CHAPTER clxxiv.

An Act to authorise the Glasgow District Subway Company to raise additional capital to confer on them further powers with reference to their surplus lands and properties and for the acquisition of additional lands to extend the time for the completion of their authorised undertaking and for other purposes. [17th August 1894.] A.D. 1894.

WHEREAS by the Glasgow District Subway Act 1890 (in this Act called "the Act of 1890") the Glasgow District Subway Company (in this Act called "the Company") were incorporated and authorised to make and maintain the subways in the Act of 1890 described and to raise a share capital of seven hundred and fifty thousand pounds in seventy-five thousand shares of ten pounds each and to borrow on mortgage any sums not exceeding in the whole one hundred and eighty-seven thousand five hundred pounds: 53 & 54 Vict. c. clxii.

And whereas considerable progress has been made by the Company in the construction of the subways authorised by the Act of 1890 but the Company have been compelled to acquire and now hold considerable surplus lands tenements houses and other real estate and feu duties ground annuals and other charges on real estate:

And whereas the Company have raised the whole of their share and loan capital authorised by the Act of 1890:

And whereas large sums of money have been expended in the acquisition of the said surplus lands and other properties and considerable time will be required for the economical realisation thereof:

And whereas the moneys so expended are not available for the completion of the works and the purposes of the undertaking of the Company and in the execution of the works claims have been preferred against the Company for alléged structural damage to buildings on the route of the works which claims are of indefinite amount and are not yet ascertained:

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And whereas it is expedient that the Company be authorised to raise additional capital by the issue of new ordinary shares or stock or new preference shares or stock for the purposes of this Act and for the general purposes of their undertaking:

And whereas it is expedient that powers be conferred upon the Company with respect to the said surplus lands and properties and for the redemption of so much of the said additional capital as may be issued as preference capital and that sections 77 and 78 of the Act of 1890 be repealed:

And whereas it is expedient that the Company be authorised to acquire either compulsorily or by agreement for the general purposes of their undertaking the lands herein-after described:

And whereas the period limited by the Act of 1890 for the completion of the subways by that Act authorised will expire on the fourth day of August one thousand eight hundred and ninety-five and it is expedient that such period be extended as by this Act provided:

And whereas plans showing the additional lands which the Company are by this Act empowered to acquire and also 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 at his office in Glasgow and with the principal sheriff clerk of the county of Renfrew at his office in Paisley and are herein-after respectively referred to as the deposited plans and books of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the Glasgow District Subway (Further Powers) Act 1894.

Incorporation of Acts.

2. 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 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 the giving of notices and the provision to be made for affording access to the special Act by all parties interested and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Acts and Part II. (relating to extension of time) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act and all the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 which relate to stock into which shares in the capital of the Company have been converted or consolidated shall apply to the stock which the Company are by this Act authorised to issue and to the holders thereof In construing Part II. of the Railways Clauses Act 1863 as incorporated with this Act the words "railway" and "railway and works" mean the subways by the Act of 1890 authorised.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and in the Acts wholly or partially incorporated with this Act as applied to this Act the expression "the Company" means the Glasgow District Subway Company the expression "the special Act" means this Act the expression "the Act of 1890" means the Glasgow District Subway Act 1890 the expressions "the subway" and "the undertaking" mean respectively the subways and works in connexion therewith and the undertaking by the Act of 1890 and this Act authorised.

Power to raise additional capital.

4. Subject to the provisions of Part II. of the Companies Clauses Act 1863 the Company may for the purposes of the Act of 1890 and this Act raise any additional capital not exceeding in the whole five hundred and fifty thousand pounds by the issue at their option of new ordinary shares or stock or new redeemable preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share or stock vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share or the whole of such stock shall have been paid in respect thereof Provided that if in any year ending on the thirty-first day of December or so long as the half-yearly accounts of the Company shall be brought down to

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the thirty-first day of January and the thirty-first day of July then if in any year ending on the thirty-first day of January there are not profits available for the payment of the full amount of preferential dividend or interest for that year on any such new preference shares or stock no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

Except as otherwise provided new shares or stock to be subject to the same incidents as other shares or stock:

5. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

And to form part of capital of Company.

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

Dividends on new shares or stock.

7. 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.

Right of voting in respect thereof.

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

Receipt in case of persons not sui juris.

