ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. cclxxi.

An Act for sanctioning an Agreement between the *Caledonian* and *Edinburgh and Glasgow* Railway Companies with respect to the Construction of Branch Railways to connect their Undertakings with *Glasgow* Harbour; and for authorizing the Formation of a Joint Station there; and for other Purposes. [25th *July* 1864.]

WHEREAS by "The *Caledonian* Railway Act, 1845," the *Caledonian* Railway Company (in this Act called "the Company") were incorporated: And whereas it would be attended with Advantage and Convenience to the Public if Authority were granted for the Construction of Branch Railways for connecting the Railways of the Company and of the *Edinburgh and Glasgow* Railway Company with the Harbour of *Glasgow* and the River *Clyde* in and near that City, and if the Company were authorized to enter into Agreements with the Trustees of the *Clyde* Navigation in respect to the Use of any Tramways which may be laid down by them in connexion with the said Harbour, and of any other Works and Conveniences thereat: And whereas it was proposed in the Bill for this Act

8 & 9 Vict. c. clxii.

The Caledonian Railway (Glasgow Harbour) Act, 1864.

Act to authorize the Company to construct such Branch Railways, and another Bill was introduced into Parliament in the present Session for authorizing the *Edinburgh and Glasgow* Railway Company to construct Branch Railways for connecting that Portion of their Undertaking known as the *Glasgow, Dumbarton, and Helensburgh* Railway (in this Act called "the *Helensburgh* Railway") with the said Harbour: And whereas by means of the Branch Railways so proposed by the *Edinburgh and Glasgow* Railway Company, and of certain Portions of their existing Railways, a Connexion will be afforded between the *Caledonian* Railway and the Harbour of *Glasgow*, and an Agreement has been entered into between the said Companies for making available for that Purpose the said proposed Branch Railways and Portions of existing Railways by enabling the Company to use the same for the Conveyance of their Traffic, and also with respect to the Acquisition of Station Ground in the Vicinity of the said Harbour for the Traffic of both Companies, and the Construction of joint and separate Stations thereon: And whereas it is expedient that the said Agreement should be sanctioned, and that the Company should be authorized to acquire for the Purposes of such Stations certain of the Lands which are shown on the Plans and described in the Books of Reference deposited for public Inspection in the Office at *Glasgow* of the Principal Sheriff Clerk of the County of *Lanark*, with reference to the Branch Railways originally proposed to be authorized by the Bill for this Act as aforesaid; but these Objects 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; (that is to say,)

Short Title.

1. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Caledonian* Railway (*Glasgow* Harbour) Act, 1864."

8 & 9 Vict. cc. 19. & 33. and 23 & 24 Vict. c. 106. incorporated.

2. Subject to the Provisions of this Act, "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and so much of "The Railways Clauses Consolidation (*Scotland*) Act, 1845," as relates to the Construction, Maintenance, and Use of Stations and relative Works, are incorporated with this Act.

Parts of 8 & 9 Vict. c. 17. and 26 & 27 Vict. c. 118. incorporated.

3. Subject to the Provisions of this Act, the Clauses and Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Distribution of the Capital of the Company into Shares, and with respect to the Transfer or Transmission of Shares, and

and with respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls, and with respect to the Forfeiture of Shares for Nonpayment of Calls, and with respect to the Remedies of Creditors of the Company against the Shareholders, and with respect to the borrowing of Money by the Company on Mortgage or Bond, and with respect to the Conversion of the borrowed Money into Capital, and with respect to the Consolidation of the Shares into Stock, and with respect to the General Meetings of the Company and the Exercise of the Right of Voting by the Shareholders, and with respect the Provision to be made for affording Access to the Special Act by all Parties interested, and also Part I. of "The Companies Clauses Act, 1863," relating to Cancellation and Surrender of Shares, and Part II. of that Act relating to additional Capital, are incorporated with this Act: Provided always, that each Holder of new Shares or Stock in the Capital by this Act authorized 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 Capital authorized by the recited Act would have conferred upon him: Provided also, that each Year, out of the Profits of which the Preference Shares or Preference Stock issued under the Authority of this Act shall be entitled to the preferential Dividend assigned thereto, shall end on the Thirty-first Day of *January*.

