



CHAPTER ccxvii.

An Act for conferring further powers on the Glasgow and South Western Railway Company for the construction of works and the acquisition of lands and upon that Company and the Caledonian Railway Company with respect to their joint undertaking and for other purposes. A.D. 1896.
[7th August 1896.]

WHEREAS it is expedient that the Glasgow and South Western Railway Company (in this Act called "the Company") should be empowered to construct and maintain the widening alteration and deviation of portions of an existing railway and other works and for those and other purposes of their undertaking to acquire the railway and lands herein-after respectively described or referred to :

And whereas it is expedient that the Company and the Caledonian Railway Company (in this Act called "the Caledonian Company") should be empowered to execute the work in this Act mentioned in that behalf :

And whereas plans and sections showing the lines and levels of the said widening railway and works and plans showing the lands required or which may be taken for the purposes or under the powers of this Act 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 have been deposited with the principal sheriff clerks of the counties of Lanark Ayr Renfrew and Dumfries respectively which plans sections and books of reference are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas it is expedient that the Company should be empowered to purchase or lease the private railways sidings or tramways of the Lanemark Coal Company Limited and William Hyslop of Bank situate at Lanemark and Bank in the parish of

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A.D. 1896. New Cumnock and that such further provision as is contained in this Act should be made with reference thereto :

And whereas by the Glasgow and South Western Railway Act 1883 the Company were empowered to maintain an hotel at Dumfries and it is expedient that they should be empowered to erect and maintain an hotel at Dumfries in lieu of the said hotel :

And whereas it is expedient that the Company should be empowered to raise a further sum of money for the purposes of this Act and for the general purposes of their undertaking and that the Company and the Caledonian Company respectively should be empowered to apply their funds to the purposes of this Act in which they are respectively interested :

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 for all purposes as the Glasgow and South Western Railway Act 1896.

Incorporation of general Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation (Scotland) Act 1845 Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 the clauses and provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

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

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

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

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested ;

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture

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stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 are except where expressly varied by this Act incorporated with and form part of this Act. A.D. 1896.

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. Interpretation.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the widening alteration and deviation of the existing railway next herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The widening herein-before referred to and authorised by this Act is— Power to make widening.

A widening alteration and deviation (herein-after called "the widening") six furlongs nine chains and six yards in length of a portion of Railway (No. 1) authorised by and constructed under the City of Glasgow Union Railway Act 1864 and of a portion of Deviation No. 1 of said Railway (No. 1) authorised by and constructed under the City of Glasgow Union Railway Act 1865 commencing at a point one hundred and five yards or thereabouts measured along the railway in a westerly direction from Port Eglinton Junction signal cabin and terminating at a point sixty yards or thereabouts measured along the railway in a north-easterly direction from Clyde Junction signal cabin.

5. Subject to the provisions of this Act the Company may enter upon take use and appropriate and hold as part of their undertaking the railway herein-after described and all stations works and conveniences connected therewith and may in connexion therewith enter upon take and use any of the lands shown on the deposited plans and described in the deposited book of reference relating thereto (that is to say):— Power to maintain existing railway.

A railway (on the deposited plans and in this Act referred to as "Railway No. 2") one mile seven furlongs eight chains and seven yards in length situate in the parishes of Auchinleck and Sorn in the county of Ayr commencing by a junction with the Company's Muirkirk Branch and terminating at a point two hundred and eighty yards or thereabouts measured in a north-easterly direction from Gilmilnseroft No. 3 Pit.

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Widening
and railway
to form part
of Company's
undertaking.

6. The widening and the railway by this Act authorised to be made and maintained shall for the purposes of maximum rates and charges for merchandise traffic (including perishable merchandise by passenger train) be part of the railways of the Company as if the same had been part of the Glasgow and South Western Railway at the date of the passing of the Railway Rates and Charges No. 22 (Glasgow and South Western Railway &c.) Order Confirmation Act 1892 and shall for all other purposes be part of the undertaking of the Company as it existed at the date of the passing of the Glasgow and South Western Railway Consolidation Act 1855.

Power to
widen
bridges in
Glasgow.

7. Subject to the provisions of this Act the Company may for the purposes of the widening widen and re-construct in the manner shown upon the deposited plans and sections the bridges by which the portions of railway proposed to be widened are carried across the River Clyde and the quays banks or slopes on the north and south sides thereof and over East Clyde Street Adelphi Street Govan Street Rutherglen Road Greenside Street Main Street Cumberland Street Surrey Street Salisbury Street Abbotsford Place Eglinton Street Salkeld Street and any other streets roads lanes or thoroughfares and over the main line of the Caledonian Company leading to their central station.