9. If any money is payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate or of his tutor or curator or curator bonis shall be a sufficient discharge to the Company.

Extending to additional capital provisions of Act of 1890 as to dividing shares.

10. The provisions contained in sections 12 to 19 of the Act of 1890 with reference to the division of the shares in the capital into half shares shall extend and apply to the ordinary shares in the additional capital by this Act authorised as if the same had been re-enacted in this Act with reference thereto.

Application of moneys.

11. All moneys raised under this Act by shares or stock shall be applied only to the purposes of this Act and to other purposes of the undertaking of the Company being in all cases purposes to which capital is properly applicable.

Company may apply to purposes of this Act funds not required for other purposes.

12. The Company may apply to the purposes of this Act to which capital is properly applicable any moneys which by the Act of 1890 they were authorised to raise by shares or mortgage or debenture stock and which may not be required for the purposes for which the same were authorised to be raised or directed to be applied.

New shares or stock to be offered to shareholders.

13. The Company shall offer the new ordinary or preference shares or stock rateably to the registered holders of the ordinary shares or stock of the Company or to such persons at such times and in such manner as they may fix and determine.

Application of proceeds of new shares or stock.

14. The Company may apply the proceeds of the new ordinary or preference shares or stock in the completion of the works by the Act of 1890 authorised and the repayment of any loans or moneys borrowed on the security of the general undertaking of the Company (other than the mortgages and debenture stock created and issued or to be created and issued under the powers of the Act of 1890) and in the extinction of any sum which may be standing at the debit of the capital of the Company and any surplus of the new ordinary or preference shares or stock may be applied by the Company to any purposes to which capital is properly applicable.

Repeal of sections 77 and 78 of Act of 1890 and management of surplus lands.

15. Sections 77 and 78 of the Act of 1890 are hereby repealed and notwithstanding the provisions of the Lands Clauses Consolidation (Scotland) Act 1845 with regard to superfluous lands the following provisions shall apply to any lands and properties of the Company which the Company may from time to time under their seal declare to be surplus lands and properties not required for the purposes of their undertaking :—

(A) The said surplus lands and properties shall subject to the provisions of this section continue vested in the Company and the Company may hold the same for a period not exceeding thirty-five years from the passing of this Act :

(B) The Company may from time to time sell the said surplus lands and properties or any part or parts thereof and any houses tenements and buildings thereon or they may feu and lease the same either for a cash price or by way of a feu duty ground annual or annual rent Provided that the Company

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shall sell any such feu duties ground annuals and annual rents and the reversion of any such leases within the said period of thirty-five years from the passing of this Act.

Redemption of preference shares or stock.

16. The preference shares or stock created under the powers of this Act shall be redeemable out of the moneys herein-after mentioned and the Company may redeem the same from time to time in either of the following ways:—

(1) They may purchase any part or parts of the said shares or stock at such price or prices and to such amounts as they may determine: or

(2) They may redeem the same at any price not exceeding the par value together with such a premium not exceeding ten per centum as shall be declared at the time of the issue thereof and in such manner as they may determine upon giving to the registered proprietor or proprietors thereof six months previous notice in writing of their intention so to redeem the same.

Application of proceeds of sale of surplus lands &c. to redemption of preference shares or stock.

17. (A) The Company shall apply the net capital proceeds arising from the sale or other disposal of the surplus lands and properties of the Company or any part or parts thereof in redeeming in the manner and on the conditions herein-before described the said preference shares or stock or any part or parts thereof for the time being issued and remaining unredeemed Provided always that until such proceeds shall be so applied the same may be invested by the Company in any of the stocks or securities authorised as investments by the Trusts (Scotland) Amendment Act 1884 and the interest arising upon such securities shall until the application of the money for the purposes of such redemption be applied in payment of the dividend on the said preference shares or stock.

(B) To the extent to which the said net capital proceeds are so applied in redemption the said preference shares or stock or any part or parts thereof so redeemed shall be cancelled and extinguished and the shares and stock so paid off shall not be re-issued by the Company and the powers of the Company to issue shares or stock by this Act conferred shall to the extent of the capital so paid off cease and determine.

Application of balance of proceeds of surplus lands and properties.

