (Scotland) Act 1845.

Owners may be required to sell parts only of certain properties.

13. And whereas in the construction of the railways hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section ninety of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the schedule to this Act and whereof portions only are required for the purposes of this Act may (if such portions can in the opinion of the jury arbiters or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto) be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions taken by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise Provided always that if in any case in the opinion of the jury arbiters or other authority as aforesaid any such portion cannot be severed from the

remainder of such property without material detriment thereto the Company may at any time within one month after the date of the final decision of such jury arbiters or other authority withdraw their notice to treat for the portion required by them and thereupon they shall pay to the owner of and other parties interested in the property in respect of which or of any portion of which they have given notice to treat all loss and damage sustained and all costs charges and expenses (as the same shall be taxed as between solicitor and client) reasonably incurred by them in consequence of such notice Provided also that nothing in this section contained shall be held as determining whether the properties described in the said schedule are or are not subject to the provisions of section ninety of the Lands Clauses Consolidation (Scotland) Act 1845.

Interference with streets.

14. Subject to the provisions of this Act the Company may for the purpose of constructing the railways by this Act authorised 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 such construction use and appropriate any of the streets roads lanes pavements or footpaths so crossed altered broken open stopped up or diverted and may also during such construction from time to time break 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.

For restoration of streets.

15. The Company shall where not otherwise provided by this Act 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 within three months from the day upon which such portions shall respectively be 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.

Powers of lateral deviation.

16. The Company may (without prejudice to the powers of deviation exerciseable by the Company under the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 in respect of the other railways by this Act authorised) deviate in the construction of Railway No. 1 by this Act authorised from the lines thereof

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delineated on the deposited plans to any extent within the limits of deviation marked thereon in relation to such railway anything in the first above-mentioned Act to the contrary notwithstanding.

Powers of vertical deviation.

17. The Company may (without prejudice as in the last preceding section mentioned) deviate in the construction of Railway No. 1 by this Act authorised from the levels thereof shown on the deposited sections to such 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 that railway 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 in manner by this Act provided to all parties interested for any damage sustained by them respectively 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 near Railway No. 1.

18. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of Railway No. 1 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 eighteen 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;

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(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;

(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 of railway.

19. Subject to the provisions of this Act and upon lands belonging to the Company or which they may have obtained right to use for that purpose the Company may make and shall for ever after maintain all requisite openings shafts or vents for the purpose of ventilating Railway No. 1 and may provide and work ventilating

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fans in connexion therewith and may for the purposes of such openings shafts or vents or for other purposes in the construction of the said railway break up alter interfere with and divert all sewers drains pipes and other works and also subject to the provisions of the Telegraph Act 1878 any telegraph wires and works connected therewith which may impede the construction or use of the said railway or of the said openings shafts or vents 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 or pipes so interfered with 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 Provided also that nothing in this section shall authorise the Company to create or permit any nuisance.

Company not to take certain lands without consent.

20. Nothing in this Act contained shall entitle the Company to enter upon or take any land or property in the barony parish of Glasgow belonging to the trustees of the late Robert Cochran otherwise than with the consent in writing of the said trustees already or that may be hereafter given.

Saving rights of Her Majesty's Principal Secretary of State for the War Department.

21. And whereas it is necessary that the lands hereditaments and works belonging to Her Majesty or vested in Her Majesty's Principal Secretary of State for the War Department for the public service should be preserved intact and free from all intrusion or obstruction Be it therefore enacted that nothing in this Act contained shall authorise the Company to enter upon use or interfere with any land soil or water or any right in respect thereof vested in or exercised by the said Principal Secretary for the time being or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said Principal Secretary for the time being without his previous consent signified in writing under his hand and which consent the said Principal Secretary for the time being is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the said Company.