Agreement between Company and Edinburgh and Glasgow Companies confirmed.

4. The Agreement entered into between the Company and the *Edinburgh and Glasgow* Railway Company as aforesaid, of which a Copy is set forth in the Schedule to this Act, is hereby sanctioned and confirmed, and shall be carried into effect by the Parties thereto respectively.

Power to acquire Lands and to construct Stations.

5. It shall be lawful for the Company, with the Powers and subject to the Provisions contained in this Act and in the Acts incorporated herewith, to enter upon, take, and use such of the Lands delineated on the Plans and described in the Books of Reference deposited as aforesaid as are situate to the Eastward of the Street numbered therein 852 in the *Barony* Parish of *Glasgow*, and as they may find necessary for the Purpose of joint and separate Stations for the Traffic of the Company and of the *Edinburgh and Glasgow* Railway Company, and also to construct, separately or jointly with the *Edinburgh and Glasgow* Railway Company, in accordance with the said Agreement, all proper Stations, Works, and Conveniences on the Lands so taken.

Restricting Company's Powers.

6. The Company shall, in the Exercise of the Powers by this Act conferred on them, be subject to the same Provisions as those contained in "The *Edinburgh and Glasgow* Railway (Extensions) Act, 1864," with respect to the Acquisition of Land from the Trustees of

the

the *Clyde* Navigation, and with respect to the Use of Locomotive Engines, and with respect to the Construction of the Two Accesses or Roads and other Works provided by that Act to be formed for the Purpose of affording Communication with the Dock intended to be made by the *Clyde* Trustees at *Stobcross*; and the said Accesses or Roads and other Works shall be regarded as Part of the Works connected with the Station provided for in the Agreement sanctioned by this Act; and the Cost of forming the said Accesses or Roads and other Works, and acquiring the Ground necessary for the same, shall be deemed Part of the Cost of the said Station, and be defrayed by the Company and the *Edinburgh and Glasgow* Railway Company accordingly in the Proportions to be fixed under the Provisions of the said Agreement.

Lands for extraordinary Purposes.

7. In addition to the Lands herein-before authorized to be taken by the Company, it shall be lawful for the Company to purchase by Agreement, in connexion with the Stations by this Act authorized to be made, any Quantity of Land near or adjoining to the said Stations, not exceeding Four Acres, for the extraordinary Purposes specified in "The Railways Clauses Consolidation (*Scotland*) Act, 1845."

Powers for compulsory Purchases limited.

8. The Powers 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.

Power to raise Money by Creation of Shares or Stock.

9. It shall be lawful for the Company from Time to Time to raise, in addition to the Sums which they are or may be authorized to raise by any other Act of Parliament, any further Sums of Money, not exceeding in the whole the Sum of One hundred and fifty thousand Pounds, by the Issue of new Ordinary Shares or new Ordinary Stock, or of new Preference Shares or new Preference Stock, or, at the Option of the Company, by any of those Modes, which Sum shall be applied only to the Objects and Purposes by this Act authorized: Provided always, that no such Share and no Portion of such Stock shall be issued by the Company, or shall vest in the Person accepting the same, until not less than Twenty *per Centum* on the nominal Amount of such Share or Portion of Stock shall have been paid up thereon.

Power to borrow on Mortgage.

10. When and so soon as the said additional Capital of One hundred and fifty thousand Pounds shall have been issued and taken up *bonâ fide*, and One Half thereof shall have been paid up, it shall be lawful for the Company from Time to Time to borrow on Mortgage, and, if paid off, again to borrow, any Sum or Sums of Money not exceeding in the whole the Sum of Fifty thousand Pounds, in addition

addition to the Amount which they are or may be authorized to borrow by any other Act of Parliament: Provided always, that no Part of such Sum shall be borrowed until the Company shall have proved to the Sheriff who is to certify under the Provisions contained in the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," that the whole of such additional Capital has been issued and taken up *bonâ fide*, and that not less than Twenty *per Centum* was paid up on each Share and on each Portion of Stock so issued at the Time of the Issue and Acceptance thereof, and that the whole of the said Shares or Stock are held by the Persons to whom the same were issued, or their Executors, Administrators, or Assignees, and for which such Persons or their Executors, Administrators, or Assignees are legally liable: Provided also, that the Sums so to be borrowed under the Powers of this Act shall be applied only to the Objects and Purposes by this Act authorized: Provided further, that all Mortgages, Bonds, and Debenture Stock for which or for the Interest whereof the Company are lawfully liable, and which shall be in force at the Time of the passing of this Act, shall during their Subsistence have Priority over any Mortgage to be granted by the Company under the Powers of this Act.