18. If upon the completion of the redemption and extinction of the preference shares or stock any of the said surplus lands and properties or any part or parts thereof shall not have been required for the purposes of such redemption and extinction the Company shall cause such lands and properties to be sold and shall apply the net capital proceeds thereof in the first place in paying off all or any

of the mortgages or debenture stock created or issued or which may be created or issued under the Act of 1890 or any part or parts thereof then remaining as a charge upon the undertaking of the Company and in the second place in reducing any balance at the debit of the capital account of the Company.

Power to acquire additional lands.

19. Subject to the provisions of this Act the Company may from time to time enter upon take and use for purposes connected with their undertaking all or any of the lands following delineated on the deposited plans and described in the deposited books of reference (that is to say) :—

Certain lands in the parish of Govan and county of Lanark adjoining Subway No. 2 authorised by the Act of 1890 as now being constructed and situate on the south side of Govan Road between Broomloan Road and the Govan Goods Station of the Caledonian and Glasgow and South Western Railway Companies :

Certain lands in the parish of Govan and county of Lanark adjoining Subway No. 1 authorised by the Act of 1890 as now being constructed and situate on the west side of Greenhaugh Street Govan at or near the corner of Govan Road and Greenhaugh Street :

Certain lands in the parish of Govan and city and royal burgh of Glasgow and county of Lanark (formerly county of Renfrew) adjoining Subway No. 2 authorised by the Act of 1890 as now being constructed and situate on the north side of Scotland Street between Shields Road and Watt Street :

Certain lands in the parish of Govan and city and royal burgh of Glasgow and county of Lanark adjoining Subway No. 1 authorised by the Act of 1890 as now being constructed and situate on the east side of Smith Street and at or near the corner of Smith Street and Glasgow Street and immediately to the west of the River Kelvin.

Restrictions on displacing persons of labouring class.

20.—(1) The Company shall not under the powers of this Act or of the Act of 1890 as extended by this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which after the passing of this Act have been or on the fifteenth day of December next before the passing of this Act or of the Act of 1890 as the case may be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless or until—

(A) They shall have obtained the approval of the Secretary for Scotland to a scheme for providing new dwellings for such

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number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number of those persons as the Secretary for Scotland shall after inquiry deem necessary having regard to the number of persons residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the other circumstances of the case; and

(B) They shall have given security to the satisfaction of the Secretary for Scotland for the carrying out of the scheme.

(2) The approval of the Secretary for Scotland to any scheme under this section may be given either absolutely or conditionally and after the Secretary for Scotland has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced Provided that the Secretary for Scotland may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Secretary for Scotland may have approved of any such scheme or of any modifications of any such scheme or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by an order of the Court of Session to be obtained by the Secretary for Scotland.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty not exceeding five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may

purchase such further lands as they may require and for the purpose of any such purchase section 90 of the Public Health (Scotland) Act 1867 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of that Act and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or under any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings by the Company shall contain proper covenants to secure during such period of twenty-five years the exclusive use of the buildings on such lands for the purpose of such dwellings and shall be endorsed with notice of this enactment Provided also that the Secretary for Scotland may at any time dispense with all or any of the requirements of this subsection subject to such couditions (if any) as he may see fit.

(8) The Secretary for Scotland may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and he and any person appointed by him to hold inquiry shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them respectively under the Public Health (Scotland) Act 1867 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act.

(9) The Company shall pay to the Secretary for Scotland a sum to be fixed by him in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses

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incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the person appointed to hold any such inquiry and a sum to be fixed by the Secretary for Scotland not exceeding three guineas a day for the services of the person so appointed.

(10) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Secretary for Scotland under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Secretary for Scotland is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Secretary for Scotland they might have been sufficient to accommodate.

(11) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Period for compulsory purchase of lands.

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

As to works affecting the Caledonian and Glasgow and South Western Railway Companies.

