ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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Cap. cxxxii.

An Act to enable the *Glasgow and South-western* and the *Caledonian* Railway Companies to make certain Branches and other Works, and to acquire additional Lands in connexion with their Joint Line of Railway between *Glasgow* and *Paisley;* and for other Purposes.

[30th *June* 1864.]

WHEREAS by the Acts set forth in the Schedule to this Act annexed (herein-after called "the recited Acts"), the Line of Railway from the *Bridge Street* Station at *Glasgow* to *Paisley* (commonly known as and herein-after called "the Joint Line") was authorized, and is vested jointly in the *Glasgow and South-western* Railway Company and the *Caledonian* Railway Company (herein-after called "the Companies"), and is placed under the Superintendence and Control of a Joint Committee of Management appointed by the Directors of the Companies respectively (herein-after called "the Joint Committee"): And whereas it would be attended with Advantage and Convenience to the Public and to the Companies if the Companies were authorized to make a Branch from the Joint Line to *Govan*, and a Branch from their *Pollokshields* Station to the Goods

Goods Depôt at *Eglinton Street* in *Glasgow* occupied by them in common, and to substitute a Bridge for the level Crossing on the Joint Line at *Moss Road* Station, and make a new or improved Station there, and for these and other Purposes to acquire additional Lands and raise additional Money, but these several 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 *Glasgow and Paisley* Joint Railway Act, 1864."

8 & 9 Vict. cc. 19. & 33., 23 & 24 Vict. c. 106., and Part of 26 & 27 Vict. c. 92. incorporated.

2. Subject to the Provisions of this Act, "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation (*Scotland*) Act, 1845," and Part I. of "The Railways Clauses Act, 1863," relating to Construction of a Railway, shall be incorporated with this Act; and in construing the Provisions of the said Acts as incorporated with this Act the Word "Railway" shall apply to and include the whole of the Works by this Act authorized to be executed, and the Expressions "the Promoters of the Undertaking" and "the Company" shall mean the Companies, unless there be something in the Subject or Context repugnant to such Construction.

Parts of 8 & 9 Vict. c. 17. and of 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 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 to 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, shall be incorporated with this Act; and in construing the Provisions of the said

said Acts as incorporated with this Act the Expression "the Company" shall mean and apply to each of the Companies, unless there be something in the Subject or Context repugnant to such Construction: Provided always, that each Holder of new Shares or Stock in the Capital of either of the Companies 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 existing Ordinary Capital of such Company would have conferred upon him: Provided also, that each Year out of the Profits of which any 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*.

Power to execute Works and acquire Lands.

4. Whereas Plans describing the Lines and Situation of the several Works herein-after specified, and the Lands through which the same are intended to be made and which may be required to be taken for the Purposes thereof, or under any of the Powers of this Act, and Sections describing the Levels of the said several Works, together with Books of Reference to the said Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the said Lands, have been deposited for public Inspection in the Office at *Glasgow* of the Principal Sheriff Clerk of the County of *Lanark*, and in the Office at *Paisley* of the Principal Sheriff Clerk of the County of *Renfrew*: It shall be lawful for the Companies, with the Powers of Deviation and other Powers, and subject to the Provisions contained in this Act and in the Acts incorporated herewith, to make and maintain, in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, the several Works herein-after specially described and all proper Works and Conveniences in connexion therewith respectively; and to enter upon, take, and use such of the said Lands as they may find necessary for the Purposes of the said several Works and the other Purposes respectively herein-after mentioned; (that is to say,)

1. To make and maintain a Railway to be called the *Govan* Branch, consisting of a principal Branch commencing by a Junction with the Joint Line, near the Bridge by which the Turnpike Road between *Glasgow* and *Paisley* is carried over the Joint Line near *Ibrox*, and terminating in the Village of *Govan* on the South Side of the Turnpike Road between *Glasgow* and *Renfrew*, nearly opposite to *Hillock House*; and of a subsidiary Branch, commencing by a Junction with the Joint Line Seven hundred Yards or thereabouts to the Westward of the foresaid Bridge, and terminating by a Junction with the said principal Branch Four hundred Yards or thereabouts

thereabouts to the South-westward of the Mansion House of *Moore Park*:

2. To make and maintain a Railway to be called the Goods Station Branch, commencing by a Junction with the Joint Line at the Bridge over that Line at *Pollokshields* Station, and terminating in the Goods Depôt adjacent to *Eglinton Street*, *Glasgow*, occupied by the Companies in common near the Bridge which carries the Joint Line over *West Street* of *Tradeston*, *Glasgow*:

3. To stop up the existing level Crossing of the Joint Line at *Moss Road* Station by which the Parish Road there is carried across the Joint Line, and to divert the said Parish Road and carry the same over the Joint Line by means of a Bridge:

4. To take and acquire additional Lands along the North Side of the Joint Line near *Moss Road* Station, and to construct a Depôt or Station, with Sidings and other Works, upon the Lands so to be acquired.