Power to
maintain
level
crossing.

8. Subject to the provisions in the Railways Clauses Consolidation (Scotland) Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level and to the provisions of this Act the Company may maintain Railway No. 2 with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the public road numbered upon the deposited plans 13 in the parish of Sorn Provided that the Company shall so long as they maintain such level crossing provide safety points for the protection of the said road on each side of the level crossing.

Company
not liable
to repair
surface of
road level
of which is
not perma-
nently
altered.

9. Notwithstanding anything contained in section 39 of the Railways Clauses Consolidation (Scotland) Act 1845 the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over the Railway No. 2 by this Act authorised by a bridge or bridges or the immediate approaches thereto except so far as the level of such road or highway or approaches is permanently altered.

As to
junction
with joint
line.

10. Notwithstanding anything contained in section 11 of the Railways Clauses Act 1863 the Company may in carrying out the widening make such alterations of the levels of the Glasgow Barrhead

and Kilmarnock Joint Line of the Company and the Caledonian Company at and near its junction with the widening at Gorbals Station as may be necessary for making the said junction : A.D. 1896.

Provided always that the Company shall not under the powers of this section raise the level of any portion of the said joint line to a greater extent than two feet six inches Provided also that the said junction shall in all respects and for all purposes (except as herein-after provided) be substituted for the existing junction between the said joint line and the City of Glasgow Union Railway Provided always that for the purposes of apportioning between the Company and the Glasgow Barrhead and Kilmarnock Joint Committee the receipts in respect of traffic passing over the said joint line and the City of Glasgow Union Railway including the widening by this Act authorised the situation of the said junction shall be deemed to have remained unaltered :

The Company shall pay to the said joint committee compensation for the railways works and lands of that committee taken or interfered with under the powers of this Act the amount of such compensation to be determined in case of difference in the manner provided by the Lands Clauses Acts for the settlement of questions of disputed compensation and in determining the amount of such compensation the jury arbiter or oversman (as the case may be) shall take into consideration any loss which in the opinion of such jury arbiter or oversman may be caused by the diversion (if any) of traffic from the joint line by reason of the construction and use of the widening or works by this Act authorised.

11. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of the widening and railway it may be necessary to underpin or otherwise strengthen the same Therefore the Company at their own costs and charges may and if required by the owners and lessees of any such house or building shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

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

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :
- (2) Each such notice if given by the Company shall be served in manner prescribed by section 18 of the Lands Clauses Consolidation (Scotland) Act 1845 and if given by the owners and lessees

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of the premises to be underpinned or strengthened shall be sent to the principal office of the Company :

(3) If any owner lessee or occupier of any such house or building or the Company as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade :

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

(5) The cost of the reference shall be in the discretion of the referee :

(6) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :

(7) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made within six months from the discovery thereof :

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

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

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

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

For the protection of the Corporation of Glasgow.

(1) At least twenty-one days before the Company commence any works the execution of which would in any way interfere with or affect any of the roads streets lanes or footpaths or public places in the city and royal burgh of Glasgow or which would interfere with or affect the sewers drains gas or water pipes tramways electric wires or other works belonging to the corporation the Company shall give to the corporation notice thereof in writing accompanied by plans sections working drawings and specifications showing the manner in which the widening and works connected therewith within the said city in so far as affecting or over or adjoining the said roads streets lanes or footpaths or public places sewers drains gas or water pipes tramways electric wires or other works are to be executed and also showing any vertical deviations from the levels of the said widening and works made under the powers conferred by this Act and also the means to be employed by the Company not only for protecting the said roads streets lanes footpaths or public places sewers drains gas or water pipes tramways electric wires or other works during the operations of the Company but for making good any injury or damage to or interference with the same respectively which plans sections working drawings and specifications shall be subject to the approval of the corporation previously to the works of the Company affecting the said roads streets lanes footpaths or public places sewers drains gas or water pipes tramways electric wires or other works being commenced and such works shall be carried out in conformity with the plans as approved of or settled Provided always that if the corporation do not within fourteen days after service of such notice on them intimate to the Company their approval or disapproval of the said plans sections working drawings and specifications the Company may thereupon proceed to execute the said works:

(2) Notwithstanding anything contained in this Act the Company shall not during the construction of the widening and works by

