CHAPTER xxi.

An Act to authorise the North British Railway Company to enlarge their Queen Street Station in Glasgow; to make certain railways in the counties of Lanark and Stirling; to divert the road leading to Kilbowie from the Glasgow and Dumbarton Turnpike Road; to acquire additional lands; to stop up certain streets in Glasgow and part of the said road; to subscribe to the Kelvin Valley Railway Company; and for other purposes. [17th May 1877.] A.D. 1877.

WHEREAS the following works would be of public advantage; (that is to say,)

A railway in the parish of Maryhill in the county of Lanark (in this Act called "Railway No. 4"), 1 mile and 38 yards in length, from the Helensburgh Railway of the North British Railway Company (in this Act called "the Company") to, at, or near the road leading from the Glasgow and Maryhill turnpike road to Ruchill House near Ruchill House;

A railway in the parish of Falkirk in the county of Stirling (in this Act called "Railway No. 7"), three furlongs and fifty-two yards in length, from a siding of the Company on the north side of the Stirlingshire Midland Junction Railway of the Company, near the Company's Grahamston goods station, to the Grahamston Iron Company's works;

A road with a bridge over the Helensburgh Railway in the parish of Old Kilpatrick in the county of Dumbarton, to be a diversion of that part of the public carriage-road leading to Kilbowie from the Glasgow and Dumbarton turnpike road which is crossed on the level by the said railway, from a point 175 yards or thereabouts southward of the said level crossing to a point 200 yards or thereabouts northward of the said level crossing:

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And it is expedient that the Company should be authorised to make the said railways and works, and that so much of the said public carriage-road as lies between the respective points of junction therewith of the said intended diversion thereof, and which will be rendered unnecessary by the diversion, should be stopped up, abandoned, and discontinued, and the site thereof appropriated to the purposes of the Company:

And whereas it is expedient that the Company should be authorised to purchase lands and buildings in Glasgow for the enlargement of their Queen Street Station, and to stop up parts of North Hanover Street, Holmhead Street, Frederick Lane, Dempster Street, North Queen Street, and all or parts of any other streets (except Cathedral Street), roads, lanes, or public places which may be situate within the limits of such enlargement, and to appropriate the sites thereof respectively to the purposes of such station, and that so much of "The Lands Clauses Consolidation (Scotland) Act, 1845," as provides that no party should be required to sell or convey to the promoters of the undertaking a part only of any house or other building or manufactory should be suspended so far as regards certain houses, buildings, and premises, subject to the compulsory powers of purchase conferred by this Act:

And whereas it is expedient that the Company should be authorised to purchase for station or other purposes connected with their undertaking certain lands in the parish of Cardross in the county of Dumbarton, and in the said parish of Old Kilpatrick:

And whereas plans and sections showing the lines, situations, and levels of the intended railways and works, and plans describing the additional lands required for station and other purposes as aforesaid, and books of reference to such plans containing the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, have been deposited as follows; that is to say, as regards Railway No. 4, and all lands in the county of Lanark, with the principal sheriff clerk for the county of Lanark, at his office in Glasgow, and as regards all works and lands in the county of Dumbarton with the principal sheriff clerk for that county, at his office in Dumbarton, and as regards Railway No. 7, with the principal sheriff clerk for the county of Stirling, at his offices at Stirling and Falkirk respectively, which said documents are in this Act respectively referred to as the deposited plans, sections, and books of reference:

36 & 37 Vict. c. clxxv.

And whereas by "The Kelvin Valley Railway Act, 1873," the Kelvin Valley Railway Company were incorporated and authorised

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to make the Kelvin Valley Railway from the Helensburgh Railway to the parish of Kilsyth in the county of Stirling, and to the Campsie branch of the Company, and by an agreement set forth in a schedule to the said Act, and confirmed thereby, the Company, amongst other things, are to work and maintain the said railway in perpetuity, with an option at any time within five years from the completion and opening for traffic of the said railway to acquire the whole undertaking of the Kelvin Valley Railway Company upon the terms therein mentioned:

And whereas it is expedient that the Company should be authorised to subscribe to the undertaking of the Kelvin Valley Railway Company, and to hold shares in the capital of that Company:

And whereas it is expedient that the Company should be authorised to raise more money:

And whereas the objects 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, as follows:

Short title.

1. This Act may be cited for all purposes as "The North British Railway, No. 2, (Station Enlargement and Railways,) Act, 1877."

Certain provisions of general Acts herein named incorporated.

