ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. lxxv.

An Act to enable the *General Terminus and Glasgow Harbour* Railway Company to make Branch Railways to the *Caledonian* and other adjoining Railways, and to amend the Act relating to such Railway. [2d *July* 1847.]

WHEREAS an Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from the* Polloc and Govan *Railway to the River* Clyde *and Harbour of* Glasgow, *with Branches, to be called " The* General Terminus and Glasgow Harbour *Railway :"* And whereas it would be attended with public Advantage and Convenience if the Company incorporated by the said Act were authorized to make and maintain certain Branch Lines of Railway to connect with the *Caledonian* and other adjoining Railways, all as herein-after described, with all necessary Works and Conveniences connected therewith: And whereas it would also be attended with public Advantage and Convenience if some of the Powers and Provisions contained in the said recited Act were altered, amended, and enlarged; but the Purposes aforesaid 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, That the Powers and Provisions of the said *General Terminus and Glasgow Harbour* Railway Act, 1846,

9 & 10 Vict. c. 130.

Recited Act extended to this Act.

1846, and the several Acts incorporated therewith, so far as the same shall not be inconsistent with, or so far as not otherwise provided for by this Act, shall extend to this Act and to the several Purposes hereof, and shall operate and be in force with respect to such Purposes and to the several Matters and Things hereby authorized to be done, as fully and effectually as if the said Powers and Provisions were repeated and re-enacted in this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The *General Terminus and Glasgow Harbour* Railway (Branches) Act, 1847."

Power to make Branch Railways.

III. And whereas Plans and Sections of the said Branch Railways showing the Lines and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands and other Heritages through which the same are intended to pass, have been deposited with the Sheriff Clerks of the Counties of *Lanark* and *Renfrew* at their Offices in *Glasgow* and *Paisley* respectively; be it enacted, That, subject to the Provisions of this Act, and to such of the Provisions of the said recited Act and the Acts therewith incorporated as are herein-before extended to this Act, it shall be lawful for the said Company to make and maintain the said several Branch Railways and Works herein-after mentioned and described, in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and to enter upon, take, and use such of the said Lands and other Heritages as shall be necessary for that Purpose.

Branch Lines of Railway.

IV. And be it enacted, That the Branch Lines of Railway to be made and maintained under the Authority of this Act shall be as follows; (that is to say,)

A Branch Railway from the Main Line of the said *General Terminus and Glasgow Harbour* Railway at or near to *Sheills Bridge* in the Parish of *Govan* to and to form a Junction with the joint Line of the *Glasgow, Paisley, Kilmarnock, and Ayr*, and *Glasgow, Paisley, and Greenock* Railways, at a Point situated Eight hundred lineal Yards or thereby to the Westward of *Sheills Bridge* aforesaid in the said Parish;

A Branch Railway from the said Main Line of the *General Terminus and Glasgow Harbour* Railway at a Point upon the Lands of *Sheills* at or near to *Sheills* Brick Works in the said Parish of *Govan* to and to form a Junction with the intended Line of the *Glasgow Southern Terminal* Railway at a Point upon the said Lands of *Sheills*, or the Lands of *Titwood*, near to the Village of *Strathbungo* in the said Parish; and

A Branch Railway from the said Main Line of the *General Terminus and Glasgow Harbour* Railway at a Point near to its Junction with the said *Caledonian* Railway, formerly the *Polloc and Govan* Railway, on the South Side of and near to the Cavalry Barracks of *Glasgow* in the said Parish of *Govan* or the Parish of *Gorbals*, to and to form a Junction with the intended Main Line of the *Caledonian* Railway at a Point upon

the Lands of *Gushetfauld* at or near to the Junction of the Roads leading from *Glasgow* to *Cathcart* and *Pollockshaws* respectively in the said Parish of *Govan* or the Parish of *Gorbals*:
And which said Branch Railways and Works connected therewith will be situated in, or will pass from, through, or into, the Parishes of *Govan* and *Gorbals*, or one of them, in the Counties of *Lanark* and *Renfrew*, or one of them, and partly within the Municipal and Parliamentary Boundary of the City or Burgh of *Glasgow*.

Lands for extraordinary Purposes.

V. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Twenty Acres, in addition to the Lands which they are authorized by the said recited Act to take for such Purposes.

Compulsory Purchase of Lands limited.

VI. And be it enacted, That the Powers hereby conferred on the Company for the compulsory Purchase and taking of Lands for Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

VII. And be it enacted, That the said Branch Railways hereby authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said recited Act granted to the Company for executing the said Branch Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Branch Railways as shall then be completed.