Power to Company to enter into Agreements with Clyde Navigation Trustees.

11. It shall be lawful for the Company from Time to Time to enter into Agreements with the Trustees of the *Clyde* Navigation, and for the said Trustees to enter into Agreements with the Company, with respect to the following Matters or any of them; (that is to say,) the Mode of Construction and the Maintenance and Use of any Lines of Rails or Tramways and other Works and Conveniences which may be formed by the said Trustees upon or adjacent to or in connexion with the Quays of *Glasgow* Harbour, and the Docks and other Works authorized to be constructed by the said Trustees, and the Use of any existing Works and Conveniences at the said Harbour; the Tolls, Rates, and Charges, or other Consideration to be paid for such Use; the Connexions to be made between the said Lines of Rails or Tramways and any Lines of Rails which may be laid in or in connexion with the Stations by this Act authorized; the Interchange, Delivery, and forwarding of Traffic between, at, and over the Railways, Lines of Rails, Harbour, Docks, and other Works of the respective Parties to such Agreements; the Tolls, Rates, and Charges to be levied by the said Parties respectively in respect of such Traffic, and other Matters relating thereto: Provided always, that any such Agreement shall not in any Manner affect any of the Tolls, Rates, or Charges which the Parties thereto are from Time to Time respectively authorized to demand and receive from any other Company or Person, but all other Companies

and Persons shall, notwithstanding such Agreement, be entitled to the Use and Benefit of the Railways or Tramways of the several Parties to such Agreement on the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as they would be if such Agreement had not been entered into.

Interest not to be paid on Calls paid up.

12. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay to any Shareholder Interest or Dividend on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation (*Scotland*) Act, 1845."

Deposits for future Bills not to be paid out of Company's Capital.

13. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any Railway, or execute any other Work or Undertaking.

Railways not exempt from Provisions of present and future General Acts.

14. Nothing herein contained shall be deemed or construed to exempt the Railways by any of the Acts relating to the Company authorized to be made from the Provisions of any General Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges and of the Rates for small Parcels authorized by any of the Acts relating to the Company.

Saving Rights of the Crown.

15. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for

that

that Purpose (which Consent such Commissioners are hereby respectively authorized to give), neither shall anything in the said Act or Acts contained divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Expenses of Act.

16. All the Costs, Charges, and Expenses of applying for and obtaining this Act, and in any way preparatory or incidental thereto, shall be paid by the Company.

SCHE-

SCHEDULE referred to in the preceding Act.

AGREEMENT between the Caledonian Railway Company and the Edinburgh and Glasgow Railway Company.

IT is contracted and agreed between the Caledonian Railway Company (herein-after called the Caledonian Company) on the one Part, and the Edinburgh and Glasgow Railway Company (herein-after called the Edinburgh and Glasgow Company) on the other Part, in manner following:

Whereas a Bill promoted by the Caledonian Company is now depending in Parliament, intituled "An Act for sanctioning an Agreement between the Cale- " donian and Edinburgh and Glasgow Railway Companies with respect to the " Construction of Branch Railways to connect their Undertakings with Glasgow " Harbour; and for authorizing the Formation of a Joint Station there; and " for other Purposes;" and another Bill promoted by the Edinburgh and Glasgow Company is also depending in Parliament, intituled "An Act to " empower the Edinburgh and Glasgow Railway Company to make Railways " at Cowlairs, and between Maryhill and the River Clyde; to authorize the " Construction of Tramways at the Harbour of Glasgow; and for other Pur- " poses:" And whereas it was agreed between the Parties hereto that the Caledonian Company should withdraw and they have accordingly withdrawn from their said Bill the Powers to construct the proposed Branch Railways and Works connected therewith, except as after mentioned, on the Terms and Conditions herein-after specified:

First. The Expression "the Two Companies" in this Agreement shall mean the Caledonian Company and the Edinburgh and Glasgow Company.