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this Act authorised or otherwise in the exercise by the Company of the powers of this Act be entitled to shut up any road street lane or footpath (except as herein-after provided with reference to Merchant Lane) to a greater extent than one half of its width and shall at all times leave the other half clear and open for the passage of traffic of every kind And the Company shall not be entitled to shut up occupy or interfere with any portion of a road street lane or footpath (except Merchant Lane as aforesaid) for a longer period than six months except with the consent of the corporation and they shall be liable to a penalty payable to the corporation not exceeding five pounds for every day after the expiry of said period of six months except with consent as aforesaid that any such portion of a street road lane or footpath respectively shall be shut up occupied or interfered with :

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

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

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

(iii) Make good the paving and metalling of the road street lane or footpath and whenever necessary cause the road street lane or footpath to be re-paved or re-metalled over its entire width ;

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

(4) (A) Notwithstanding anything contained in this Act the powers of the Company to compulsorily take and acquire land belonging to the corporation shall be restricted to (A) the area forming the north bank of the River Clyde coloured yellow on the plan dated sixth day of May one thousand eight hundred and ninety-six and signed on same date by Alexander B. MacDonald city engineer on behalf of the corporation and by William Melville civil engineer on behalf of the Company and (B) the area of land adjoining Merchant Lane coloured red on the said plan :

(B) The corporation shall sell and the Company shall purchase and pay for the land coloured yellow on the said plan the sum of one thousand pounds sterling and for the land coloured red on the said plan the sum of five thousand pounds sterling :

The Company shall obtain entry to the said land as at the date of the passing of this Act and the before-mentioned sums shall be payable at that date and shall bear interest at four per centum per annum from that date till paid : A.D. 1896.

- (5) Whereas the widening by this Act authorised will by bridges cross over certain streets or roads on which tramways of the corporation are laid or authorised to be laid the Company shall not in the construction of the widening and relative works interfere with or obstruct the working of the tramways in any way and the Company shall indemnify the corporation for any loss detention or injury sustained by them by reason of interruption to or interference with the traffic on the tramways in consequence of the construction of the widening and relative works or in consequence of anything arising from their subsequent maintenance or repair or in consequence of the operations of the Company relating thereto :
- (6) Where any part of the property to be acquired by the Company under the powers of this Act adjoins or fronts any street the Company shall after the acquisition of such property be under all the statutory obligations of an owner fronting or abutting on any such street so far as not inconsistent with the powers conferred upon the Company for the use of such property for railway purposes :
- (7) The clear headway of the widenings of the bridges over the streets after mentioned shall not be less and the total length of street to be covered by the reconstructed bridges when completed shall not be more than those after specified (videlicet) :—

Name of Street.	Headway.	Length of Street * to be covered.
Salkeld Street - - -	15 feet - - -	65 feet.
Eglinton Street - - -	17 feet - - -	70 feet.
Abbotsford Place - - -	19 feet - - -	120 feet.
Salisbury Street - - -	20 feet - - -	112 feet.
Surrey Street - - -	18 feet 6 inches - - -	80 feet.
Cumberland Street - - -	18 feet 6 inches - - -	130 feet.
Main Street - - -	17 feet 6 inches - - -	108 feet.
Greenside Street - - -	17 feet - - -	100 feet.
Rutherglen Road - - -	17 feet 3 inches - - -	70 feet.
Govan Street - - -	18 feet 2 inches - - -	70 feet.
Adelphi Street - - -	19 feet 9 inches - - -	60 feet.
East Clyde Street - - -	17 feet 9 inches - - -	70 feet.

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Provided always that if the corporation shall by notice in writing to the Company in connexion with the widening over Eglinton Street require the Company to lower that street so as to give a minimum headway of seventeen feet three inches to the bridge over Eglinton Street the Company shall be bound to do so in such manner that the gradient of the street shall not be steeper than 1 in 41 and for that purpose the corporation shall give the necessary authority and exercise in favour of the Company such powers as may be required for carrying out such lowering at the expense of the Company;

The widenings of the bridges over the before-mentioned streets and any other streets roads lanes or thoroughfares shall be of one span from the building line on the one side to the building line on the other side of each of those streets except the bridge over Surrey Street and Cumberland Street which bridge the Company may support by columns of a design and in positions to be approved by the corporation:

(8) (A) The Company shall face and for ever thereafter maintain in a clean condition the walls forming the abutments of the said bridges with white enamelled bricks or tiles They shall likewise face with similar bricks and tiles and thereafter maintain in a clean condition the abutments of the existing bridges over the before-mentioned streets;

(B) The Company shall so construct the widening of those bridges and ballast the rails to be laid thereon as to prevent or minimise as far as possible noise from the passing of trains over the same;