Power to raise additional Capital by Creation of new Shares.

VIII. And whereas the estimated Expence of the Branch Railways and Works by this Act authorized is Forty-three thousand six hundred and thirty-eight Pounds Sterling; be it enacted, That it shall be lawful for the said Company from Time to Time to raise by creating new Shares, in addition to the Sums of Money which they are authorized to raise under and by virtue of the Act relating to their Undertaking herein-before recited, any further Sum of Money not exceeding in the whole the Sum of Fifty thousand Pounds Sterling.

New Shares to be considered the same as original Shares.

IX. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be divided into Shares of such Amount as may conveniently be apportioned according to the Order of any General Meeting or Extraordinary General Meeting of the Company, and shall be considered as Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the Amount of such Shares and the proportionate Dividends thereon, and except also as to the Time of making and of Payment of Calls on such new Shares, which the Directors of the Company shall fix from Time to Time as they shall think fit.

Shares to vest in the Parties accepting, otherwise to be disposed

X. And be it enacted, That such new Shares shall vest in and belong to the Shareholders who shall accept the same, and pay the Amount thereof to the Company at the Time, in the Manner, and by the Instalments which shall be fixed by the Directors of the Company;

of by the Directors.

pany; and if any Shareholder fail for One Month after such Offer of new Shares to accept the same, and to pay the Instalments called for in respect thereof, it shall be lawful for the Directors of the Company for the Time being to dispose of such Shares in such Manner as they shall deem most for the Advantage of the Company.

Power to borrow Money on Mortgage.

XI. And be it enacted, That after One Half of the Sums by this and the said recited Act authorized to be raised by Shares shall have been paid up, and the whole thereof shall have been subscribed for, it shall be lawful for the Company to borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by a General or Extraordinary General Meeting of the Company, not exceeding in the whole the Sum of Sixteen thousand six hundred and sixty-six Pounds Sterling (exclusive of the Sum which they are authorized to borrow by the said recited Act), and to secure the Repayment of the Money so to be borrowed, with Interest, in like Manner, and subject to the same Provisions, as the Money authorized to be raised by Mortgage by the said recited Act, and without Prejudice to any Mortgage made or to be made under the Authority of the said recited Act.

Priority of Mortgages under former Acts.

XII. Provided always, and be it enacted, That all Mortgages already entered into under the Powers of the said recited Act shall during the Continuance thereof have Priority over the Security by this Act authorized to be given.

Interest not to be paid on Calls paid up.

XIII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder 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 nothing herein-before contained shall be deemed to prevent the said Company from paying 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 the Companies Clauses Consolidation (*Scotland*) Act, 1845, in that Behalf contained.

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

XIV. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, 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 said Company to construct any other Railway, or execute any other Work or Undertaking.

Quorum of Shareholders.

XV. And whereas it is expedient that the Quorum for General Meetings of the Company fixed by the said recited Act should be reduced; be it enacted, That the Quorum for every General Meeting of the Company shall be Ten Shareholders holding in the aggregate not less than Ten thousand Pounds in the Capital of the Company.

XVI. And

Tolls.

XVI. And be it enacted, That, subject to the Conditions, Limitations, and Provisions contained in the said recited Act, and the Acts therewith incorporated, it shall be lawful for the Company to demand and recover for the Use of the Branch Railways hereby authorized to be made the Tolls, Rates, and Charges which are by the said recited Act authorized to be demanded for the Use of the said *General Terminus and Glasgow Harbour* Railway.

As to crossing Streets on a Level.

XVII. And whereas the Line of the said Branch Railway thirdly above described is intended to cross the Turnpike Road or Street called *Port Eglintoun Street*, and also the Turnpike Road leading from *Glasgow* to *Pollockshaws*, under the Charge of the *Renfrewshire* Turnpike Road Trustees; be it enacted, That the Level of the said Road or Street called *Port Eglintoun Street* shall not be altered or in any way injured, nor the said Roads or Streets in any way narrowed, and that the Bridges across the Railway shall be the full Width of the said Roads or Streets; and the Footpaths on each Side of the Bridges shall be properly paved with Flag Stones; and that the said Railway Company shall not be allowed to raise the Surface of the said Road from *Glasgow* to *Pollockshaws* to a greater Height than Four Feet and a Half, being that shown in the Parliamentary Section of the said Branch Railway; and that the Gradients of the said *Pollockshaws Road*, when altered, to the North of the said Crossing, shall be made so as not to be less than One Foot in Forty Feet, provided such Gradient can be effected without injuring the Levels of any of the adjoining Streets; and the whole of the Works connected with the said Branch Railway shall, so far as regards Crossings of the said Roads, be conducted and executed at the Sight and to the Satisfaction of the Surveyor of the said Roads for the Time being.