22. Whereas portions of the Govan Station of the Caledonian and Glasgow and South Western Railway Companies (herein-after referred to as "the two companies") are included within the limits of deviation shown on the deposited plans of the lands situate on the south side of Govan Road and other lands situate on the west side of Greenhaugh Street Govan by this Act authorised to be acquired by the Company the Company shall not except with the previous consent of the two companies under their respective common seals acquire any absolute property in those portions of

Govan Station but only the right privilege or servitude of making maintaining and using adits or approaches in or through the subsoil or under surface thereof according to the plan of such adits or approaches signed by Robert Peel Lamond on behalf of the Company and Henry Bremner Neave on behalf of the two companies and the provisions of section 36 of the Act of 1890 and of the agreement between the two companies and the Company set forth in the schedule to this Act shall in so far as applicable and unless otherwise agreed between the Company and the two companies extend and apply to the portions of Govan Station included in the limits of deviation of the lands by this Act authorised to be acquired by the Company and to the adits or approaches provided for by this section and the works of the Company in connexion therewith.

Extension of time for completion of works.

23. Subject to the provisions of this Act the period limited by the Act of 1890 for the completion of the subways and works thereby authorised is hereby extended for the period of two years from the fourth day of August one thousand eight hundred and ninety-five but without prejudice to the special provisions contained in the Act of 1890 for the protection of the various local authorities therein mentioned If the subways and works aforesaid be not completed within the extended period limited by this Act then on the expiration of such extended period the powers for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Provision with respect to occupation of St. Enoch Square.

24. The time for the completion of the subways and works as extended by the immediately preceding section is and shall be limited so far as regards all works on the surface of St. Enoch Square in the city of Glasgow to one year from the fourth day of August one thousand eight hundred and ninety-five and the Company shall previous to that date remove all erections engines boilers chimney stalk and other plant used for the execution of the authorised works and shall restore the square for traffic and use by the public to the satisfaction of the arbitrator named in an agreement entered into between the Corporation of Glasgow and the Company dated the fifteenth nineteenth and twenty-third days of May one thousand eight hundred and ninety-four and failing their so removing the said plant and restoring the square the Company shall make payment to the corporation of a penalty of twenty pounds per week for every week during which the said plant remains unremoved and the square remains unrestored to the satisfaction of the said arbitrator This provision shall not have reference to or derogate from the Company's

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rights under the agreement scheduled to the Act of 1890 in other respects.

Gauge of rails of subways.

25. The lines of rails to be laid in the subways authorised by the Act of 1890 shall be on a gauge of not less than three feet six inches and so much of section 7 of that Act as prescribes the gauge of the said lines of rails is hereby repealed and the said section is hereby amended accordingly.

Interest not to be paid on calls paid up.

26. No interest or dividend shall be paid out of any share or loan capital of the Company which they are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation (Scotland) Act 1845.

Deposits for future Bills not to be paid out of capital.

27. The Company shall not out of any money by the Act of 1890 or this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other subway or to execute any other work or undertaking.

Provision as to general Acts.

28. Nothing in this Act contained shall exempt the Company or the subways of the Company from the provisions of any general Act relating to subways or the better and more impartial audit of the accounts of subway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

Costs of Act.

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

The SCHEDULE referred to in the foregoing Act.

AGREEMENT between the Caledonian Railway Company incorporated by Act of Parliament and the Glasgow and South Western Railway Company incorporated by Act of Parliament hereinafter called the two Companies of the first part and the Glasgow District Subway Company incorporated by Act of Parliament of the second part.

WHEREAS by the Glasgow District Subway Act 1890 section 36 provision was made as to the construction of the subways therein described as Subway No. 1 and Subway No. 2 and inter alia by subsection 7 it was provided that the Subway Company should construct and thereafter maintain the subways where the same pass or were intended to pass under any of the existing or authorised railways or works of the two companies of such strength and durability as should be sufficient for the effectual and safe support of any such railways and works or any buildings over the same and by subsection 9 that the Subway Company should construct the said subways and all works thereof both temporary and permanent where the same pass or were intended to pass under or otherwise affect any existing railways works buildings or property of the two companies and for a reasonable distance on each side thereof according to such method or in such manner and at such level as should be determined by John Wolfe Barry civil engineer Westminster and Sir Benjamin Baker civil engineer Westminster and failing agreement between them as should be determined by one of the inspecting officers of the Board of Trade to be appointed by the Board of Trade on the application of either party And whereas it is intended to construct the said subways under certain ground and buildings at Govan belonging to the two companies and the Subway Company have pursuant to said Act submitted to the said John Wolfe Barry and Sir Benjamin Baker plans for carrying the subways under the said property of the two companies And whereas the said John Wolfe Barry and Sir Benjamin Baker propose to approve of the said plans submitted to them as aforesaid subject to certain modifications and directing that in the event of the two companies desiring at any future time to build warehouses or other heavy buildings over the subways the Subway Company should at its own cost on the request of the two companies strengthen the subways so as to enable them to support such buildings And whereas doubts have arisen whether in the event of the said subways being now constructed in accordance with the said plans submitted by the Subway Company to and as the same may be modified by the said John Wolfe Barry and Sir Benjamin Baker as aforesaid the Subway Company would continue to be bound in the future when required by the two companies to strengthen the works so as to render them sufficient for the said purpose And whereas in lieu of