(C) The Company shall at all times by day as well as by night keep the streets under those bridges lighted to the reasonable satisfaction of the corporation wherever the corporation considers such lighting necessary;

(D) The Company shall take such means as may be necessary for preventing and shall prevent water drip from those bridges upon the carriage-way or footpaths of the streets and the headway of those bridges shall not be deemed to be lessened by any lining or other means adopted by the Company with the approval of the corporation for the purpose of preventing water drip;

(9) If the Company fail after ten days' notice in writing to comply with the provisions of this Act with reference to the lighting or making and maintaining watertight of the widenings of bridges in this Act mentioned they shall for each offence and in the case of a continuing offence for every day during which

the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by the Railways Clauses Consolidation (Scotland) Act 1845 :

(10) The following further regulations as to the said bridges and the re-erection of buildings shall apply :—

(A) No superstructure above the level of the parapets shall be erected on any of the bridges ;

(B) The Company shall not lease the sides or superstructure of the bridges as advertising stations or allow placards to be placed thereon but this shall not prevent them putting the name of the Company and of any station upon the superstructure of the bridges or using other portions for the exhibition of boards with railway time tables and other railway notices thereon. Provided always that such boards shall not be placed higher than eye level and further that any name which the Company may place on the superstructure of the bridges shall not interfere with the architectural design thereof and shall be subject to the approval of the corporation ;

(C) When buildings fronting a street are removed in the course of carrying out the widening and relative works the Company shall erect new buildings where there is sufficient depth for that purpose and elsewhere they shall erect a stone wall treated with architectural effect to the satisfaction of the corporation :

(11) The bridge across the River Clyde shall except as may be otherwise agreed between the corporation and the Company be constructed according to the drawings and plans signed on the sixth day of May one thousand eight hundred and ninety-six by Alexander B. MacDonald city engineer on behalf of the corporation and by William Melville civil engineer on behalf of the Company ;

The bridge shall be carried on piers and the piers shall be kept off the footpaths and streets on both sides of the river ;

The bridge shall have a clear headway above the level of high water of ordinary spring tides of not less than twenty-five feet at the centre of each span and the width of the bridge as widened shall not be of a greater width than sixty feet except at the abutments on the north and south banks of the river which shall not exceed the widths shown on the deposited plans :

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(12) The Company shall if and when they acquire the property between the existing railway bridge over Rutherglen Road and Hospital Street and take down any part of the buildings thereon widen Rutherglen Road at those points to the width of sixty feet Any persons deriving right from the Company to such property or any part thereof shall be under a similar obligation to widen the said road when they take down any part of the property between the said railway bridge and Hospital Street:

(13) At least one month before the Company commence the construction of any passenger station or other permanent erection not forming part of the structural works of the railway within the city of Glasgow they shall submit to the corporation plans sections and elevations of such station and of the accesses thereto or of any permanent erection which shall be subject to the reasonable approval of the corporation previously to the station or other permanent erection being commenced:

(14) If the corporation and the Company shall differ upon or with reference to any plans sections elevations working drawings or specifications or other particulars which under the provisions herein-before contained are to be delivered by the Company to the corporation or by the corporation to the Company or as to the mode of carrying out any of the works herein-before provided for or as to any other matter or thing arising out of the said plans sections elevations or particulars or any of the provisions of this section every such difference shall on the application of the Company or of the corporation be referred to the determination of an arbiter to be mutually agreed upon by the corporation and the Company and failing such agreement to be appointed on the requisition of either of them by the Board of Trade and such arbiter shall have power to determine the matter in difference The costs of and incidental to the reference shall be paid by the Company If any question of law should arise in the course of such arbitration the arbiter shall have power at the request of either party to state a case for the opinion of the Court of Session.

**Company to
divert
Merchant
Lane.**

13. The Company shall divert Merchant Lane in the manner shown on a plan signed in duplicate by the Right Honourable Lord Rookwood the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred one of which copies has been deposited in the Office of the Clerk of the Parliaments The corporation shall afford all reasonable facilities for carrying out the said diversion The new street shall be formed and paved at the

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expense of the Company to the satisfaction of the master of works of the city. A.D. 1896.

14. In carrying out the widening of the portion of the City of Glasgow Union Railway by this Act authorised where the widening crosses the main line of railway of the Caledonian Railway Company (herein-after called "the Caledonian Company") leading to their central station in Glasgow and in widening the bridge by which such portion of the City of Glasgow Union Railway is carried over such main line of the Caledonian Company for the purposes thereof the following provisions for the protection of the Caledonian Company shall (unless otherwise agreed between them and the Company) apply and have effect (that is to say) :—

For the protection of the Caledonian Railway Company.