For the protection of the county council of the county of Lanark and of the district

22. For the protection of the county council of the county of Lanark and of the district committees of the lower and middle wards thereof the following provisions shall unless otherwise agreed between the said county council and district committees respectively and the Company have effect notwithstanding anything in the Act of 1876 or the Act of 1878 or on the plans and sections deposited

committees of the lower and middle wards thereof.

in reference to those Acts respectively or on the deposited plans and sections to the contrary (that is to say):—

(1) In constructing the railway authorised by the Act of 1876 and therein called Railway No. 1—

(A) The Company shall if they interfere with the road known as Auchinairn Road and numbered in the plans deposited in reference to the Act of 1876 24 in the parish of Maryhill and 137 and 138 in the parish of Cadder for the purpose of carrying the said railway under the road known as Mosesfield Road and numbered on the said plans 21 in the parish of Maryhill make the gradients on the portion of the said Auchinairn Road so interfered with by them not steeper than 1 in 40;

(B) The Company shall construct the bridge for carrying the road known as the Kirkintilloch Road and numbered on the plans deposited in reference to the Act of 1876 29 in the parish of Maryhill over the said Railway No. 1 of a width between the parapets not less than forty-two feet being the present width of the said road and in the event of the said road being at any time widened on either side of the said railway the Company shall construct iron girder footpaths along the sides of the bridge so as to make the width of the bridge correspond with that of the widened road Provided that the Company shall not in any case be bound to make the bridge (including such footpaths) of a greater width over all than sixty feet The Company shall also in making the said bridge extend the approaches thereto on the north side to a distance of forty yards and on the south side to a distance of eighty yards from the centre of the said bridge so as uniformly to ease the gradients thereof.

(2) In constructing the railways authorised by the Act of 1878 and therein called respectively Railway No. 1 and Railway No. 2—

(A) The Company shall make the bridge for carrying the road known as the Robroyston Road and numbered on the plans deposited in reference to the Act of 1878 5 in the parish of Maryhill and 8 in the barony parish of Glasgow over the said Railway No. 1 of a clear width between the parapets not less than twenty-seven and a half feet;

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(B) The Company shall make the bridge for carrying the road known as Broomfield Road and numbered on the plans deposited in reference to the Act of 1878 5 in the parish of Springburn and 16 in the parish of Maryhill over the said Railway No. 2 of a clear width between the parapets of not less than twenty-seven and a half feet and shall make the bridge for carrying the same road where such road is numbered on the said deposited plans 10 in the parish of Springburn and 23 in the parish of Maryhill over the said Railway No. 2 of a clear width between the parapets of twenty-seven and a half feet The Company shall also in lieu of the gradients shown on the sections deposited in reference to the said Act make the approaches of the bridge at the last-mentioned crossing of a uniform gradient not steeper on the south side of the bridge than 1 in 25 and on the north side of the bridge than 1 in 27 and the width of the altered road shall not be more on the north side of the railway at the point where it joins the present road than the width of the present road at that point Further the Company while the foresaid work is in progress shall if required by the district committee of the lower ward lay down on the responsibility of the committee additional spoil free of expense for the greater improvement of said road and approaches provided the said county council or the district committee in charge of such road shall furnish at their own expense the additional land required for making such greater improvement and repay to the Company the cost of the extra road metal required for surfacing the additional length of the approaches and undertake the future maintenance of such additional length of the approaches caused by such greater improvement.

(3) In constructing Railways Nos. 4 and 5 by this Act authorised—

(A) The Company shall make the bridge for carrying Railway No. 4 over the road known as the Carluke Road and numbered on the deposited plans 14 in the parish of Cambusnethan of a clear span of not less than forty feet;

(B) The Company shall make the bridges for carrying the roads next herein-after mentioned over Railway No. 5 of

the following clear widths between the parapets (that is to say) :—

Name of Road.	Number on deposited Plans.	Name of Parish.	Width.
Stewarton Street - -	128	Cambusnethan -	60 feet
Greenhead Road - -	145	Cambusnethan -	30 feet
East and West Road -	215	Cambusnethan -	36 feet
North and South Road -	229	Cambusnethan -	40 feet

(c) The Company shall extend the southern approach of the bridge for carrying Greenhead Road over Railway No. 5 to such an extent as will raise the level of the road at the foot of such approach as shown on the deposited sections about two feet so as to improve the gradient of such approach and shall make the northern approach of the bridge for carrying the North and South Road over the said railway of a gradient not steeper than 1 in 35 and the southern approach of such bridge of a uniform gradient from the centre of the said bridge to the top of the bridge carrying the same road over the railway sidings numbered on the deposited plans 227 and 239 in the said parish of Cambusnethan.

