SUPPLIED FOR THE PUBLIC SERVICE

CHAPTER lxii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Caledonian Railway. [26th July 1910.]

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

62 & 63 Vict. c. 47.

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Confirmation of Order in schedule.

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

Short title.

2. This Act may be cited as the Caledonian Railway Order Confirmation Act 1910.

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SCHEDULE.

CALEDONIAN RAILWAY.

Provisional Order to confer further powers on the Caledonian Railway Company in relation to their undertaking to extend the periods for the completion of railways and other works and for the purchase of lands to authorise the abandonment of certain branch railways and for other purposes.

WHEREAS it is expedient that the Caledonian Railway Company (hereinafter called "the Company") should be authorised to make and maintain the works and to acquire and hold the lands in the county of Lanark described in this Order:

And whereas it is expedient that the time—

(A) For the completion of the several railways and works and for the purchase of the lands in this Order mentioned;

(B) For the carrying out by the Company of the street improvements specified in section 26 of the Caledonian Railway Act 1900; and

(C) For the sale of the superfluous lands of the Company;

should be extended as provided in this Order:

And whereas it is expedient to authorise the Company to abandon and discontinue the maintenance of the branch railways of the Company known as the Glenbuck Branch and the Spireslack to Muirkirk Branch respectively:

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

And whereas plans and sections relating to the works authorised by this Order and plans of the lands which may be taken under the powers of this Order and books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly

deposited with the principal sheriff clerk of the county of Lanark and are hereinafter referred to as the deposited plans sections and books of reference:

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

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

Short title.

1. This Order may be cited for all purposes as the Caledonian Railway Order 1910.

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 of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of the shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends; and

The giving of notices;

and Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by any subsequent Act are (except where and as expressly varied by this Order) incorporated with and form part of this Order All the provisions of the Companies Clauses Consolidation

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(Scotland) Act 1845 so incorporated with this Order which relate to stock into which shares in the capital of a company have been converted or consolidated shall apply to stock which is by this Order authorised to be issued and to the holders thereof.

Interpretation.

3. In this Order unless there be something in the subject or context repugnant to such construction—

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings and the expression "the Company" means the Caledonian Railway Company:

In the provisions of Part II. of the Railways Clauses Act 1863 incorporated with this Order—

The expression "the railway and works" means for the purposes of this Order the railways and other works the time for the purchase of lands for or for the completion of which is by this Order extended:

In the other provisions of the Acts wholly or partially incorporated with this Order the following expressions have for the purposes of this Order the meanings hereinafter attributed to them (that is to say):—

The expressions "the company" "the undertakers" and "the promoters of the undertaking" and other like expressions mean respectively the Company;

The expressions "the railway" and "the undertaking" or other like expressions mean the works by this Order authorised;

The expressions "schoolmasters of the several parishes" and "schoolmasters" in sections 7 8 and 9 of the Railways Clauses Consolidation (Scotland) Act 1845 mean as regards any lands in a burgh the town clerk of such burgh and as regards any lands in a parish outside a burgh the clerk to the parish council of such parish.

Power to Company to make works.

4. Subject to the provisions of this Order the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works in the county of Lanark hereinafter described with all proper approaches works and conveniences in connection therewith and may enter upon take and use such of the lands delineated on the said plans

and described in the deposited books of reference as may be required for those purposes (that is to say):—

A lengthening (Work No. 1) on the north-east side thereof of the bridge carrying Polmadie Road over the Company's main line of railway in the parish of Govan and city and Royal burgh of Glasgow:

A lengthening (Work No. 2) on either side thereof of the bridge carrying Glasgow Road over the Company's said railway in the parish of Rutherglen and Royal burgh of Rutherglen:

A diversion (Work No. 3) of the road known as New Street in the parish of Rutherglen and Royal burgh of Rutherglen commencing at a point on the south-east side of that street sixty-three yards or thereabouts south-westward from the centre of Glasgow Road and terminating at a point on the north-west side of Kildale Street twenty yards or thereabouts from the centre of Glasgow Road.