(1) The Company shall in widening the said bridge over the said main line of the Caledonian Company make the widened portions of such bridge of a clear span across the said main line of not less than the span of the present bridge and so that no part of the girders or underside of such widened portions shall be of a less height above the surface of the rails of the said main line than the lowest part of the girders or underside of the existing bridge and shall place the abutments of the widened portions of such bridge so as not to be nearer the outmost rails of the said main line of the Caledonian Company than the existing abutments :

(2) The widened portions of the said bridge and all the works of the Company so far as in any manner interfering with the railways works or lands of the Caledonian Company shall be of such design and materials as shall be reasonably approved by the engineer for the time being of the Caledonian Company and shall be constructed and completed under the superintendence and to the reasonable satisfaction in all respects of such engineer and according to working plans sections and specifications to be submitted to and reasonably approved by such engineer previously to the commencement of the works :

(3) If any alteration of the existing signals of their said main line or the erection of any new or additional signals in connexion with such line shall in the opinion of the Caledonian Company be rendered necessary by the works of the Company the Company shall execute such alteration of existing signals and provide such new or additional signals as failing agreement may be determined by the engineer to be appointed by the Board of Trade as herein-after mentioned and the Caledonian Company shall afford the Company all reasonable facilities in the execution of the said works :

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- (4) The widened portions of the said bridge and works connected therewith shall be constructed maintained and used by the Company in such manner as not to injure or endanger the railway or works of the Caledonian Company or the stability thereof or to cause any interruption impediment or danger to the traffic of such railway and if in the reconstruction or in the maintenance or use of the said widened portions of the bridge and works connected therewith any injury be caused to the railway or works of the Caledonian Company or any interruption impediment inconvenience or damage be occasioned to their traffic the Company shall repay to the Caledonian Company all losses damages and expenses sustained or incurred by the Caledonian Company by or in consequence thereof or arising therefrom:
- (5) The Company shall not without the previous consent of the Caledonian Company under their common seal take acquire or use any land belonging to the Caledonian Company or any right therein other than the right servitude or privilege of making maintaining and using the widening and the widened portions of bridge across the same and erecting the abutments of such widened portions of bridge thereon in manner provided for in and subject to the provisions of this Act:
- (6) If any difference shall at any time arise between the Company and the Caledonian Company or their engineer as to any plans sections or specifications or as to the mode of executing any works or any of the other matters provided for in this section such difference shall be settled by an engineer to be appointed failing agreement by the Board of Trade.

For the
protection
of the
Glasgow
Barrhead
and Kil-
marnock
Joint Line.

15. In carrying out the widening by this Act authorised at and near the junction of the Glasgow Barrhead and Kilmarnock Joint Line (herein-after called "the joint line") of the Company and of the Caledonian Railway Company (herein-after called "the two companies") with the City of Glasgow Union Railway at Gorbals the following provisions shall unless otherwise agreed in writing between the Company and the Caledonian Railway Company apply and have effect (that is to say):—

- (1) The said widening shall be carried out in accordance with the plan (herein-after called "the signed plan") which has been signed in triplicate by Sir Ughtred James Kay Shuttleworth Baronet the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and one copy of which has been deposited in the Private Bill Office of the House of Commons and the Company shall not take

compulsorily any lands or works belonging to the joint line beyond what may be necessary for carrying out the works shown on the signed plan :

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(2) The Company shall make all such alterations in the levels of the platforms of the station at Gorbals belonging to the two companies as may be necessary in consequence of the works shown upon the signed plan and the Company shall also make any alteration in the existing and provide erect and maintain such new and additional signals signal cabins telegraphic telephonic and other apparatus in connexion with the joint line and the said station at Gorbals as may be rendered necessary by the said works Provided that the joint committee shall only be liable to contribute and pay one fifth part of the cost of the working and maintenance of the said signals signal cabins telegraphic telephonic and other apparatus aforesaid :

(3) All the works of the Company so far as they affect the joint line and the said station at Gorbals shall be executed by and at the expense of the Company under the supervision and to the reasonable satisfaction of the engineer for the time being of the joint committee having the management of the joint line and according to working plans sections and specifications to be submitted to and reasonably approved by such engineer previously to the commencement of the works and in such manner as not to interfere with the continuous working of traffic on the joint line or at the said station at Gorbals during such works or to endanger the working thereof and if any interference with or impediment to the traffic of the joint line or at the said station shall at any time be occasioned by such works the Company shall make compensation in respect thereof to the said joint committee and to any Company or person sustaining damage or loss in consequence thereof and the amount of any such compensation shall be settled by arbitration :

(4) If any difference shall at any time arise between the Company and the Caledonian Company as to any plans sections or specifications or as to the mode of executing any of the said works or as to anything to be done or not to be done under this section such difference shall be settled by an engineer to be appointed failing agreement by the Board of Trade.