Regulating the Inclinations of a certain Road.

5. In carrying the Road numbered on the said deposited Plans of the *Govan* Branch 9, in the Parish of *Govan*, over that Branch, it shall be lawful for the Companies to alter the Inclinations of the said Road to such Extent as they may think fit, provided such altered Inclinations be not steeper than One in Fourteen on the one Side of the Crossing and level on the other Side.

Regulating the Dimensions of a certain Bridge.

6. It shall be lawful for the Companies to make the Arches of the Bridge for carrying the Goods Station Branch over the Street and Rails numbered on the said deposited Plans of that Branch 14 and 18 in the Parish of *Govan*, of such Dimensions as they may think fit, provided each such Arch shall have a clear Width of not less than Twenty-four Feet, and a clear Height of not less than Twelve Feet Six Inches.

Lands for extraordinary Purposes.

7. In addition to the Lands which the Companies are by this Act authorized to take compulsorily they may from Time to Time, by Agreement, purchase or acquire further Lands near or adjoining to the Railways by this Act authorized, not exceeding in all Two 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.

Limiting Time for Completion of Works.

9. The several Works described on the Plans and Sections deposited as herein-before mentioned shall be completed within Five Years after

after the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Companies for executing the said Works shall cease, except as to so much thereof respectively as shall then be completed.

Penalty for Noncompletion of Railways.

10. If the Railways by this Act authorized shall not be completed and opened for public Traffic within the said Period of Five Years after the passing of this Act, the Companies shall be jointly liable to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due to the Crown, for every Day after the Expiration of the said Period until such Railways shall be completed and opened for public Traffic; but no Penalty shall accrue in respect of any Time during which it shall appear, by a Certificate from the Board of Trade, that the Companies were prevented from completing or opening such Railways or any Part thereof by unforeseen Accident or Circumstances beyond their Control: Provided always, that Deficiency of Funds shall not be held to be a Circumstance beyond the Control of the Companies.

Vesting Railways and Works in the Companies.

11. The Railways and other Works by this Act authorized shall be executed at the joint Expense of the Companies, under the Superintendence and Control of the Joint Committee; and all Lands to be purchased, taken, and used for the Purposes of such Railways and Works, including the additional Lands which may be acquired as aforesaid, but excepting the Lands required for the said Road Diversion, shall be conveyed to and vest in the Companies, and shall be for ever after held and enjoyed by them and their Successors jointly; and the said Railways and other Works, excepting the said Road Diversion, shall be managed, regulated, and maintained by the Joint Committee in the same Manner as if the same had originally formed Part of the Joint Line and in accordance with the Provisions of the recited Acts, and shall be subject to all existing Agreements between the Companies in so far as such Acts and Agreements relate to or are capable of being enforced with reference to the Joint Line.

Tolls.

12. It shall be lawful for the Joint Committee to demand and recover for the Use of the Railways by this Act authorized and the Conveyance of Traffic thereon the same Tolls, Rates, and Charges which are by the recited Acts authorized to be demanded and recovered for the Use of the Joint Line and the Conveyance of Traffic thereon, as if the said Railways had been original Parts of the Joint Line and had been constructed under the Powers of the recited Acts relating thereto; and the Joint Committee shall have and may exercise all the Powers with respect to fixing, levying, and recovering the said Tolls, Rates, and Charges which the Directors of either of the Companies possess or could exercise with respect to the Tolls,

Rates, and Charges leviable on the Undertaking of such Company, in virtue of the Provisions of "The Railways Clauses Consolidation (*Scotland*) Act, 1845."

Limiting Powers of the Companies in respect of the Acquisition of Land belonging to the Glasgow, Paisley, and Ardrossan Canal Company.

13. It shall not be lawful for the Companies, without the Consent in Writing of the Company of Proprietors of the *Glasgow, Paisley, and Ardrossan* Canal (herein-after called "the Canal Company"), to take or acquire from the Canal Company for the Purposes of the Goods Station Branch (except in the event herein-after mentioned) any Land situate more than Eighteen Feet distant from the Southmost of the Main Rails of the Joint Line: Provided always, that the Canal Company shall have Right to use, as Part of the Towing-path of the said Canal, a Strip of Ground Eighteen Inches in Breadth all along the Southern Boundary of any Land to be taken and acquired by the Companies from the Canal Company as aforesaid: Provided also, that in the event of an Act being passed in the present Year, authorizing the said Canal to be diverted Southward at any Point opposite to that Part of the Goods Station Branch which is situate between the Points marked on the said deposited Plans thereof Two Furlongs and Three Furlongs respectively, and of such Diversion being made and opened for Traffic, it shall be lawful for the Companies to take and acquire from the Canal Company for the Purposes aforesaid any Land belonging to that Company opposite to the said Part of the Goods Station Branch, and situate within the Distance of Twenty-nine Feet from the Southmost of the Main Rails of the Joint Line.