Power for Company to acquire certain lands.

5. Subject to the provisions of this Order and in addition to the other lands which the Company are by this Order authorised to acquire the Company may enter upon take and use for the purposes of their undertaking the lands in the county of Lanark hereinafter described and delineated on the deposited plans and described in the deposited books of reference (that is to say):—

(1) Certain lands in the parish of Govan and city and Royal burgh of Glasgow lying on the north-east side of and adjoining the Company's main line of railway between Cathcart Road and the goods sidings of the Company known as Bell's Yard:

(2) Certain lands in the said parish and city and Royal burgh lying on the north-east side of and adjoining the Company's main line of railway between the said Bell's Yard goods sidings and Polmadie Road:

(3) Certain lands in the parish of Rutherglen and Royal burgh of Rutherglen lying on either side of the Company's main line of railway between Blackfaulds Road on the west and Glasgow Road and New Street on the east:

(4) Certain lands in the said parish of Rutherglen lying on the north side of and adjoining the Company's main

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line of railway and immediately adjoining and to the east of the Cambuslang Road:

(5) Certain lands in the parish of Old Monkland lying on either side of the Company's Rutherglen and Coatbridge Branch Railway immediately to the west of Muirhead Road Baillieston and between that road and the Company's Daldowie signal-box:

(6) Certain lands in the parish of Old Monkland and burgh of Coatbridge lying on the south side of the Company's Rutherglen and Coatbridge Branch Railway and to the east of Woodside Street and between that street and Langloan Station:

(7) Certain lands in the parish of Hamilton lying on the west side of the Company's Lesmahagow Branch Railway and between Ferniegair Station and Merryton level crossing:

(8) Certain lands in the parish of Stonehouse lying on the east side of and adjoining the Company's Stonehouse and Blackwood Branch Railway and between Annie's Burn and the boundary between the parishes of Stonehouse and Lesmahagow:

(9) Certain lands in the parish of Lesmahagow lying on the east side of the Company's Stonehouse and Blackwood Branch Railway and between the road leading from Tanhill Farm to Gill Bridge and the boundary between the parishes of Stonehouse and Lesmahagow above mentioned.

Confirming acquisition of certain lands.

6. Whereas certain portions of the lands referred to in the immediately preceding section of this Order have already been acquired by the Company therefore the acquisition of such lands is hereby sanctioned and confirmed as if the same had been acquired under the powers of this Order For the purposes of section 3 of the Housing of the Working Classes Act 1903 as applied to Scotland by the Housing Town Planning &c. Act 1909 such lands shall be deemed to have been acquired under the powers of this section.

Period for completion of works.

7. If the works by this Order authorised are not completed within five years from the passing of the Act confirming this Order then on the expiration of that period the powers by this

Order granted for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for compulsory purchase of lands.

8. The powers for the compulsory purchase of lands under this Order shall cease after the expiration of three years from the passing of the Act confirming this Order.

Persons under disability may grant servitudes &c.

9. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Company any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order 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 shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Power to deviate.

10. The Company may in the construction of the works by this Order authorised deviate from the lines thereof delineated on the deposited plans to any extent within the limits of deviation shown on such plans and may deviate vertically from the levels of the works shown on the deposited sections to any extent not exceeding five feet but not so as to increase the gradient of any existing street or road as shown on those sections Provided that the Company shall in the event of such vertical deviation exceeding two feet in any village street or land continuously built upon pay compensation to any person who may be injuriously affected by such increased deviation.

Stopping up of portion of New Street Rutherglen.