16. For the protection of the Kilmarnock District Committee of the county council of the county of Ayr (in this section called "the committee") the following provisions shall subject to any alterations

For the protection of the Kilmarnock

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District
Committee
of the
county
council of
the county
of Ayr.

thereof which may hereafter be agreed upon between the Company and the committee have effect:—

- (1) If at any time Railway No. 2 is used for the public conveyance of passengers or for a regular service of goods trains other than mineral trains the Company shall in lieu of the level crossing over the road numbered on the deposited plans 13 in the parish of Sorn carry that road over the railway by a bridge to be constructed by and at the expense of the Company and to the reasonable satisfaction of the committee or of their engineer for the time being or in the event of difference to the satisfaction of the arbiter to be appointed as herein-after in this section provided :
- (2) Any costs expenses or charges that may be incurred by the committee in respect of the construction of Railway No. 2 and of and incident to the works to be done or executed under the provisions of this section shall be borne and paid by the Company :
- (3) If any difference arise between the committee and the Company touching the amount of any costs expenses or charges under the provisions of this section or touching any work matter or thing under such provisions to be done or executed by the Company or the mode of doing or executing the same or the sufficiency thereof such difference shall be settled by an arbiter to be agreed upon by the committee and the Company or failing agreement by such arbiter as shall on the application of the committee or of the Company be named by the Board of Trade and the decision of such arbiter shall be final and binding and the expenses of the reference or references shall be borne by the Company.

For the
protection
of the Clyde
Trustees.

17. For the protection of the Trustees of the Clyde Navigation (in this Act called "the Clyde Trustees") and of the navigation under their charge the following provisions shall have effect:—

- (1) Notwithstanding anything in this Act contained the Company shall reconstruct the bridge carrying the widening across the River Clyde within the limits of deviation shown on the deposited plans by not more than five arches and of a minimum headway in the centre of each arch of twenty-five feet above the level of high water of ordinary spring tides and the water piers carrying the reconstructed bridge shall not be more than fifteen feet in width :
- (2) The Company shall pay to the Clyde Trustees within three months after the date of the Royal Assent to this Act the sum of two thousand five hundred pounds with interest

thereon at the rate of four per cent. per annum from the date of the Royal Assent to this Act till payment as compensation in full of all claims competent to them in respect of the reconstruction of the bridge and all necessary operations connected therewith but without prejudice to any claims which may arise under this section :

A.D. 1896:

(3) While the reconstruction of the bridge is in progress and during the existence and removal of the present bridge the Company shall carry on their operations in such manner as to preserve open the navigation by means of at least one opening under each of the present and the reconstructed bridges and shall take all necessary and proper measures by lights buoys marks or otherwise for giving due notice of any obstruction danger or interruption which may be occasioned by their works or operations to the free and safe passage of vessels and in the event of their failing or neglecting to comply with these provisions or any of them the Company shall be responsible for any loss injury or damage which may be occasioned through such failure or neglect :

(4) The Clyde Trustees shall not incur or be under any obligation or responsibility whatever in respect of the operations and works of the Company and the Company shall indemnify free and relieve the Clyde Trustees from all claims for loss injury or damage of every description (if any) which may arise or be made against the Clyde Trustees in connexion with such operations and works.

18. The Company may abandon for the purposes of public traffic and discontinue the maintenance in whole or in part of such portions of the said railways proposed to be widened as are rendered unnecessary by the construction of the widening and the Company may retain and hold and appropriate to the purposes of the widening and of their undertaking the site and soil of the portions of the said railways so abandoned and may sell lease or otherwise dispose of the same or of such parts thereof as may not be required for those purposes or some of them.

Abandonment of portions of City Union Railway.

19. The Company may (without prejudice to the powers of deviation exercisable under the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 in respect of the railway and roads by this Act authorised) deviate in the construction of the widening from the lines thereof delineated on the deposited plans to any extent within the limits of deviation marked thereon in relation to the widening anything in the first above-mentioned Act to the contrary notwithstanding.

Powers of lateral deviation for the widening.

for the widening of the railway

[Ch. ccxvii.] *Glasgow and South Western Railway* [59 & 60 VICT.]
Act, 1896.