Power to make Contracts with other Companies for using Railways.

XVIII. And whereas the Branch Railways hereby authorized, or some of them, are intended to communicate with the joint Line of Railway between *Glasgow* and *Paisley*, belonging jointly to the *Glasgow, Paisley, Kilmarnock, and Ayr*, and *Glasgow, Paisley, and Greenock* Railway Companies, with the *Glasgow Southern Terminal* Railway now amalgamated with and forming Part of the *Glasgow, Barrhead, and Neilston Direct* Railway, and with the *Caledonian* Railway, or some of them; be it enacted, That it shall be lawful to the respective Companies to whom the said several Railways belong, and to the Company, to enter into Contracts for the Use of, and for the Passage over or along, the said several Railways respectively, or any of them, and of any Engines, Coaches, Waggons, or other Carriages of the said Company, or for the Use of the Stations and other Works of such other Companies, and also for the Use of, and for the Passage over or along, the said several Branch Railways by this Act authorized, or any of them, and of any Engines, Coaches, Waggons, or other Carriages of such other Companies respectively, or any of them, or for the Use of the Stations, Wharfs, Depôts, and other Works of the said Company, upon the Payment of such Tolls, or for other Considerations, and under such Conditions and Restrictions, as may be mutually agreed upon: Provided always, that no such Contract as aforesaid shall in any Manner alter, affect, increase, or diminish any of the Tolls which the said several Railway Companies respectively shall for the Time being be authorized and entitled to demand and

receive from any Person or other Company, but that all other Persons and Companies shall, notwithstanding any such Contract, be entitled to the Use and Benefit of the said several Railways upon the same Terms and Conditions, and upon Payment of the same Tolls, as they would have been in case no such Contracts had been entered into as aforesaid.

Regulating Rates to be paid by the Glasgow and Ayr Railway Company.

XIX. And be it enacted, That the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company shall at all Times hereafter have the free Use of so much of the Railways and Works by this and the said recited Act authorized as shall connect the *Polloc and Govan* Railway with the joint Line of the *Glasgow, Paisley, Kilmarnock, and Ayr*, and *Glasgow, Paisley, and Greenock* Railways, and the *General Terminus and Glasgow Harbour* Railway with the *Glasgow, Barrhead, and Neilston Direct* Railway, at all reasonable Times, for the Passage thereon of their Engines, Carriages, and Waggons, subject only to such Regulations as may be necessary for the proper and safe working of the Trade on the said Railways; and that the Toll to be levied on the said Railways by the said *General Terminus and Glasgow Harbour* Railway Company, or any other Companies or Persons to whom the said connecting Lines of Railway and Works shall, by virtue of this or the said recited Act, be sold or leased, upon Minerals, Goods, or Passengers carried by the said *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company from any one of the foresaid connecting Lines of Railway to the other, shall never be charged higher Rates to the said last-mentioned Railway Company than to any other Parties, and that such Rates shall from Time to Time be regulated by an Average of the Rate of Toll (excluding any Charge for Waggons, Haulage, or other similar Services) charged on such Traffic by the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, or, in the Option of the said *General Terminus and Glasgow Harbour* Railway Company, by the *Clydesdale Junction* Railway Company (now the *Caledonian* Railway Company), on long Distances, so that in respect to such Tolls and any Charge for fractional Parts of a Mile the aforesaid connecting Lines of Railway shall be held as if they were Portions of the longer Lines which they are intended to connect, and that the said *General Terminus and Glasgow Harbour* Railway Company, or any other Companies or Persons to whom the said connecting Lines of Railway may be leased or sold as aforesaid, shall be entitled only to such Proportion of the average Toll payable thereon as corresponds with the actual Length of Railway traversed.

In case of Disagreement as to the Tolls, Arbiter to be appointed.