11. Upon the completion and opening for public use of the road diversion (Work No. 3) by this Order authorised the Company may stop up and cause to be discontinued as a street the portion of New Street in the Royal burgh of Rutherglen shown on the deposited plans as intended to be stopped up from the point of commencement of the said diversion to the junction of the said street with Glasgow Road and may remove the bridge carrying New Street over their railway and when and so soon as such portion of street is stopped up all rights of way over the same shall cease and the site thereof so far as the same is bounded on both sides thereof by lands of the Company shall belong to and be vested in the Company subject to the provisions of the

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Railways Clauses Consolidation (Scotland) Act 1845 with respect to mines lying under or near the railway and such diverted portion of street shall as respects management and maintenance and in all other respects be held as part of New Street and be subject to the same provisions as those to which the undiverted portion of that street is subject.

Temporary stopping up of streets.

12. The Company may in connection with the construction of the works by this Order authorised stop up temporarily in whole or in part or otherwise temporarily interfere with Polmadie Road in the parish of Govan and city and Royal burgh of Glasgow and Glasgow Road New Street and Kildale Street in the parish of Rutherglen and Royal burgh of Rutherglen.

For protection of corporation of Glasgow.

13. For the protection of the corporation of the city of Glasgow as such and as acting in execution of the several public and local and personal Acts by which any powers jurisdictions or authorities are conferred on them (in this section called "the corporation" and "the city" respectively) the following provisions shall (unless otherwise agreed upon) have effect and be binding on the Company in the exercise of the powers conferred on them by this Order (that is to say):—

(1) At least twenty-one days before the Company commence any works the execution of which would in any way interfere with or affect any of the roads streets lanes footpaths or public places in the city or which would interfere with or affect the sewers drains gas or water pipes tramways or electric wires or other works belonging to the corporation either within or without the city the Company shall give to the corporation notice thereof in writing accompanied by plans sections working drawings and specifications showing the manner in which the said works are to be executed and also showing the means to be employed by the Company not only for protecting the said roads streets lanes footpaths or public places sewers drains gas or water pipes tramways or electric wires or other works during the operations of the Company but for making good any injury or damage to or interference with the same respectively which plans sections working drawings and specifications shall be subject to the reasonable approval of the corporation previously to the works of the

Company affecting the said roads streets lanes footpaths or public places sewers drains gas or water pipes tramways or electric wires or other works being commenced and such work shall be carried out in conformity with the plans sections working drawings and specifications as approved of or settled Provided that the approval of the corporation as aforesaid shall not be unreasonably withheld and that it shall be deemed to have been given unless the corporation signifies its disapproval and the grounds thereof within twenty-one days after the submission of the said plans sections working drawings and specifications:

(2) The Company shall not stop up or occupy temporarily Polmadie Road including the footpaths thereof and the bridge carrying that road over the Company's main line of railway to a greater extent at any one time than one half of the width of that road and bridge but except as aftermentioned shall at all time leave the other half of said road and bridge clear and open for the passage of traffic of every kind and the Company shall not except with the consent of the corporation be entitled to stop up or occupy or interfere with any portion of Polmadie Road for a longer period than six months and they shall be liable to a penalty payable to the corporation not exceeding five pounds for every day after the expiry of the said period of six months that any such portion of that thoroughfare shall (except with the consent as aforesaid) be shut up or occupied or interfered with Provided that the Company may on giving notice to the corporation stop up Polmadie Road for vehicular traffic (proper provision being made for foot passenger traffic) between one a.m. on Sunday morning and five a.m. on the following morning at such times as may be necessary for the construction of the works with safety to the public:

(3) Where it is necessary for the Company to cross interfere with alter or divert any road street lane or footpath in which any sewer drain gas water tramway or electric mains pipes cables feeders wires tubes or other works of the corporation are laid or to interfere with

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any of the said sewers drains mains pipes cables feeders wires or tubes or other works the Company shall make suitable provision for continuing the supply of gas water and electricity without interruption and wherever it is reasonably practicable to do so and if required by the corporation shall leave not less than three feet of covering from the surface of the road street lane or footpath over every sewer drain main pipe cable feeder wire or tube so 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 protection from injury for such sewers drains mains pipes cables feeders wires and tubes all to the reasonable satisfaction of the master of works the city engineer or the gas water tramway or electrical engineers of the corporation respectively as the case may be The Company shall also provide at their own expense and to the reasonable satisfaction of the said engineers all stop-cocks scour pipes air valves and other apparatus in connection with the said sewers drains mains pipes cables feeders wires or tubes that may be rendered necessary through their operations:

(4) In the execution of the Works Numbers 1 and 2 authorised by this Order the Company shall be bound at their own expense to provide such suitable accommodation in the lengthened portions of the bridges carrying Polmadie Road and Glasgow Road over the Company's main line of railway as will admit of the existing water gas electricity and tramway mains pipes cables feeders wires and tubes being extended and maintained in or over such bridges as lengthened:

(5) Where any of the works authorised by this Order involves an alteration or diversion in respect of any of the said sewers drains mains pipes cables feeders wires or tubes or any apparatus connected therewith the corporation shall have the option themselves of executing the works necessary for such alteration or diversion at the expense of the Company and the Company shall be liable for any injury or loss sustained by the corporation by reason of such alteration

or diversion except where the same may be caused by the fault or negligence of the corporation:

(6) In the execution of Work Number 3 authorised by this Order the Company shall reinstate to the reasonable satisfaction of the corporation in the diverted portion of New Street in the Royal burgh of Rutherglen any sewer drain gas water tramway or electric main pipe cable feeder wire or tube or any apparatus connected therewith forming the property of the corporation and at the date of the passing of the Act confirming this Order existing in the portion of said New Street to be stopped up and discontinued as a street under the powers of this Order:

(7) If at any time any accident shall occur to any sewer drain gas water tramway or electric main pipe cable feeder wire or tube or any apparatus connected therewith at or near any point where such sewer drain main pipe cable feeder wire tube or apparatus is crossed or otherwise affected by works of the Company constructed under the powers of this Order in respect of which accident it may be necessary to interfere with any of the said works of the Company it shall be lawful for the corporation immediately to repair such sewer drain main pipe cable feeder wire tube or apparatus in such manner as to occasion as little delay and inconvenience as may be to the Company Provided always that the corporation shall either before or as soon as practicable after the commencement of such repair give notice thereof to the Company Provided also that it shall be lawful for the Company on the occurrence of any such accident to repair any damage that may be caused to their said works so far as the same can be repaired without interrupting the repair of any such sewer drain main pipe cable feeder wire tube or apparatus:

(8) The Company shall not in the construction of Works Numbers 2 and 3 authorised by this Order interfere with or obstruct in any way the working of the tramways of the corporation and the Company shall indemnify the corporation for any expenses incurred or loss sustained by them by reason of any such

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interference or obstruction or in consequence of anything arising from the subsequent maintenance or repair of the lengthened portions of the bridge carrying the Glasgow Road over the Company's main line of railway at Rutherglen or in consequence of the operations of the Company relating thereto:

(9) In addition to the plans sections working drawings and specifications provided for in subsection (1) of this section plans sections working drawings and specifications of all special work for the protection or accommodation of such sewers drains mains pipes cables feeders wires and tubes to be provided or constructed by the Company as aforesaid shall be submitted to the town clerk for submission to the master of works the city engineer or the gas water tramway or electrical engineers of the corporation respectively as the case may be for their approval at least twenty-one days before such works alterations or additions are commenced and the town clerk shall be bound within the said period of twenty-one days to intimate to the Company the approval or disapproval thereof:

(10) The provisions of sections 18 to 23 of the Railways Clauses Consolidation (Scotland) Act 1845 shall for the purposes of this section and so far as not inconsistent with any of the special provisions herein contained apply to all mains pipes cables feeders wires and tubes and any apparatus connected therewith used for the purposes of the supply of electricity and for tramways in the same manner and to the same extent as they apply to all mains pipes and apparatus used for the supply of water and gas:

(11) In every case in which the Company interfere with or shut up temporarily any road street lane or footpath within the city the Company shall to the satisfaction of the corporation—