2. "The Lands Clauses Consolidation (Scotland) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation (Scotland) Act, 1845," Part I. of "The Railways Clauses Act, 1863," relating to construction of a railway, and the provisions of "The Companies Clauses Consolidation (Scotland) Act, 1845," with respect to the several matters following; (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 nonpayment 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 giving of notices, and the provision to be made for affording access to the special Act, Parts I., II., and III. of "The Companies Clauses Act, 1863," relating respectively to cancellation and surrender of shares, to additional capital, and to debenture stock, are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

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Interpretation.

3. In this Act —

The expression "the incorporated Acts" shall mean the Acts and parts of Acts incorporated with this Act;

The several words and expressions to which meanings are assigned by the incorporated Acts shall have the same respective meanings;

In the incorporated Acts —

The expression "the special Act" shall mean this Act;

In this Act and the incorporated Acts —

The expression "the Company" or "the undertakers," or "the promoters of the undertaking," or other like expression, shall mean the North British Railway Company;

unless in any of the cases aforesaid there be something in the subject or context repugnant to such construction.

Power to make railways, &c. according to deposited plans.

4. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railways and works hereinbefore described, with all proper stations, sidings, approaches, works, and conveniences connected therewith respectively, 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.

Railways to form part of Company's undertaking.

5. Subject to the provisions herein-after contained for limiting the rates of tolls and charges, the new railways by this Act authorised shall for the purposes of toll and in all other respects form part of the undertaking of the Company.

Lands for stations and extraordinary purposes.

6. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation (Scotland) Act, 1845," shall not exceed two acres.

Powers for compulsory purchases limited.

7. The powers of the Company 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.

Notice to be given of taking houses of labouring classes.

8. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a sheriff substitute or his deputy that it has been proved

to his satisfaction that the Company have made known their intention to take the same in manner herein-before required.

Company to procure accommodation for persons of labouring classes to be displaced.

9. Before displacing any person belonging to the labouring classes who may for the time being be the occupier of any house or part of a house which the Company are by this Act authorised to acquire, the Company shall (unless they and such person otherwise agree) procure sufficient accommodation elsewhere for such person; provided always, that if any question shall arise as to the sufficiency of such accommodation, the same shall be determined by a justice, and the Company may for the purpose of providing such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire, and may purchase lands by agreement, and may on such lands erect labouring-class dwellings, and may let or otherwise dispose of such lands.

Period for completion of works.

10. If the new railways and works by this Act authorised, and herein-before described, are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the new railways or works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as are then completed.

Possil Road.

11. The bridge for carrying the road No. 3 in the parish of Maryhill on the deposited plans over Railway No. 4 shall be of such width as to permit of the formation of a roadway sixty feet broad.

Railway No. 7 to be held a goods, &c. station on Edinburgh and Glasgow line for certain purposes.

12. Railway No. 7 shall within the meaning and for the purposes of "The North British and Edinburgh and Glasgow Railway Companies Amalgamation Act, 1865," be held to be a goods and mineral station on the Edinburgh and Glasgow line as defined in that Act.

For protection of Post Office telegraphs.

13. If in the execution of the works by this Act authorised the Company desire to alter, remove, or otherwise interfere with any telegraph poles, wires, or telegraph apparatus belonging to Her Majesty's Postmaster-General, and not situate upon the Company's railway or works connected therewith, the following provisions for the protection of Post Office telegraphs shall apply; (that is to say,)

Notice to be given before interfering with telegraphs.

Before the Company alter, remove, or interfere with any such telegraph poles, wires, or telegraph apparatus, the Company shall give to the Postmaster-General one calendar month's previous notice in writing of such intended alteration, removal,

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or other interference, specifying all requisite and proper particulars relating thereto, and if the Postmaster-General shall before the expiration of one calendar month after the service upon him of the said notice from the Company give the Company notice of his intention so to do, he may execute at the cost of the Company, and thereafter at his own expense maintain, the works specified in the Company's notice, and such other works, substituted wires, and conveniences as may be reasonably required for making good the telegraph poles, wires, or telegraph apparatus so required to be altered, removed, or interfered with, using all due despatch in the execution thereof and not interfering with or obstructing the use of the railway. If at the expiration of one calendar month the Postmaster-General shall not have commenced such works, then such alteration, removal, or interference may be carried out by the Company, but so as to cause no impediment or obstruction whatsoever to the due transmission of messages along such wires, or, at the option of the Postmaster-General, along substituted wires to be provided by the Company at their own expense to the satisfaction in all respects of the Postmaster-General :

Compensation by Company to Postmaster-General, and penalty.

Subject to the provisions of this section, the Company shall from time to time make full compensation to Her Majesty's Postmaster-General for any expense, loss, or damage which he is put to or sustains by reason of any such alteration, removal, or other interference with any telegraph post, wire, apparatus, or work of the Postmaster-General causing any interruption of or impediment to postal telegraphic communication ; and the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues ; the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster-General as a penalty is recoverable from the Company :

Saving for Telegraph Act and agreements.