XX. And be it enacted, That in case the Parties cannot agree in fixing the average Rate of Toll before mentioned, all such Questions shall be from Time to Time submitted and referred to the amicable Decision and Decree Arbitral of *Robert Stephenson* Esquire, Civil Engineer, whom failing, *Isambard Kingdom Brunel* Esquire, Civil Engineer, whom also failing, of any neutral Engineer to be appointed by the Sheriff of the County of *Lanark* as sole Arbitrator betwixt the Parties; and whatever the said Arbiter shall determine by Decree Arbitral, interim or final, both Parties shall be bound and obliged to fulfil, perform, and observe to each other their respective Parts thereof as well as the Decreets Arbitral, interim or final, which may be pronounced by the said Arbiters, and that under the Penalty of One

thousand Pounds Sterling to be paid by the Party failing to the Party observing or willing to observe the same over and above Performance.

Power to lease or sell the Railway and Branch Railways to other Railway Companies.

XXI. And whereas it is expedient that the Powers conferred on the Company by the said recited Act to lease or sell the Railway thereby authorized, and the Lands belonging to the Company, to certain other Railway Companies, should be amended and extended to the said Branch Railways; be it enacted, That it shall be lawful for the Company, with the Approbation of Three Fifths of the Shareholders present, personally or by Proxy, at a General Meeting specially convened for the Purpose, to grant a Lease of or to sell the Railways and Branch Railways hereby and by the said recited Act authorized to be constructed, or any Part or Parts thereof, and also the Lands belonging to the Company, or any Part of the same, to the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, and to the *Caledonian* Railway Company, or either of them, for such Term and for such Rent or Consideration as shall be agreed upon, and that by Deed or Instrument duly stamped for denoting the Payment of the full and proper Stamp Duty by Law payable in respect of the Purchase or Consideration Money.

Power of Sale, &c. not to be exercised without Certificate of Commissioners of Railways.

XXII. Provided always, and be it enacted, That it shall not be lawful for the Company by virtue of the Power herein-before contained to lease or sell the Railways and Branch Railways hereby and by the said recited Act authorized to be made, or any Part or Parts thereof, unless it shall have been proved to the Satisfaction of the Commissioners of Railways, and certified by them under their Seal previously to the Execution of such Lease or Completion of such Sale, that One Half of the whole Amount of the Capital (exclusive of Loans) by the Act or Acts relating to the said Company authorized to be raised has been actually paid up and expended for the Purposes authorized by such Act or Acts respectively.

Power to make Contracts with the Clyde Trustees.

XXIII. And be it enacted, That it shall be lawful for the Company to enter into and complete all necessary Arrangements and Agreements with the Parliamentary Trustees of the River *Clyde* and Harbour of *Glasgow* for the Purpose of allowing the said Company to use a Portion of the Quays and other Property of the said Trustees in connexion with the said Railways and Branch Railways hereby and by the said recited Act authorized, and that on such Terms and Conditions as may be mutually agreed upon; and it shall be lawful for the said Parliamentary Trustees to enter into and complete such Agreements and Arrangements with the said Company accordingly.

Contracts already made with Clyde Trustees confirmed.

XXIV. And be it enacted, That all Contracts and Agreements which have already been entered into between the said Company, or the Committee or Directors thereof, and the said Parliamentary Trustees, in reference to the using of the said Quays or any Portion thereof in connexion with the said Undertaking, or otherwise in relation thereto, not inconsistent with the Provisions of the said recited Act or of this Act, shall be and the same are hereby ratified and confirmed, and declared to be as valid and effectual as if the same had been entered into in pursuance of the Powers contained in the said recited Act or in this Act.

XXV. And

Rights of Company as Proprietors of Lands reserved.

XXV. And be it enacted, That nothing herein or in the said recited Act contained shall be held to limit, affect, or abrogate the Rights, Immunities, and Privileges competent or belonging to the *General Terminus and Glasgow Harbour* Railway Company as Proprietors of Lands adjoining the River *Clyde* and Harbour of *Glasgow* under the Acts relating to the *Clyde* Navigation and Harbour of *Glasgow*, or any of them, or in any other Way whatever.

Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XXVI. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railways;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways;* and Two other Acts were passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways,* and *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the said Railways or Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the said Railways and Company so far as the same shall be applicable thereto.

Railway not exempt from Provisions of any future general Act.

XXVII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to this Act, or of any general Act relating to Railways, which may hereafter pass during the present 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 authorized by this Act, or by the said recited Act relating to the said Railway.

Expences of Act.

XXVIII. And be it enacted, That all Costs, Charges, and Expences connected with the obtaining and passing of this Act, or preliminary thereto, shall be paid and defrayed by the said Company or the Directors thereof out of the Money already raised and received, or out of the first Money to be raised and received by them after the passing thereof.

Public Act.

XXIX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1847.