A.D. 1896.

Powers of
deviation.

20. The Company may (without prejudice as in the last preceding section mentioned and for the purposes only of giving effect to the provisions of the section of this Act of which the marginal note is "For the protection of the corporation of Glasgow") deviate in the construction of the widening from the levels thereof shown on the deposited sections to the extent of five feet and to such further extent as may be found necessary or convenient for accommodating preserving or improving the drainage of or the sewers drains pipes or other works in or under the streets roads lanes pavements footpaths and places under which the widening will be made or for avoiding such sewers drains pipes or other works anything in the Railways Clauses Consolidation (Scotland) Act 1845 to the contrary notwithstanding and the Company may also subject to the provisions of this Act in carrying out the reconstruction of bridges by this Act authorised deviate laterally to any extent not exceeding the limits of deviation marked on the deposited plans and vertically to any extent not exceeding five feet Provided that the Company shall make full satisfaction to the owners lessees and occupiers of any lands or buildings abutting on or adjoining the widening that may be injuriously affected by reason of any deviation under the powers of this section to a greater extent than might have been executed under the powers of that Act:

Provided also that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Power to
Company
to acquire
additional
lands.

21. Subject to the provisions of this Act and in addition to the other lands which the Company are by this Act authorised to acquire the Company may from time to time enter upon take use and appropriate for the purpose of extending their station siding and other accommodation and for other 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 relating thereto (that is to say):—

Certain lands in the abbey parish of Paisley in the county of Renfrew lying on the south side of and adjoining the Company's Glasgow Paisley Kilmarnock and Ayr Railway at and near Johnstone Station;

Certain lands in the royal burgh and parish of Dumfries in the county of Dumfries lying on the west side of and adjoining the Company's Glasgow Dumfries and Carlisle Railway at and near Dumfries Station.

Period for
compulsory
purchase of
lands by the
Company.

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

A.D. 1896:

Power to
Two Com-
panies to
alter bridge.

23. Subject to the provisions of this Act the Company and the Caledonian Company (herein-after called "the Two Companies") as joint owners of the Glasgow Barrhead and Kilmarnock Joint Line of railway or the Company at the joint costs of the Two Companies may in accordance with the deposited plans and sections relating thereto widen the bridge carrying the said joint line of railway over the public road from Thornliebank to Nitshill at Nitsbill in the abbey parish of Paisley in the county of Renfrew and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference relating thereto as may be required for the purposes aforesaid :

The Caledonian Company may apply to the purposes of this section to which capital is properly applicable any sums of money which they have raised or are authorised to raise by any of their Acts and which are not required for the purposes to which they are by those Acts made specially applicable.

24. For the protection of the county council of the county of Renfrew and the district committee of the first or upper district of that county and the successors in office of the county council and district committee the following provision shall have effect (that is to say) :—

For the
protection
of the county
council and
first or upper
district
committee of
the county
of Renfrew.

The Two Companies shall in carrying out the widening of the bridge referred to in the immediately preceding section make and thereafter maintain the said bridge so as to prevent as far as practicable the dripping of water on the roadway and footpath underneath and the Two Companies shall take such means as shall be considered necessary by the engineer of the Two Companies by fixing such sheeting or otherwise as will prevent water from dripping on the footpath.

25. The powers of the Two Companies for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for
compulsory
purchase of
lands by Two
Companies.

26. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company or the Two Companies as the case may be any easement servitude right or privilege (not being a servitude right or privilege of water in which others than the parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges or feu duties so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements or servitudes rights and privileges as aforesaid respectively.

Power to
owners to
grant ease-
ments.

[Ch. ccxvii.] *Glasgow and South Western Railway* [59 & 60 VICT.]
Act, 1896.

A.D. 1896.

Owners may
be required
to sell parts
only of
certain lands
and build-
ings.

27. And whereas in the construction of the widening and works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the sheriff jury arbiters or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed:

(4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole, the

Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :

- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner incident to the arbitration or inquiry shall be borne and paid by such owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit :

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation (Scotland) Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 :

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises :

Provided always that as regards the properties mentioned in the said schedule and numbered on the deposited plans of the widening 103 132 134 and 136 in the parish of Govan the provisions of this section shall not apply in the event of the Company requiring to take (otherwise than by agreement) any greater part of these

[Ch. ccxvii.] *Glasgow and South Western Railway* [59 & 60 Vict.]
Act, 1896.

A.D. 1896. properties respectively than is shown and coloured red on the copies of the deposited plans signed in duplicate by the Right Honourable Lord Rookwood the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred one of which copies has been deposited in the Office of the Clerk of the Parliaments.