Nothing in this Act relating to Her Majesty's Postmaster-General shall take away, abridge, or prejudicially affect any right, power, estate, or interest of the Postmaster-General or of the Company under or by virtue of "The Telegraph Act, 1868," or any agreement between the Company and the Postmaster-General.

Tolls.

14. The Company may demand and take in respect of the new railways by this Act authorised such tolls and charges as they think fit, not exceeding the rates of tolls and charges authorised to be taken on the Border Union line of the North British Railway under "The Border Union (North British) Railways Act, 1859," as modified by the 2nd and 3rd sections of the Schedule (B.) to "The North British and Edinburgh and Glasgow Railway Companies Amalgamation Act, 1865;" and in estimating the amount of toll or charge in respect of any traffic conveyed partly on the new railways by this Act authorised and partly on any other railways of the Company, the new railways by this Act authorised and such other railways shall be deemed one railway.

Penalty imposed unless the line is opened within the time limited.

15. If the Company fail within the period limited by this Act to complete the railways, the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the works; and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section three of "The Railway and Canal Traffic Act, 1854," and every sum of money recovered by way of such penalty as aforesaid shall be paid, under the warrant or order of such court or judge as is specified in that section, to an account opened or to be opened in the name and with the privity of the Queen's Remembrancer of the Court of Exchequer in Scotland in the bank named in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening the railways by unforeseen accident or circumstances beyond their control; provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

16. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the Edinburgh Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railways or any of them or any portion thereof respectively, or who may have been subjected to injury or

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loss in consequence of the compulsory powers of taking property for the purposes of the railways conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Exchequer in Scotland thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the court, if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Power to purchase lands for station purposes, &c.

17. Subject to the provisions in this Act contained, the Company may enter upon, take, and use all or any of the lands and property in the city or royal burgh of Glasgow and parishes of Cardross and Old Kilpatrick in the county of Dumbarton which are delineated on the deposited plans and described in the deposited books of reference.

Owner may be required to sell parts only of certain lands and buildings.

18. And whereas in the construction of the works by this Act authorised it may happen that portions only of the lands, buildings, or manufactories shown on the deposited plans will be sufficient for the purposes of the said works, and that such portions may be severed from the remainder of the said properties without material detriment thereto: Be it enacted, that, notwithstanding section 90 of "The Lands Clauses Consolidation (Scotland) Act, 1845," the owners of and persons interested in the lands, buildings, or manufactories described in the Schedule to this Act, and whereof parts only are required for the purposes of this Act, may, if such portions can be severed from the remainder of the said properties without material detriment thereto, be required to sell and convey to the Company the parts 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 required by them, and making compensation for any damage sustained by the owners thereof or other persons interested therein by severance or otherwise.

Power to stop up certain streets, &c.

19. Subject to the provisions of this Act, the Company may stop up and cause to be discontinued as public streets, roads, or ways all or any parts of those portions of the following streets in the city or royal burgh of Glasgow which are included within the limits of lands to be taken, and which shall be actually taken for the purposes of the enlargement of the Queen Street Station as defined upon the deposited plans; (that is to say,) North Hanover Street, Holmhead Street, Frederick Lane, Dempster Street, North Queen Street, and all or any parts of any other streets, roads, lanes, or public places, or portions of streets, roads, lanes, or public places (except Cathedral Street), within the same limits, and also (when the diversion of the public carriage-road to Kilbowie from the Glasgow and Dumbarton turnpike road is completed) so much of the said public carriage-road as lies between the respective points of junction therewith of the said diversion, and may appropriate to the purposes of the Company the streets, roads, lanes, and public places, or portions thereof respectively so stopped up.

As to Cathedral Street and North Hanover Street.

20. Notwithstanding anything in this Act contained, the Company shall not stop up any part of Cathedral Street, but shall continue the said street westward on the same level and of the same width as at present by a bridge over the station to Dundas Street, and shall not stop up, enter upon, or interfere with North Hanover Street until such bridge shall have been completed and opened for traffic.

As to Allan Glen's Institution.

21. Notwithstanding anything in this Act contained, the Company shall not stop up or cause to be discontinued as public streets all or any parts of the said portions of North Hanover Street or Dempster Street, nor otherwise interfere with either of those streets, or with Cathedral Street, until they shall have purchased, either by agreement or under the compulsory powers contained in this Act, the lands and property belonging to the trustees of Allan Glen's Institution in the city of Glasgow, situated in the said streets, and numbered respectively on the deposited plans 171, 172, 173, 174, 182, 183, 184, 185, 186, 187, and 188 in the city parish of Glasgow.