(4) The works of the Company so far as they interfere with roads under the jurisdiction of the said county council or the respective district committees shall be executed to the reasonable satisfaction of the said county council or district committee having charge of the road and according to plans elevations and specifications to be prepared by the engineer of the Company and approved by the surveyor of the said county council or district committee or in case of difference between them by an engineer to be appointed by the Board of Trade on the application of the Company or the said county council or district committee.

Provisions of Central Act of 1888 for protection of corporation of Glasgow the Glasgow Tramway

23. The provisions of section forty-one of the Central Act of 1888 (except sub-sections (B) (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

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and Omnibus Company Limited and the Glasgow Water Commissioners extended to this Act in reference to Railway No. 1.

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 Central Act of 1888 for the protection of or with reference to the mains and pipes of the commissioners acting under the Glasgow Corporation Waterworks 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 extend and apply (so far as applicable) to Railway No. 1 by this Act authorised and relative works in the same manner as they would have applied to the portion of the railway authorised by the Central Act of 1888 and therein called Railway No. 2 which is by this Act required to be abandoned and of which the said Railway No. 1 is a deviation as aforesaid and as fully as if those provisions had been repeated in this Act with reference to the said Railway No. 1 hereby authorised Provided always that the Company shall not except with consent of the said corporation wholly stop up against foot passenger and vehicular traffic Stobcross Street Finnieston Street and Galbraith Street for the purpose of constructing Railway No. 1 hereby authorised unless and until they shall to the reasonable satisfaction of the said corporation make provision for the diversion of the traffic of the said streets during such construction and provided further that all notices and relative plans sections working drawings and specifications of and relating to the said Railway No. 1 hereby authorised requiring to be given by the Company to the said corporation under the provisions of the said sections 41 and 43 of the Central Act of 1888 shall be given to the corporation in each of its several capacities.

Provisions of Central Act of 1888 for protection of North British Railway Company extended to this Act in reference to Railway No. 1.

24. The provisions of section forty-five of the Central Act of 1888 for the protection of the North British Railway Company shall extend and apply (so far as applicable) to Railway No. 1 by this Act authorised and relative works in the same manner as they would have applied to the portion of the railway authorised by the Central Act of 1888 and therein called Railway No. 2 which is by this Act required to be abandoned and of which the said Railway No. 1 is a deviation as aforesaid and as fully as if those provisions had been repeated in this Act with reference to the said Railway No. 1 hereby authorised.

For the protection of the Glasgow Water Commissioners and of the corporation

25. Whereas the mains or pipes of the commissioners appointed by the Glasgow Corporation Waterworks Act 1855 (herein-after called the water commissioners) and the mains or pipes of the Lord Provost magistrates and council of the city of Glasgow acting under the Glasgow Corporation Gas Act 1869 (herein-after called

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of Glasgow in reference to Railway No. 3.

the corporation) will at certain points be crossed or otherwise affected by Railway No. 3 Therefore for the protection of the water commissioners and the corporation the following provisions shall be binding on the Company and have full effect videlicet:—

(1) Should it be necessary for the Company to interfere with or alter any road or street in which any mains or pipes of the water commissioners or of the corporation are or may be laid or to interfere with any of the said mains or pipes the Company shall be bound wherever it is practicable to do so to leave not less than three feet of covering from the surface of the road or street over every main or pipe so altered or interfered with and in any case where such three feet of covering or more cannot be given the Company shall in every such case be bound to provide at their own expense special works for carrying the said mains or pipes across the railway with special protection from injury for such mains or pipes all to the reasonable satisfaction of the engineers of the water commissioners and of the corporation gas department The Company shall also be bound to provide at their own expense and to the reasonable satisfaction as aforesaid all stopcocks scour pipes and air valves in connexion with said mains or pipes that may be rendered necessary through their operations Provided always that in all cases where such special works as aforesaid have to be constructed by the Company for the said mains or pipes they shall be bound to duplicate the works so necessary in order to provide for the laying down of future mains or pipes;