(1) Restore the road street lane or footpath so interfered with by the said works;

(2) Cause the road street lane or footpath to be maintained till properly consolidated;

(3) Make good the paving and metalling of the road street lane or footpath and whenever necessary cause the road street lane or footpath to be repaved or remetalled over its entire width;

(4) Provide and maintain all requisite communications and accesses for foot passengers to and from the houses and the other buildings in the streets or roads so interfered with:

(12) Where any part of the property to be acquired by the Company under the powers of this Order within the city adjoins or fronts any street the Company shall after the acquisition of such property be under all the statutory obligations of an owner fronting or abutting on any such street so far as not inconsistent with the powers conferred upon the Company for the use of such property for the purposes of this Order:

(13) Any difference between the corporation and the Company arising out of any of the provisions of this section shall be referred to the determination of an arbiter to be mutually agreed upon or failing such agreement to be appointed on the application of the Company or of the corporation by the Board of Trade.

Stopping up of Merryton Level Crossing.

14. The Company may stop up and discontinue the private level crossing over the Company's Lesmahagow Branch Railway in the parish of Hamilton in the county of Lanark known as Merryton Level Crossing and the approaches thereto and thereupon all rights of way or servitudes in over or across the same shall be extinguished but before the said level crossing shall be stopped up or discontinued the Company shall in substitution therefor form and maintain in all time coming a road of access with suitable fences along the north-east side of the said branch railway from the public road to the lands to which the said crossing presently forms the access which substituted road shall be a properly macadamised road at least fifteen feet wide and shall be formed on lands belonging to the Company or to be acquired by them for that purpose.

As to private rights of way over lands

15. All private rights of way or servitudes in over or across any lands which shall under the powers of this Order be acquired

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taken compulsorily.

compulsorily shall as from the date of such acquisition be extinguished Provided that the Company shall make full compensation to all parties interested in respect of any such rights or servitudes and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement:

Provided also that the Company shall not in the exercise of any of the powers conferred by this Order stop up or discontinue the level crossing over the said Lesmahagow Branch Railway known as Allanton Level Crossing but shall extend the same south-westward over any lands that may be acquired under the powers of this Order.

Power to make roads.

16. The Company may make and maintain in or through any of the lands referred to in the section of this Order the marginal note of which is "Power for Company to acquire certain lands" such roads or ways for the accommodation of the owners or occupiers of such lands or of the adjoining lands and in substitution for any existing roads or ways in or through such lands as the Company may think fit or as may be agreed upon between the Company and any such owner or occupier.

Stopping up of portion of Ballochmill Road.

17. If under the powers of this Order the Company shall acquire any portion of the road numbered on the deposited plans 28 in the parish of Rutherglen leading from the Cambuslang Road to Ballochmill Farm they shall before stopping up or discontinuing any portion of the said road or otherwise interfering with the same form for the use and accommodation of the property belonging or reputed to belong to G. and A. Gunn in common with the other properties adjoining the said road and in substitution for the portion of the said road so to be stopped up or discontinued or otherwise interfered with another road or access from the said Cambuslang Road to the said Ballochmill Farm Road in through or over the property numbered on the deposited plans 27 and 28 in the parish of Rutherglen and the said substituted road or access shall be of the same width as the present road and the Company shall reinstate in the said substituted road or access any sewer presently existing in the portion of the said road which may be stopped up or discontinued or otherwise interfered with and they shall in all time coming maintain the said substituted road or access and sewer and the owners of the said properties shall have the right and servitude of laying gas and water pipes and electric cables in or

along the said substituted road or access and the Company shall not under the powers of this Order acquire land so as to prevent the widening of the said Ballochmill Farm Road and of the said substituted road or access to the width of sixty feet and in the event of such widening being carried out the Company shall form and maintain the said substituted road or access as part of such widening.