For protection of certain properties in North

22. The Company shall, before they stop up or cause to be discontinued or otherwise interfered with any part of North Hanover Street, Frederick Lane, Dempster Street, or the lane num-

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Hanover Street, Frederick Lane, and Dempster Street.

bered on the deposited plans 157 in the city parish of Glasgow, either purchase by agreement or under the compulsory powers contained in this Act the lands or property numbered respectively on the deposited plans 148, 149, 150, 151, 159, 160, 161, and 165 in the city parish of Glasgow aforesaid, or make compensation to the owners, lessees, and occupiers of such lands or property for any diminution in value of such lands or property, and for any injury, loss, or damage which may be caused or may arise to such owners, lessees, or occupiers from the stopping up or discontinuance of or other interference with the said streets or lanes, or any of them, and the amount of such compensation shall be estimated and determined in the manner provided by "The Lands Clauses Consolidation (Scotland) Act, 1845," with respect to the purchase and taking of lands otherwise than by agreement, as compensation to be paid by the promoters of the undertaking for injuriously affecting such lands or property by the exercise of the powers of this Act.

For the protection of the Corporation of Glasgow.

23. With respect to the enlargement of the Company's Queen Street Station in Glasgow by this Act authorised (in this section called "the new station"), the following provisions for the protection of the Lord Provost, magistrates, and town council of the city of Glasgow (in this section called "the Corporation") shall have effect and be binding on the Company; (that is to say,)

Goods traffic not to be increased.

(1.) The Company shall, within two months after the passing of this Act, deliver to the Corporation a full and complete statement of all traffic other than passenger and other coaching traffic received at or delivered from the Queen Street Station during the three years ending on the thirty-first day of July one thousand eight hundred and seventy-six, and shall on or before the thirty-first day of August annually thereafter, deliver to the Corporation a similar statement of the said traffic for the twelve months preceding the thirty-first day of July immediately previous, and from and after the completion and opening for public traffic of the new station the Company shall not receive at or deliver from the new station a greater amount of the said traffic than would be equal to the average amount of such traffic during the said three years, and if any difference arise between the Corporation and the Company with reference to the amount of such traffic, the same shall be determined by the Railway Commissioners:

(2.) The Company shall improve, extend, and reconstruct their Queen Street Station in accordance generally with the plan

signed in duplicate by Arthur Mills, Esquire, the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, one copy being retained by the Corporation, and the other deposited in the Private Bill Office of the House of Commons, and subject to such modifications as may now or hereafter be found necessary, but the accommodation for the passenger and other coaching traffic shall not be less than that provided for in the said plan, and the Company shall proceed to complete and open the said station as so enlarged and improved for passenger traffic with the utmost possible despatch, and in any case within five years from the date of the passing of this Act; and in the event of any difference arising between the Corporation and the Company in respect to the extent of the said passenger accommodation, the same shall be referred to and decided by Sir John Hawkshaw, whom failing, Thomas Elliott Harrison, and failing both, by the President of the Institution of Civil Engineers for the time being, as sole arbitrator, and the decision of the said arbitrator, and the obligation to complete and open the said station, shall be binding on the Company, and may be enforced at the instance of the Corporation in any court of competent jurisdiction:

Routes for traffic.

(3.) From and after the completion of the new station, the accesses to and from the Queen Street Station of the Company for traffic from and to the city of Glasgow shall be as follows:—For all passenger and other coaching traffic into and by means of North Queen Street, Dundas Street, and George Street, or some or one of such accesses only, and for all other descriptions of traffic only into and by means of North Hanover Street and North Frederick Street, or either of them:

Not to encroach on George Square and West George Street.

(4.) The Company shall not in the construction or for the purposes of the new station encroach upon or take any part of George Square or West George Street southward of the line of the existing buildings in the said square and street as shown upon the said plan:

As to elevation of buildings.

(5.) All walls or buildings to be erected by the Company fronting West George Street and George Square, or either of them, or crossing or partly crossing North Hanover Street and North Queen Street, or either of them, and fronting North Queen Street and North Hanover Street for ninety feet back from George Square, if North Hanover Street shall

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not be built over with consent of the Corporation as herein-after provided, shall be erected so that the elevations of those walls and buildings shall be of such description and character as will harmonise with the buildings on the west and south sides of George Square, and that all walls or buildings erected by the Company fronting North Frederick Street, Cathedral Street, and Dundas Street shall be erected so that the elevations of those walls and buildings shall be of such description and character as will harmonise with the other buildings in those streets respectively, and before the Company commence the erection of any such walls or buildings, plans, sections, and specifications of all such walls and buildings shall be submitted to and approved by the architect of the city of Glasgow for the time being (who is in this section called "the architect"):

As to footbridge between Cathedral Street and George Square.