(2) The plans of all works required in constructing the railway so far as interfering with or intended to protect the said mains or pipes and also the plans of all special works to be provided by the Company as aforesaid shall be submitted to the engineer of the water commissioners or to the engineer of the corporation gas department in so far as the works relate to water mains or pipes or gas mains or pipes respectively for their approval at least twenty-one days before such works are commenced;

(3) Where any such works involve an alteration in respect of any of the mains or pipes of the water commissioners or of the corporation the water commissioners and the corporation shall have the option themselves of executing the works necessary for such alterations at the expense of the Company and the Company shall be liable for any injury or loss sustained by the water commissioners or the corporation by reason of such alterations except where the same may be caused by the fault or neglect of the water commissioners or the corporation;

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(4) The special provisions herein contained for the protection of the water commissioners and the corporation shall not be deemed to supersede or dispense with the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 sections 18 to 23 both inclusive but those provisions respectively except in so far as they may be inconsistent with any of the special provisions herein contained shall be and remain in full force and effect:

(5) All disputes or differences between the water commissioners or the corporation and the Company or between the engineer of the water commissioners and of the corporation gas department and the Company or the engineer of the Company with regard to any of the provisions of this section shall be referred to the decision of an arbitrator to be appointed by the Board of Trade on the application of either party and the decision of such arbitrator shall be final.

Company not bound to carry manure.

26. Nothing contained in this Act shall make it compulsory on the Company to carry on Railway No. 1 by this Act authorised any nightsoil dung or other offensive matter.

Lands for extra-ordinary purposes.

27. 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 railways authorised by this Act shall not exceed ten 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 taken by them under the powers of this section.

Period for compulsory purchase of lands.

28. The powers of the 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 railways.

29. 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 except as to so much thereof as shall then be completed.

Penalty imposed unless the railways are opened

30. If the Company fail within the period limited by this Act to complete any of the railways by this Act authorised 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 such railway is completed

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and opened for the public traffic or until the sum received in respect of such penalty amounts to five per cent. on the estimated cost of such railway 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 Remembrancer 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 railway 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.

within the time limited.

31. 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 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 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 if a judicial factor has been appointed or the Company is insolvent and has been ordered to be wound up or the railway or railways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid to such judicial factor or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of

Application of penalties.

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the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the Company.

Tolls.

32. The Company may demand and take in respect of the use of the railways by this Act authorised to be made or any of them or any part thereof and of carriages and engines thereon and of accommodation and services provided by the Company in connexion therewith any tolls rates and charges not exceeding the tolls rates and charges (as the same may be modified under the provisions of the Railway and Canal Traffic Act 1888) following (that is to say) As respects Railways Nos. 1 and 3 the tolls rates and charges authorised by the Central Act of 1888 in respect of the use of the railways thereby authorised to be made and of carriages and engines thereon and of accommodation and services in connexion therewith and as respects Railways Nos. 4 and 5 the tolls rates and charges authorised by the Caledonian Railway (Lanarkshire and Midlothian Branches) Act 1866 in respect of the use of the railways by that Act authorised to be made and of carriages and engines thereon and of accommodation and services provided by the Company in connexion therewith Provided that all the said railways by this Act authorised to be made shall as respects tolls rates and charges be considered part of the undertaking of the Company and that only one short distance charge shall be made for the conveyance of any traffic partly thereon or on any part thereof and partly on any other railways of the Company.

Power to stop up road in construction of Glasgow Central Railway No. 2.

33. The Company may in the construction of the unabandoned portion of the railway authorised by the Central Act of 1888 and therein called Railway No. 2 permanently stop up and discontinue as a roadway or access without substituting any other therefor the road or passage numbered on the deposited plans referred to in that Act 7 and 24 in the parish of Govan and all rights of way in or over such road or passage shall thereupon be extinguished.