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

18. And whereas 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 this Order and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in any of the properties described in the schedule to this Order and whereof parts only may be required for the purposes of this Order may (if the same 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 the premises 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 that if in any case in the opinion of the jury arbiters or other authority as aforesaid any such portions 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 portions required by them and thereupon they shall pay to the owners of and other parties interested in the property in respect of any portions 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 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

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

19. And whereas in order to avoid in the execution and maintenance of any works authorised by this Order injury to the houses and buildings within one hundred feet thereof it may be necessary to underpin or otherwise strengthen the same Therefore the Company at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter 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 or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :

(2) Each such notice if given by the Company shall be served in manner prescribed by section 18 of the Lands Clauses Consolidation (Scotland) Act 1845 and if given by the owners or 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 ber eferred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade :

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

(5) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any loss inconvenience or damage which may

result to them by reason of the exercise of the powers granted by this enactment:

(6) 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 strengthening or underpinning 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 by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:

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

(8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts:

(9) Nothing in this section shall repeal or affect the application of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

Extending periods for completion of certain railways and works.

20. The periods limited for the completion of the railways and works hereunder respectively mentioned are hereby respectively extended as follows (that is to say):—

(1) The period limited by the Caledonian Railway (General Powers) Act 1899 for the completion of railways Nos. 8 and 9 authorised by that Act as extended by the Caledonian Railway Act 1904 and the Caledonian Railway Order 1907 is extended for three years from the expiration of the said period that is until the ninth day of August one thousand nine hundred and thirteen:

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(2) The period limited by the Caledonian Railway (Grangemouth Harbour) Act 1876 for the completion of the dredging deepening and improvement of the navigation of the River Carron authorised by that Act as extended by subsequent Acts is further extended for ten years from the expiration of the said period that is until the twenty-seventh day of June one thousand nine hundred and twenty:

And the sections of the above Acts and Order which relate to the periods for the completion of the said railways and works respectively and to the penalties exigible in the event of the said railways not being completed within the periods thereby limited for the completion thereof shall be read and construed as if the respective periods for such completion referred to in those sections did not expire until the expiration of the extended periods hereby limited respectively.

Extending period for completion of certain works under Act of 1900.

21. The period within which the Company are required by section 26 (For the protection of the corporation of Glasgow) of the Caledonian Railway Act 1900 to carry out the street improvements and works referred to in that section as extended by the Caledonian Railway Order 1907 is hereby further extended for three years from the expiration of the said period that is to say until the sixth day of August one thousand nine hundred and thirteen.

Extending time for purchase of certain lands under Order of 1907.

22. The powers granted by the Caledonian Railway Order 1907 for the compulsory purchase and taking of the lands in the parishes of Bothwell Crawford and Wandel and Lamington in the county of Lanark the parish of Currie in the county of Edinburgh the parishes of Stirling and St. Ninians and Royal burgh of Stirling in the county of Stirling the parish of Comrie in the county of Perth and the parish and burgh of Laurencekirk and parish of Nigg in the county of Kincardine described in section 6 of the said Order and therein numbered respectively (2) (3) (4) (9) (10) (11) (13) (15) and (16) are hereby extended and may be exercised by the Company at any time within but shall cease after the expiration of two years from the twenty-eighth day of August one thousand nine hundred and ten.

Extension of time for sale of superfluous lands.

23. The Company may notwithstanding anything to the contrary in the Lands Clauses Acts or in any Act or Order relating to the Company or to any company whose undertaking is vested

in the Company retain and hold for the period of ten years from the expiration of the period limited for such retention and holding by the Caledonian Railway Act 1902 that is to say until the thirty-first day of July one thousand nine hundred and twenty-two any lands acquired by the Company or any such other company which have not yet been applied to the purposes of their undertakings or sold or disposed of by them But the Company shall at the expiration of the said period sell or feu and dispose of all such lands as shall not then have been applied to or are not then required for the purposes of such undertakings Provided that nothing in this section contained shall be held as requiring the Company to sell or feu and dispose of any lands which they are not required by some existing Act or Order to sell and dispose of nor as requiring the Company to sell or feu and dispose of any lands sooner than they are required to sell and dispose of the same by any such Act or Order.