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executing the works at the present time in such manner as to be sufficient for the said purpose it has been agreed between the parties hereto that the works shall be executed in accordance with the said plans submitted by the Subway Company to and as modified by the said John Wolfe Barry and Sir Benjamin Baker as aforesaid and subject to the said John Wolfe Barry and Sir Benjamin Baker directing as aforesaid that if and when required by the two companies the said subways shall in future be strengthened so as to be sufficient for the said purpose Therefore these presents witness that it has been agreed and is hereby agreed as follows videlicet Without prejudice to the said recited section in other respects the works of the Subway Company at the point aforesaid shall be constructed according to the plans submitted to and as the same may be modified by the said John Wolfe Barry and Sir Benjamin Baker as aforesaid but in the event of the two companies at any time hereafter intimating to the Subway Company their intention to erect warehouses or other heavy buildings over the said subways the Subway Company shall be bound as they hereby bind and oblige themselves on the request of the two companies to strengthen the subways so as to make them support such buildings such strengthening to be made at the sight and to the satisfaction of the said John Wolfe Barry and Sir Benjamin Baker or failing agreement between them of one of the inspecting officers of the Board of Trade to be appointed by the Board of Trade on the application of the two companies or of the Subway Company and that at the cost in all things of the Subway Company and the decision of such officer shall be final and conclusive provided that if in any case such officer shall decide that the contention of the two companies was unreasonable they shall pay their own costs and it is further agreed that subsections fifteen sixteen and seventeen of the said section thirty-six shall extend and be applicable to this agreement In witness whereof these presents written on this and the two preceding pages of stamped paper by Robert Houston Macgregor clerk to H. Lamond & Lang writers Glasgow are executed in triplicate as follows videlicet they are sealed with the common seal of the said Glasgow District Subway Company and subscribed by Sir William McOnie Knight of Ballochneck engineer Glasgow and William Laird ironmaster Glasgow two of the directors and Francis Napier Sloane chartered accountant Glasgow secretary all of and for and on behalf of the said Glasgow District Subway Company at Glasgow on the ninth day of January eighteen hundred and ninety-two before these witnesses David Fleming Lamb and Andrew Barrie both clerks to the said Francis Napier Sloane they are sealed with the common seal of the said Caledonian Railway Company and subscribed by John Cowan contractor Glasgow and Hugh Brown of No. 9 Clairmont Gardens Glasgow two of the directors and John Blackburn secretary all of and for and on behalf of the said Caledonian Railway Company at Glasgow upon the fourteenth day of the month and year last-mentioned before these witnesses John Johnstone Haining and John Tully Clarke both clerks to the Caledonian Railway Company in their secretary's office in Glasgow and they are sealed with the common seal of the said Glasgow and South Western Railway Company and subscribed by David Guthrie calico printer Glasgow and James Finlayson manufacturer Johnstone two of the directors and John Morton secretary all of and for and

on behalf of the said Glasgow and South Western Railway Company at Glasgow upon the nineteenth day of the month and year last mentioned before these witnesses David Hay and William George McDougall both clerks at Glasgow to the said Glasgow and South Western Railway Company.

Seal of the Caledonian Railway Company.

J. J. Haining Witness.
J. Tully Clarke Witness.

John Cowan Dr.
Hugh Brown Director.
John Blackburn Secy.

Seal of the Glasgow and South Western Railway Company.

David Hay Witness.
W. G. McDougall Witness.

David Guthrie Director.
Jas. Finlayson Director.
John Morton Secy.

Seal of the Glasgow District Subway Company.

David F. Lamb Witness.
Andrew Barrie Witness.

William McOnie Director.
William Laird Director.
F. N. Sloane Secretary.

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