Power to Company to make further subscriptions to Lanarkshire and Ayrshire Company.

34. The Company may from time to time subscribe (in addition to the sums already subscribed by them) any sums which they think fit towards the undertaking of the Lanarkshire and Ayrshire Company not exceeding forty-two thousand one hundred and fifty pounds the amount of the present unsubscribed capital of that Company and the Company may contribute and apply in or towards payment of their said subscriptions any moneys which they are already authorised to raise and which may not be required by them for the purposes of their undertaking and also any money which they are by this Act authorised to raise by new shares or stock

and the Company shall in respect of the sums to be subscribed under this Act and the corresponding shares in the Lanarkshire and Ayrshire Company to be held by them have all the powers rights and privileges (including the right of voting at general meetings as herein-after provided) and be subject to all the obligations and liabilities of proprietors of shares in the Lanarkshire and Ayrshire Company Provided that the Company shall not subscribe any such sum unless either before or after the passing of this Act they have obtained the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose and that the Company shall not sell dispose of or transfer any of the shares for which they may subscribe under this Act until after the expiration of five years from Martinmas one thousand eight hundred and ninety.

Votes of Company at general meetings of Lanarkshire and Ayrshire Company.

35. The Company whilst shareholders of the Lanarkshire and Ayrshire Company may by writing under their common seal from time to time appoint some person to attend any meeting of the Lanarkshire and Ayrshire Company and such person shall have all the privileges and powers attaching to a shareholder of that company at such meetings and may vote thereat in respect of the capital held by the Company.

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

36. The powers for the compulsory purchase and taking of lands granted by the Act of 1876 and extended by the Act of 1879 in respect of the construction of the railway authorised by the Act of 1876 and therein called Railway No. 1 so far as that railway is not required to be abandoned by the Act of 1878 and those granted by the Act of 1878 in respect of the construction of the railways authorised by that Act and therein called respectively Railway No. 1 and Railway No. 2 and those granted by the No. 1 Act of 1884 in respect of the construction of the railway authorised by that Act and therein called Railway No. 2 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 not be exercised after the expiration of two years after the passing of this Act.

Restrictions on displacing persons of labouring class.

37.—(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

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authorised as the case may be were occupied either wholly or 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 under the powers 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

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 ninety 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 or 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 general 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 passing of this Act be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with 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) For the purposes of this section the expression "labouring class" includes mechanics artisans 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.

Extending periods for completion of certain railways and works.

38. The periods limited for the completion and opening for public traffic of the railways and for the completion of the dredging deepening and improvement of the navigation of the River Carron hereunder respectively mentioned are hereby respectively extended as follows (that is to say) :—

(A) The period limited by the Act of 1889 for the completion and opening for public traffic of the railway authorised by the Act of 1876 and therein called Railway No. 1 so far as that railway is not required to be abandoned by the Act of 1878 is extended for four years from the expiration of the said period that is until the twenty-seventh June one thousand eight hundred and ninety-six ;

(B) The period limited by the Act of 1889 for the completion and opening for public traffic of the railways authorised by the Act of 1878 and therein called respectively Railway No. 1 and Railway No. 2 is extended for three years from the expiration of the said period that is until the twenty-second July one thousand eight hundred and ninety-five ;

(C) The period limited by the Act of 1889 for the completion and opening for public traffic of the railway authorised by the No. 1 Act of 1884 and therein called Railway No. 2 is extended for three years from the expiration of the said period that is until the fourteenth July one thousand eight hundred and ninety-four ;

(D) The period limited by the Caledonian Railway Act 1886 for the completion of the dredging deepening and improvement of the navigation of the River Carron authorised by the Grangemouth Act of 1876 is extended for five years from the expiration of the said period that is until the twenty-seventh June one thousand eight hundred and ninety-six :

And the powers of the Company for making the said respective railways and work 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 the completion of the dredging deepening and improvement of the navigation of the River Carron and to the penalties exigible from the Company in the event of their failing to complete and open any of the said railways for public traffic within the said respective periods shall be read and construed as if the respective periods for such completion and opening or completion referred to in those sections did not expire until the expiration of the extended periods hereby limited in respect of the said works respectively.