(6.) The Company shall before the new station is opened for public traffic construct and for ever after maintain a public footway, with a bridge for foot passengers over the station on the line of North Hanover Street, of not less than fifteen feet in width, between Cathedral Street and George Square, such bridge to be constructed of iron and stone, or of iron only, with convenient flights of steps to Cathedral Street and to George Square, to the reasonable approval of the architect; or if the Corporation shall, by writing under the hand of the town clerk of the city of Glasgow, at any time before the commencement of the construction of the said footway and bridge, so desire, the Company shall, in lieu of constructing such footway and bridge and flights of steps, pay to the Corporation a sum equal to the cost of such construction, such cost to be determined by the architect and by the engineer for the time being of the Company:

As to paving North Frederick Street.

(7.) The Company shall pave so much of North Frederick Street as is situate between George Street and Cathedral Street with square dressed granite or whinstone to the reasonable satisfaction of the architect; provided always, that the Company shall be entitled to use for that purpose, so far as it may be available, the present granite or whinstone pavement in North Hanover Street:

As to Cathedral Street and Holmhead Street Bridges.

(8.) Cathedral Street shall be carried over the railway and station by a bridge, the roadway of which shall for its whole length be of the same width and on the same level as that street:

(9.) Holmhead Street shall be carried over the railway and station by a bridge, the roadway of which shall for its whole length be not less than forty feet in width and on the same level as that street:

(10.) The bridges for carrying Cathedral Street and Holmhead Street over the station shall be constructed by the Company of stone or iron, and according to designs and working drawings to be approved of by the architect and the engineer for the time being of the Company, and the Company shall make footways along both sides of the roadway of each of the said bridges, of such width and materials and in such manner as shall be approved by the architect:

(11.) The Company shall at all times maintain, repair, and renew the structure of the said bridges and footways to the reasonable satisfaction of the architect, and the surface and materials of the roadways and footways of such bridges shall be vested in the Corporation:

As to south end of North Hanover Street.

(12.) That portion of North Hanover Street which extends northwards for a distance of ninety feet from the present building line of George Square shall not be taken or used by the Company for the purposes of the new station, except for the erection of the public footway and bridge in North Hanover Street, without the consent of the Corporation, but that portion of the said street shall be kept open and used exclusively as an access to the new station, and shall at all times be maintained, repaired, lighted, and cleansed by the Company to the satisfaction of the architect:

Arbitration.

(13.) If with respect to any matter which in pursuance of this section is to be determined or approved of by the architect and by the engineer of the Company they fail to agree, such matter shall, on the application of the Corporation or the Company, be referred to an arbitrator to be appointed by the sheriff of the county of Lanark, whose decision shall be final, and the costs of such reference shall be paid as such arbitrator directs:

Compensation.

(14.) The Company shall, before they exercise any of the powers conferred by this Act with reference to North Hanover Street, pay to the Corporation as such, and as representing the Glasgow Improvement Trustees, the sum of five thousand five hundred pounds as compensation for the appropriation by the Company for the purposes of the new

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station of any streets, lanes, or thoroughfares shown on the deposited plans and by this Act authorised to be taken or altered, and for any other interference by the Company with such streets, lanes, and thoroughfares for the purposes aforesaid.

Protecting Glasgow water and gas pipes.

24. Whereas the mains and pipes of the Commissioners acting under "The Glasgow Corporation Waterworks Act, 1855," (in this Act called "the Water Commissioners,") and the mains and pipes of the Lord Provost, magistrates, and council of the city of Glasgow, acting under "The Glasgow Corporation Gas Act, 1869," (in this Act called "the Corporation,") are laid along the various roads and streets after mentioned, which will be crossed or interfered with by the railways and other works by this Act authorised, namely, Holmhead Street, Cathedral Street, North Hanover Street, North Queen Street, Dempster Street, and Frederick Lane, and it may be necessary for the purposes of this Act to interfere with the said roads, streets, and mains and pipes therein respectively:

And whereas the inhabitants of the city of Glasgow are supplied with water by the Water Commissioners by means of the said mains or pipes and with gas by the Corporation by means of other of the said mains and pipes:

And whereas it is expedient that provision be made for preventing any interruption of the supply of water by the Water Commissioners and the supply of gas by the Corporation to the inhabitants of the said city: Therefore the following provisions in that behalf shall be binding on the Company, and have full effect; (that is to say,)