Power to stop up Portion of Road rendered unnecessary, and to use or sell Solum thereof.

14. The Companies may stop up the Portion of the Parish Road at *Moss Road* Station for which a substituted or diverted Portion of Road is by this Act specially authorized to be made, and may use or sell the Solum thereof or any Part of such Solum: Provided always, that before selling the Solum of the Portion of Road so stopped up the Companies shall first offer to sell the same to the Person or Persons through whose Lands the same passes or by whose Lands the same is bounded.

Power to raise Money by Creation of new Shares or Stock.

15. It shall be lawful for the *Glasgow and South-western* Railway Company, from Time to Time to raise any Sums of Money not exceeding in the whole the Sum of Thirty-five thousand Pounds, and for the *Caledonian* Railway Company from Time to Time to raise any Sums of Money not exceeding in the whole the like Sum of Thirty-five thousand Pounds, by the Issue of new Ordinary Shares or new Ordinary Stock, or of new Preference Shares or new Preference Stock in their respective Undertakings, or, at the Option of the Companies respectively, by any of those Modes, in addition to the Sums which the Companies respectively are or may be authorized

to

to raise by any other Act of Parliament: Provided always, that no such Share and no Portion of such Stock shall be issued by either of the Companies, 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.

16. When and so soon as the said additional Capital by this Act authorized to be raised by the *Glasgow and South-western* Railway Company shall have been issued and taken up, and One Half thereof shall have been paid up, it shall be lawful for that Company from Time to Time to borrow on Mortgage upon the Security of their Undertaking, including their Interest in the Joint Line, and if paid off again to borrow, any Sums of Money not exceeding in the whole the Sum of Eleven thousand six hundred Pounds in addition to the Amount which they are or may be authorized to borrow by any other Act of Parliament; and when and so soon as the said additional Capital by this Act authorized to be raised by the *Caledonian* Railway Company shall have been issued and taken up, and One Half thereof shall have been paid up, it shall be lawful for that Company from Time to Time to borrow on Mortgage upon the Security of their Undertaking, including their Interest in the Joint Line, and if paid off again to borrow, any Sums of Money not exceeding in the whole the like Sum of Eleven thousand six hundred Pounds, in 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 respective Sums shall be borrowed until the Company desirous of borrowing the same 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 the additional Capital authorized to be raised by such Company as aforesaid 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 so issued, or their Executors, Administrators, or Assignees, and for which such Persons, or their Executors, Administrators, or Assignees, are legally liable.

Provisions as to funded Debt in 18 & 19 Vict. c. xcvii. extended to this Act.

17. The Sections Forty-four to Fifty-two, both inclusive, and Section Fifty-four of "The *Glasgow and South-western* Railway Consolidation Act, 1855," with respect to Funded Debt and Mortgages, are extended to this Act in reference to all and every Part of the Money which may be borrowed by the *Glasgow and South-western* Railway Company under the Powers of this Act, as if the said Sections had been repeated and re-enacted in this Act in relation to such Money.

18. All

Reserving Priority of existing Mortgages, &c.

18. All Mortgages, Bonds, Funded Debt, and Debenture Stock for which or for the Interest whereof either of the Companies is 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 or Funded Debt which may be granted or issued by such Company under the Powers of this Act.

Application of Monies raised under this Act.

19. All Monies raised by either of the Companies under the Powers of this Act, whether by the Issue of Shares, or of Mortgages, or of Funded Debt, shall be applied only to the Objects and Purposes by this Act authorized.

Interest not to be paid on Calls paid up.

20. It shall not be lawful for either of the Companies, out of any Money by this Act or any other Act relating to such 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 by such Company: Provided always, that either of the Companies 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 Companies Capital.

21. It shall not be lawful for either of the Companies, out of any Money by this Act or any other Act relating to such 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 such Company to construct any other Railway or execute any other Work or Undertaking.

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

22. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act or the recited Acts 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 this Act or the recited Acts.

23. All

23. 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 Companies in equal Proportions. Expenses of Act.

SCHEDULE referred to in the preceding Act.

ACTS (LOCAL) referred to in the Preamble as the recited Acts.

1 Victoria, Chapter 117.
3 Victoria, Chapter 53.
5 Victoria (Session II.) Chapter 29.
8 & 9 Victoria, Chapters 95 and 162.
9 Victoria, Chapter 60.
10 & 11 Victoria, Chapters 169 and 183.
11 & 12 Victoria, Chapter 84.
18 & 19 Victoria, Chapter 97.

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