Abandonment of Glenbuck and Spireslack to Muirkirk Branch Railways.

24. Subject as hereinafter provided the Company may abandon and discontinue the maintenance and use of—

(1) The branch railway of the Company known as the Glenbuck Branch the maintenance whereof was authorised by the Caledonian Railway Act 1889 and which is therein called Railway No. 6 and Railway No. 7; and

(2) The branch railway of the Company known as the Spireslack to Muirkirk Branch authorised by the Caledonian Railway Act 1896 and therein called Railway No. 8;

and may retain hold use and appropriate the site and soil of the said branch railways respectively for the general purposes of the Company Provided that if and when required by Charles Howatson of Dornel and Glenbuck the Company shall sell and convey to the said Charles Howatson the solum of the said Railway No. 7 so far as within the county of Ayr having first removed therefrom all rails sleepers signals and other permanent way material and after the Company shall have sold and conveyed the said land as aforesaid none of the provisions contained in the section of this Order the marginal note of which is "For protection of adjoining owners and occupiers" shall apply to the said land or to the said Railway No. 7.

For protection of adjoining owners and occupiers.

25.—(1) Notwithstanding anything contained in this Order the Company shall maintain the embankments cuttings aqueducts bridges viaducts roads conduits drains and fences of and in connection with the two branch railways referred to in the

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immediately preceding section and all works which have been constructed for the accommodation of the respective owners and occupiers of lands adjoining the said branch railways as if this Order had not been confirmed.

(2) With the view of preventing trespass upon the adjoining lands the Company shall while the said railways are disused place and thereafter maintain sleeper fences at each end of each of the viaducts on the said railways and shall also take all reasonable steps to secure the prevention of trespass and the punishment of trespassers and shall while the railways are disused and if required grant leases of the shootings upon the railways to the adjoining proprietors at nominal rents In the event of the adjoining proprietors not requiring such leases the Company shall not grant such leases to any other person.

(3) In the event of the working of the minerals or stone in any of the lands adjoining the said branch railways being discontinued and subsequently resumed or in the event of the working of any minerals or stone in any of the said adjoining lands which are not at present being worked then and in either case the Company shall on the request of the owner or owners of such minerals or stone forthwith make the branch railways fit for the conveyance of such traffic provided such traffic will be reasonably commensurate with the expenditure required to refit and work the said branch railways or either of them If after the said branch railways or either of them have again been opened for traffic it shall appear to the Company that the traffic is insufficient to justify the continuance of the working of such branch it shall be lawful for the Company again to discontinue the maintenance and use of such branch or branches after giving six months' previous notice in writing to the proprietors of the adjoining lands In the event of any difference arising between the Company and the adjoining proprietors or any of them regarding the reopening of the said branch railways or either of them or the discontinuance of them or either of them after they or either of them may have been reopened in the manner herein provided the same shall be referred to an arbiter to be appointed by the Board of Trade on the application of any party and the working and maintenance shall be resumed or discontinued in accordance with the determination of such arbiter In the event of discontinuance the provisions of this section shall again come into force.

For protection of Earl of Home.

26. Notwithstanding the power to abandon and discontinue the maintenance and use of the branch railway of the Company known as the Spireslack to Muirkirk Branch the Company shall always remain bound under the obligation contained in section 22 of the Caledonian Railway Act 1896 and in the event of the said Spireslack to Muirkirk Branch ever being worked used or restored the provisions of the said section 22 of the Caledonian Railway Act 1896 shall become operative and be binding upon the Company.

Costs of arbitration in certain cases.