(A.) At least twenty-one days before the Company commence any works the execution of which would in any way interfere with or affect any part of the said mains or pipes, they shall give to the Water Commissioners and to the Corporation notice thereof in writing, accompanied by plans and sections, working drawings, and specifications showing the manner in which the proposed railway works are to be executed at the said points of crossing respectively, which shall include all beams, girders, troughs, culverts, and masonry which may be necessary for conveying, supporting, and protecting the existing mains or pipes of the Water Commissioners or of the Corporation, and any additional pipes which may be laid by the Water Commissioners or the Corporation under the powers of their existing Acts, together with all scour pipes and air valves which may be rendered necessary

by the operations of the Company, and also the means, where any are required, of supporting, diverting, or protecting the pipes during the operations of the Company, which plans and sections shall be approved of by the engineers of the Commissioners and Corporation previous to the works of the Company being commenced, or in the event of any difference of opinion between the said engineers and the engineer of the Company, such difference shall be settled by an arbitrator to be appointed by the sheriff of the county of Lanark, and the expense of such arbitration shall be paid by the Company:

(B.) Before any mains or pipes are in any way interfered with to the effect of interrupting the supply of water or gas through the then existing mains there shall be laid down mains or pipes of dimensions not less than the mains or pipes which are to be so interfered with, and having junctions at each end thereof with the then existing mains or pipes, so as to provide for the uninterrupted supply of water or gas for all purposes during the execution of the works as fully and freely as if the then existing mains and pipes were not interfered with:

(C.) When the mains and pipes so interfered with are replaced and the roadways over the same are made good, any temporary mains or pipes which may have been inserted shall be disconnected from the then existing mains, and when the full and free flow of water or gas for all purposes through the mains so replaced shall be restored such temporary mains and pipes may be removed:

(D.) The works approved of by the engineers of the Water Commissioners and of the Corporation or such arbitrator, so far as they interfere with or affect any of the works or water supply of the Water Commissioners or the works and gas supply of the Corporation, shall be executed by the Water Commissioners or the Corporation or by such persons as they shall think fit, and under the sole direction of their engineers respectively, and during the progress of those works the said engineers may, if they think fit, execute any incidental works which they deem requisite for the protection of the Water Commissioners or the Corporation in accordance with this section:

(E.) If the Water Commissioners or the Corporation for ten days next after the day named in the notice served by the Company for the commencement of the works interfering

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with or affecting the said mains and pipes, or any of them, or for ten days after such later day as the Company by notice in writing to the Water Commissioners or the Corporation may have named for commencing the works, fail to commence, or at any time thereafter fail to proceed with reasonable despatch in the execution of the works, the Company at their own expense may remove, alter, or otherwise interfere with the said mains or pipes, or any of them, in such manner and to such extent as they deem necessary, and execute all such other works as they deem requisite for preventing any interruption to the supply of water by the Water Commissioners, or to the supply of gas by the Corporation.

Water Commissioners or Corporation not to be liable for damage arising from such accidents.

25. The Water Commissioners or the Corporation shall not be liable for any loss or damage which may happen to the railway or works connected therewith, or to the rolling stock used, or to the passengers or goods conveyed upon the railway, by reason of any accident which may at any time happen to the said mains or pipes at or near any of the said points of crossing, nor for any loss or damage to the Company arising from the stoppage or loss of traffic on the railway during the repair of the said mains or pipes which may be necessary in consequence of such accident.

Water Commissioners or Corporation may lay additional pipes.

26. Nothing in this Act shall prevent the Water Commissioners or the Corporation from laying from time to time, as they think proper, additional pipes for the purposes of the said waterworks or gasworks, at or near the said points of crossing, and within the area of the said streets and roads where the same are crossed by the railway, and not actually taken and appropriated by the Company for the purpose of the station, and the Water Commissioners or Corporation shall not be liable for any damage to the railway or works connected therewith, or for any stoppage of the railway or loss of traffic thereon, that may be caused by the laying of such additional pipes at or near the said points of crossing, and the Water Commissioners or Corporation shall give to the Company twenty-one days notice in writing, accompanied by plans, sections, and specifications showing the manner in which such additional mains or pipes are to be laid, before commencing the laying of such additional pipes, and shall complete the same with all reasonable despatch: Provided always, that the Company shall be entitled to execute such works as they may think necessary to secure the railway from injury and prevent interruption to the traffic thereon during the laying of such additional pipes, but so that such works shall not interrupt the laying of those pipes. Provided also, that

the works necessary for laying such additional pipes by the Water Commissioners or Corporation at the said points of crossing respectively, and the works necessary to secure the railway and the traffic thereon from damage or interruption as aforesaid, shall be made and completed according to a plan to be approved of previously to the commencement of any such works by the engineers for the time being of the Water Commissioners or Corporation and of the Company respectively, or in case of difference between them, then according to a plan to be so approved of by an arbitrator to be appointed by the sheriff of the county of Lanark on the application of either party.

Water Commissioners or Corporation may repair accident to pipes.