Second. The Powers and Provisions of the said Bill promoted by the Caledonian Company shall remain limited and restricted to the Acquisition of Land for the Purposes of a Station, as herein-after provided, to the Eastward of the Street numbered Eight hundred and fifty-two, in the Barony Parish of Glasgow, on the Plans deposited with reference to the said Bill, and the Construction of the said Station, and all necessary Works and Accommodations connected therewith, and the raising of the necessary Capital for these Purposes, and the Confirmation of this Agreement.

Third. The whole Land required for Station Purposes to the Eastward of the said Street, including the Portions of Stobcross Estate which the Edinburgh and Glasgow Company have agreed to acquire, shall be taken and acquired by the Two Companies jointly.

Fourth. The Station and Works connected therewith shall be laid out so as to allow to the Two Companies, and all Companies and Persons using their respective Lines or any Portion thereof, free Access to the Property of the Clyde Trustees and to the Harbour of Glasgow, and the Docks, Quays, and

SCHE.

Works

Works connected therewith, and to the Tramways intended to be formed by the Clyde Trustees on the North Side of the Harbour.

Fifth. A Portion of the said Station Ground shall be laid out for the joint Use for Traffic Purposes of the Two Companies, and of all Companies and Persons using their respective Lines, or any Portion thereof; and the Proportions of the Cost of acquiring the said Portion of the Station Ground, and laying out the same, to be paid by each of the Two Companies, shall be agreed on, or, in case of Difference, shall be settled by Arbitration.

Sixth. The Remainder of the said Station Ground shall be allocated between the Two Companies, taking into consideration the Requirements of each Company, and of the Companies and Persons using their respective Lines for Traffic to and from the said Harbour and the City of Glasgow; and the Cost of the Ground so to be allocated shall be paid by each of the Two Companies in such Proportions as shall be agreed on, or as, in case of Difference, shall be settled by Arbitration.

Seventh. For the Purpose of conveying Traffic to and from the Harbour Branch Railways and Stations thereon, and to and from the Tramways to be constructed by the Clyde Trustees, and for these Purposes only, the Caledonian Company shall have absolute Running Powers, with their Engines, Trains, Carriages, Waggons, and Trucks, over that Portion of the Edinburgh and Glasgow Railway situated between Sighthill South and North Junctions with the Garnkirk Extension Railway and the Junction of the Glasgow, Dumbarton, and Helensburgh Railway with the Harbour Branch Main Line, and over those Portions of the proposed Harbour Branch Railways, and the Tramway to be constructed by the Edinburgh and Glasgow Company, commencing near Stobcross House, and terminating near Finnieston Lane, Glasgow, which extend from the said Junction of the Glasgow, Dumbarton, and Helensburgh Railway to the Joint Station at Stobcross, and to the Tramways to be constructed by the Clyde Trustees; provided that the Exercise of these Powers as respects the said Tramway shall be subject to the Provisions of the said Bill promoted by the Edinburgh and Glasgow Company with respect to the Conveyance of Traffic thereon by Horse Haulage only; and the Caledonian Company shall, in the Exercise of such Running Powers, and subject to the Rules and Regulations of the Edinburgh and Glasgow Company in force for the Time being, and without any Preference in favour of the Traffic of the Edinburgh and Glasgow Company of a similar Kind, have every Facility for the Conveyance of the Traffic of the Caledonian Company on the Portions of the said existing and proposed Railways and Tramway before specified on Payment of the following Tolls to the Edinburgh and Glasgow Company for the whole or any Part of the Distance run over; that is to say,

	s.	*d.*	
For Minerals and Pig Iron - - -	0	6	per Ton.
For all other Goods - - - -	1	0	„
For Cattle and Sheep - - -	1	6	per Truck or Van.
For Passengers of all Classes - - -	0	3	each.
For Horses - - - - -	0	3	„
For Carriages - - - -	0	3	„
For Dogs - - - - - -	0	$0\frac{3}{4}$	„
For Parcels - - - - -	0	$0\frac{3}{4}$	„