27. The tribunal to whom any question of disputed purchase money or compensation under this Order is referred shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Company has been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant:

Provided that it shall be lawful for the Lord Ordinary on the Bills or the sheriff of the county in which the lands are situate in respect of which the claim has arisen to permit any claimant after seven days' notice to the Company to amend the statement in writing of the claim delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge or sheriff after hearing the Company if they object to the amendment and such amendment shall be subject to such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge or sheriff may seem just and proper under all the circumstances of the case:

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation (Scotland) Act 1845 either contained or was endorsed with a notice of the effect of this section.

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Application of funds of Company.

28. The Company may apply towards any of the purposes of this Order 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.

Power for Company to raise additional capital.

29. The Company may for any of the purposes of this Order raise subject to the provisions of Part II. of the Companies Clauses Act 1863 as amended by any subsequent Act additional capital not exceeding in nominal amount the sum of twenty-four thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or new preference shares or stock convertible into ordinary 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 same incidents as other shares or stock:

30. Except as by this Order otherwise provided the capital in new shares or stock created by the Company under this Order 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.

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

Dividends on new shares or stock.

32. 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.

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

New shares or stock raised under this Order and other Acts or Orders may be of same class.

34. Subject to the provisions of any Act or Order already passed or made by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Order 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 any such other Act or Order and this Order respectively authorised to raise by the creation and issue of new shares or stock.

Power for Company to borrow.

35. The Company may in respect of the additional capital of twenty-four thousand pounds which they are hereinbefore authorised to raise borrow on mortgage of their undertaking any sums not exceeding in the whole eight thousand pounds but no part thereof shall be borrowed until shares or stock or shares and stock for the whole of the said additional capital are issued and accepted and one half of such capital is paid up and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 before he so certifies that shares or stock or shares and stock for the whole of such capital have been issued and accepted and that one half of such 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 such 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 such capital was paid up bonâ fide and that such shares or stock or shares and stock as the case may be are held by the persons to whom the same were issued or their executors administrators successors or assignees and also in so far as the said capital is raised by shares that such persons or their executors administrators successors or assignees are legally liable for the same

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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 appointment of a judicial factor.

36. The mortgagees of the Company under this Order or any previous Act or Order 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.

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

Existing mortgages to have priority.

38. All mortgages granted by the Company before the passing of the Act confirming this Order and subsisting at the passing thereof shall during the continuance of such mortgages and subject to the provisions of the Act or Order under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Order 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.

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

Interest not to be paid on calls paid up.

40. No interest or dividend shall be paid out of any share or loan capital which the Company are by this Order 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 Order 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 not to be paid out of capital.

41. The Company shall not out of any money which they are by this Order authorised to raise pay or deposit any sum which by any Standing Order of either House of Parliament or by any General Order for the regulation of proceedings under the Private Legislation Procedure (Scotland) Act 1899 now or hereafter in force may be required to be deposited in respect of any application to Parliament or the Secretary for Scotland for the purpose of obtaining an Act or Order authorising the Company to construct any railway or to execute any other work or undertaking.

For protection of Postmaster-General.

42. Nothing in this Order shall be deemed to impose upon the Postmaster-General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement between the Postmaster-General and the Company made in pursuance thereof any larger number of telegraphic messages of the Company free of charge than he would have been bound to transmit had this Order not become law.

Provision as to general Railway Acts.

43. Nothing in this Order contained shall exempt the Company or their railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the passing of the Act confirming this Order 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 to be taken by the Company.

Costs of Order.

44. All costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Company.

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SCHEDULE referred to in the foregoing Order.

HOUSES BUILDINGS OR MANUFACTORIES PARTS ONLY OF WHICH MAY BE TAKEN.

Parish.	Nos. on deposited Plans.
	WORK No. 1.
Govan - - - - -	10.
	WORK No. 3.
Rutherglen - - - -	8 9 10 11.
	LAND AT POLMADIE.
Govan - - - - -	2 3 4 5 6 7 8 9 10.
	LAND AT RUTHERGLEN.
Rutherglen - - - -	4 5 15 21 22 23 24 25.
	LAND AT FERNIEGAIR STATION.
Hamilton - - - -	2 3 4 5 6.

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