27. If at any time any accident shall occur to the mains and pipes belonging to the Water Commissioners or the Corporation, at or near any of the said points of crossing in respect of which it may be necessary to interfere with any of the works of the Company, it shall be lawful for the Water Commissioners or the Corporation immediately to repair the said mains or pipes in such manner as to occasion as little delay and inconvenience as may be to the traffic of the railways of the Company; provided always, that the Water Commissioners or 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 thereby caused to the railway, so far as the same can be repaired without interrupting the repair of the said mains or pipes.

Water Commissioners or Corporation not liable for damage arising from alterations of mains, &c.

28. The Water Commissioners or the Corporation shall not be liable for any damage or injury done to the works of the Company, or to any of the roads or streets crossed by the railway or otherwise howsoever, by reason of any of the works executed under this Act or consequent on the execution thereof, unless such damage or injury shall have been occasioned by the default or neglect of the Water Commissioners or the Corporation, or their agents, officers, workmen, or servants.

Further provisions as to interference with pipes.

29. Should it be necessary for the Company to interfere with or alter the surface of any road or street not herein-before specifically mentioned, in which any main or pipe of the Water Commissioners or Corporation is or may be laid, the Company shall be bound to leave not less than three feet of covering from the surface of the road over every main or pipe so altered or interfered with.

Reserving certain provisions of 8 & 9 Vict. c. 33.

30. The special provisions herein contained for the protection of the Water Commissioners and the Corporation, and the waterworks and the gasworks, shall not be deemed to supersede or dispense with the provisions of "The Railways Clauses Consolidation (Scotland) Act, 1845," sections eighteen to twenty-three, both inclusive, but those provisions respectively, except in so far as they may be inconsistent with any of the special provisions herein contained, shall be and remain in full force and effect.

Company to pay expenses of Water Commissioners and Corporation and their officers.

31. The Company shall pay to the Water Commissioners and to the Corporation respectively the amount of all reasonable costs, charges, and expenses incurred by the Commissioners or the Corporation in or about or in any way relating to the works authorised by and to be executed by them under the powers of this Act, including a reasonable sum as remuneration to their officers for their services in that behalf.

Power to subscribe to Kelvin Valley Railway Company.

32. The Company may contribute to the undertaking of the Kelvin Valley Railway Company such sums of money as they think fit, not exceeding in the whole thirty thousand pounds, and may take and hold shares in the capital of that Company for any amount not exceeding the amount of their contribution, but shall not have power to sell, transfer, or dispose of any shares so taken or held by them.

Power to apply existing authorised capital to purposes of this Act.

33. The Company may raise and apply to the purposes of this Act any money which they are authorised to raise by any other Act, and which may not be required for purposes to which by that Act it is authorised to be applied.

Power for Company to raise capital by shares or stock.

34. The Company may, subject to the provisions of Part II. of "The Companies Clauses Act, 1863," raise by the creation and issue, at their option, of ordinary shares or stock, or new preference shares or stock, or wholly or partially by one or more of those modes respectively, any additional capital not exceeding in the whole the amount following; (that is to say,) with respect to the subscription to the Kelvin Railway Company the amount of thirty thousand pounds, and with respect to the other purposes of this Act the amount of three hundred and thirty thousand pounds.

Shares or stock to form part of Company's general capital.

35. All shares or stock to be created by the Company under the authority of this Act shall, subject to the provisions of this Act, form part of the general capital of the Company.

One-fifth part of the shares to be paid on issue.

36. It shall not be lawful for the Company to issue any share to be created under the powers of this Act, nor shall any such share

vest in the person accepting the same, unless and until a sum not being less than one-fifth part of the amount of such share shall have been paid up in respect thereof.

Calls.

37. Twenty per centum on the amount of any share shall be the largest amount of any call which may be made thereon, and there shall be an interval of not less than three months between any two successive calls, and the Company shall not call up more than three fourths of a share in any year.

Power to borrow on mortgage.

38. The Company, in addition to any sums which they are authorised to borrow under other Acts of Parliament, may from time to time borrow on mortgage as herein-after mentioned any sums not exceeding in the whole one hundred and ten thousand pounds; (that is to say,) when one hundred and ten thousand pounds of the new capital of three hundred and thirty thousand pounds by this Act authorised to be raised has been issued and accepted, and one half thereof is paid up and certified as herein-after mentioned, they may borrow on mortgage any sums not exceeding thirty-six thousand pounds, and when a further sum of one hundred and ten thousand pounds of the said new capital of three hundred and thirty thousand pounds has been issued and accepted, and one half thereof is paid up and certified as herein-after mentioned, they may borrow on mortgage a further sum of thirty-six thousand pounds, making with the first-mentioned sum of thirty-six thousand pounds the sum of seventy-two thousand pounds, and when the remaining one hundred and ten thousand pounds of the said new capital of three hundred and thirty thousand pounds has been issued and accepted, and one half thereof is paid up and certified as herein-after mentioned, they may borrow on mortgage the remaining thirty-eight thousand pounds of the said sum of one hundred and ten thousand pounds, but no such borrowing powers shall be exercised by the Company until they shall prove to the sheriff who is to certify under the 42nd section of "The Companies Clauses Consolidation (Scotland) Act, 1845," before he so certifies, that all the additional capital in respect whereof the borrowing powers are in each case sought to be exercised has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share or the whole amount in the case of stock has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or