Eighth. In the event of the Edinburgh and Glasgow Company at any Time allowing any Traffic to be conveyed over the said Portions of the proposed Harbour Branch Railways to or from the Joint Station at Stobcross, or over the said Portions of the said Harbour Branch Railways and over the said Tramway to or from the said Tramways to be constructed by the Clyde Trustees, by or for any other Party or Company, at Tolls in respect of the Use of the said Harbour Branch Railways, or of the said Harbour Branch Railways and Tramway, as the Case may be, which, computed by Mileage Distance, would be lower than the Tolls above specified in Article Seven, also computed by Mileage Distance, the Edinburgh and Glasgow Company shall be bound from Time to Time to make a proportionate Reduction of those last-mentioned Tolls in favour of the Caledonian Company for the like Traffic.

Ninth. The Edinburgh and Glasgow Company shall proceed forthwith to put in the Sighthill Junctions North and South with the Garnkirk Extension Railway, and shall complete the same at their own Expense with all reasonable Despatch.

Tenth. In the event of the Traffic of the Caledonian Company being at any Time obstructed or impeded at the Junctions and Crossings of the Edinburgh and Glasgow Main Line at Cowlairs, the Edinburgh and Glasgow Company shall be bound, if necessary, to construct, at their own Expense, a Branch Railway passing under their said Main Line between the Sighthill Branch and the Glasgow, Dumbarton, and Helensburgh Railway, so as to afford free Run and Access for the Traffic of the Caledonian Company to and from the said proposed Harbour Branch Railways; and in case of any Question or Difference between the Two Companies as to the Necessity for the said first-mentioned Branch Railway, or as to the Mode of laying out and constructing the same, such Question or Difference shall be settled by Arbitration.

Eleventh. All Questions and Differences between the Two Companies arising under this Agreement, whether as to the Meaning thereof or as to the carrying of the same into effect, shall be and are hereby submitted and referred to John Hawkshaw, Esquire, Civil Engineer, whom failing, to Thomas Elliot Harrison, Esquire, Civil Engineer, as sole Arbiter, whom failing, to an Arbiter to be appointed by the Board of Trade on the Application of either of the Two Companies; and both Parties consent to Registration hereof for Preservation and Execution.

In witness whereof these Presents, written upon this and the Two preceding Pages by William Simms Stewart, Clerk to Alexander Grahame, Parliamentary Solicitor in Westminster, with this Declaration that the Words "except as herein-after mentioned" on the Sixth Line from the Bottom of Page Second are delete before Subscription, are subscribed by Robert Towers, Esquire, of Number Eighteen Woodside Place, Glasgow, and Thomas Hill, Esquire, Registrar of Sasines, Glasgow, Two of the Directors of the Caledonian Railway Company, and sealed with the Common Seal of that Company, all at Glasgow, on the Sixteenth Day of June Eighteen hundred and sixty-four, before these Witnesses, Henry William Murgatroyd and Hugh Haswell, both Clerks in that Company's Offices at Glasgow, and are subscribed by Henry Dunlop, of Craigton, Esquire, and John Orr Ewing, of Ratho, Esquire, Two of the Directors of the Edinburgh and Glasgow Railway Company, and sealed with the Common Seal of that Company, all on the Date last mentioned, as follows,

follows, viz., are subscribed by the said Henry Dunlop, and sealed with the last-mentioned Seal at Glasgow, before these Witnesses, John Bennet, junior, Clerk in the Offices at Glasgow of the Edinburgh and Glasgow Railway Company, and the said Henry William Murgatroyd, and are subscribed by the said John Orr Ewing at Alexandria in the County of Dumbarton before these Witnesses, Peter MacGregor, Clerk in the Offices at Glasgow of the Edinburgh and Glasgow Railway Company, and Robert Mitchell, Butler to the said John Orr Ewing.

JOHN BENNET, junr., Witness.
H. W. MURGATROYD, Witness.
P. MACGREGOR, Witness.
ROBT. MITCHELL, Witness.

Seal of the Edinburgh and Glasgow Railway Company.

HENRY DUNLOP.
JOHN ORR EWING.

H. W. MURGATROYD, Witness.
HUGH HASWELL, Witness.

Seal of the Caledonian Railway Company.

ROBERT TOWERS.
THO. HILL.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1864.