Power to Company and South-western Company to acquire Shield Hall Branch Railway.

39. The Company and the South-western Company may purchase by agreement the private railway known as the Shield Hall Branch in the parish of Govan in the counties of Renfrew and Lanark or so much thereof as lies between its junction with the Glasgow and Paisley Joint Railway near Cardonald Station and the north side of the public highway between Glasgow and Renfrew and any right of user or other right or interest in the said private railway and any lands in connexion therewith and thereupon and on and from the completion of any such agreement and subject to and in accordance with the provisions thereof the Company and the South-western Company may maintain improve and work the said branch as part of the Glasgow and Paisley Joint Railway and may demand and take tolls rates and charges in respect thereof accordingly Provided that any such purchase shall be evidenced by a duly stamped conveyance which shall within three months from the date of the vesting of the Shield Hall Branch be produced to the Commissioners of Inland Revenue by the Company and the South-western Company and in default of production the ad valorem stamp duty together with interest at the rate of five pounds per centum per annum from the date of vesting to the date of payment shall be recoverable from the said companies with full costs of suit and all costs and charges attending the same.

Repeal of section 126 of Scottish North-eastern Railways Amalgamation Act.

40. From and after the passing of this Act section one hundred and twenty-six of the Caledonian and Scottish North-eastern Railways Amalgamation Act 1866 shall be and is hereby repealed.

Restricting provisions of Scottish Central and Scottish

41. Notwithstanding the provisions of section ninety-eight of the Caledonian and Scottish Central Railways Amalgamation Act 1865 and section one hundred and twenty-five of the Caledonian and Scottish North-eastern Railways Amalgamation Act 1866 the

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North-eastern Acts 1865 and 1866.

North-eastern Railway Company and the Great Northern Railway Company (herein-after called the East Coast Companies) shall from time to time give written notice to the Company of the trains required by the East Coast Companies to be run and carried forward under the provisions of the said sections for the accommodation of east coast traffic as defined in those Acts and the standing arbitrator appointed under the provisions of the said Acts shall be entitled from time to time to determine on the application of the Company any question as to the reasonableness of any or all of such requirements and in respect of any such question the standing arbitrator shall have the same powers and jurisdiction as if the matter in question had been specially referred to him by the said Acts Provided always that an award of the standing arbitrator shall only take effect from the date thereof and that nothing herein contained shall enable the Company to postpone giving effect to any such requirement as aforesaid of the East Coast Companies in accordance with the provisions of the said Acts pending a reference to the standing arbitrator.

Power to raise additional capital.

42. The Company may for any of the purposes of this Act 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 two hundred 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:

43. 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.

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

Dividends on new shares or stock.

45. 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.

46. 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 always 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.

47. 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 to borrow for purposes of this Act.

48. The Company may in respect of the additional capital of two hundred 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 sixty-six thousand six hundred and sixty-six pounds in manner following (that is to say) They may borrow a sum of twenty-two thousand two hundred and twenty-two pounds in respect of each entire sum of sixty-six thousand six hundred and sixty-six pounds of the said additional capital but no part of any such sum of twenty-two thousand two hundred and twenty-two pounds 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

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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 or corporations 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 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 certificate shall be sufficient evidence thereof.

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

49. 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.

50. 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.

51. 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.

52. All moneys raised 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.

53. 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.

54. 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.

55. 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.

56. Nothing in this Act contained shall exempt the Company or the railway 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.

57. 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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SCHEDULE referred to in the preceding Act.

HOUSES or other BUILDINGS or MANUFACTORIES of which portions may be taken without taking the whole :—

Parishes.	Nos. on deposited Plans.
	RAILWAY No. 1.
Barony of Glasgow - - - -	69.
	RAILWAY No. 4.
Cambusnethan - - - -	6 7 9 and 63 38.
	RAILWAY No. 5.
Cambusnethan - - - -	222 226 227 228 234 239 245 246 and 248.

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