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corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proofs aforesaid have been given, which certificate shall be sufficient evidence thereof.

Provisions of Acts of 1876 as to appointment of a receiver or judicial factor repealed.

39. The provisions of "The North British Railway (Additional Powers) Act, 1876," and of "The North British Railway (Fife Railways) Act, 1876," authorising the appointment of a receiver or judicial factor for principal or interest moneys due upon any mortgages of the Company, are hereby repealed, but subject and without prejudice to any appointment of a receiver or judicial factor or proceedings taken under or by virtue of such provisions and in force or pending at the time of the passing of this Act.

For appointment of a receiver or judicial factor.

40. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver or judicial factor. In order to authorise the appointment of a receiver or judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver or judicial factor is made shall not be less than ten thousand pounds in the whole.

Saving priority of existing mortgages.

41. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall, during the continuance of such mortgages, and as regards the undertaking comprised in and assigned by such mortgages, and subject to the provisions of the Acts under which such mortgages were respectively granted, have priority over all mortgages to be granted by virtue of this Act, 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.

Debenture stock.

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

Application of money raised under Act.

43. All moneys raised under this Act, whether by shares or stock or debenture stock, or borrowing, shall be applied for the purposes of this Act only.

Interest not to be paid on calls paid up.

44. The Company shall not, out of any money by this or any other Act authorised to be raised, pay interest or dividend 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.

45. The Company shall not, out of any money by this or any other 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 railway or to execute any other work or undertaking.

Railways not exempt from provisions of present and future general Railway Acts.

46. Nothing in this Act contained shall exempt the railways by this Act authorised to be made from the provisions of any general Act relating to railways, or 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 or alteration, under the authority of Parliament, of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

Expenses of Act.

47. 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.

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The SCHEDULE referred to in the foregoing Act.

Buildings and Premises whereof part only may be taken under the powers of this Act.

COUNTY OF LANARK—CITY PARISH OF GLASGOW.

No. on deposited Plans.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
2.2	Passage with forage and grain stores underneath.	William Buchanan -	- - -	William Buchanan.
6	Forage and grain stores.	William Buchanan -	- - -	William Buchanan.
7	Forage, grain, and implement stores, with railway tunnel underneath.	Mrs. Ann Ewing or Knox, Executrix of the deceased Robert Knox; the North British Railway Company.	William Buchanan -	William Buchanan; the North British Railway Company.
19	Wright's wood-yard -	Allan Glen Maxwell -	- - -	Allan Glen Maxwell.
23	Back court and ash-pit.	John Buchanan - -	- - -	Angus Robertson, Donald M'Coll, Mrs. Elizabeth Williamson, James Martin, Mrs. Ewing, Mrs. Lillias M'Laren, Mrs. Isabella Young, Mrs. Jane Glass, Elizabeth Duncan, William Ritchie, Alexander Gilzean, George Hanson, Robert Smith, Mrs. Elizabeth Leitch, Robert Anderson, Matthew Wotherspoon, Mrs. Eliza Miller.
62	Wood-yard - -	George Ferguson -	- - -	George Ferguson.
67	Wood-yard - -	George Ferguson -	- - -	George Ferguson.
164	Court or passage, boiler, and hoist.	Archibald Nairn -	Stephen Mason and Company, and Stephen Mason and Thomas Johnston, partners thereof, Archibald Bennie M'Ilvride, Thomas Henderson and Company, and William Gray and George Melville, partners thereof, David Hobbs and Company, and David Hobbs, partner thereof.	John Nairn and Son, and Archibald Nairn, sole partner thereof, Stephen Mason and Company, and Stephen Mason and Thomas Johnston, partners thereof, Archibald Bennie M'Ilvride, Thomas Henderson and Company, and William Gray and George Melville, partners thereof, David Hobbs and Company, and David Hobbs, sole partner thereof.
179, 179, 179	Stables, hayloft, and dwelling-house.	William Robert Gilligan; the North British Railway Company.	- - -	William Robert Gilligan.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1877.