Revival of powers for purchase of lands under Act of 1891.

28. The powers of the Company for the compulsory purchase of lands for the purposes of Railway No. 2 and relative works authorised by the Glasgow and South Western Railway (Additional Powers) Act 1891 are hereby revived and may be exercised by the Company during a period of three years from the passing of this Act and after the expiration of that period shall cease.

Extension of time for construction of Railway No. 2 authorised by Act of 1891.

29. The time limited by the Glasgow and South Western Railway (Additional Powers) Act 1891 for the construction and completion of Railway No. 2 and relative works by that Act authorised is hereby extended for a period of three years from the third day of July one thousand eight hundred and ninety-six and sections 10 and 11 of the said Act so far as the same relate to or affect the said railway shall be read and construed accordingly.

If the said railway be not completed within the said period of three years then on the expiration of that period the powers by the said Act granted to the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall be then completed.

Restrictions on displacing persons of labouring class.

30.—(1) The Company or the Two Companies shall not under the powers of this Act or under the powers of any former Act revived or 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 on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised (as the case may be) were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A) They shall have obtained the approval of the Secretary for Scotland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number or proportion of those persons as the Secretary for Scotland shall after inquiry deem necessary having regard to the number of persons on or after that date 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 or the Two Companies 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 of 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 or the Two Companies 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 or the Two Companies for the purposes of any scheme under this section in the same manner in all respects as if the Company or the Two

[Ch. ccxvii.] *Glasgow and South Western Railway* [59 & 60 Vict.]
Act, 1896.

A.D. 1896. Companies were a local authority within the meaning of that Act and the scheme were one of the purposes of that Act.

(7) The Company or the Two Companies 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 or the Two Companies in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated solely for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings by the Company or the Two Companies shall contain proper covenants for securing that the buildings on such lands shall during such period be used exclusively for the purpose of such dwellings :

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 conditions (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 or the Two Companies 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 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.

[59 & 60 VICT.] *Glasgow and South Western Railway* [Ch. ccxvii.]
Act, 1896.

(10) Any houses on any of the lands shown on the plans deposited with reference to this Act or to the former Act the powers of which are revived by this Act 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.

A.D. 1896.

(11) For the purposes of this section the expression "labouring class" means and 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 such persons who may be residing with them.

31. The Company on the one hand and the corporation and the Clyde Trustees and any other companies corporations commissioners or road statute labour or bridge trustees or any of those parties on the other hand may enter into agreements with respect to the construction maintenance or use of any of the works within the said city and royal burgh of Glasgow authorised by this Act and the mode of executing any of the operations connected therewith.

Agreements
as to works
at Glasgow.

32. The Company may purchase or take on lease by agreement upon such terms and conditions and for such periods as may be agreed upon all or any of the private railways sidings or tramways and the works and conveniences in connexion therewith belonging or reputed to belong to the Lanemark Coal Company Limited and William Hyslop of Bank situated at Lanemark and Bank in the parish of New Cumnock and such railways sidings or tramways and works and conveniences shall when purchased or leased for all purposes be part of the undertaking of the Company and the

Power to
purchase or
lease private
railways.

[Ch. ccxvii.] *Glasgow and South Western Railway* [59 & 60 VICT.]
Act, 1896.

A.D. 1896. Company and the said Lanemark Coal Company Limited may by special resolution make agreements for the acquisition or lease thereof by the Company on such terms as may be agreed on.

Power to erect new hotel at Dumfries.

33. The Company may erect and maintain as part of their undertaking an hotel in substitution for the existing hotel at Dumfries which they were authorised to maintain by section 15 of the Glasgow and South Western Railway Act 1883 and the provisions of that section shall so far as applicable extend and apply to such new hotel instead of to the said existing hotel.

Power to Company to raise additional capital.

34. The Company from time to time may raise for the purposes of this Act by the creation and issue of new shares or stock such additional capital as they think fit not exceeding in the whole the sum of three hundred and sixty thousand pounds and they may create and issue such new shares or stock either wholly or partially as ordinary or wholly or partially as preference shares or stock as they may think fit Provided that any preference shares or stock which may be issued by the Company under this Act shall be entitled to the preferential dividend or interest assigned thereto only out of the profits of each year ending on the thirty-first day of January.

Shares not to be issued until one fifth paid.

35. The Company shall not issue any share under the authority of this Act nor shall any share or stock 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 or the whole of such stock shall have been paid in respect thereof.

Scale of voting in respect of new shares.

36. At all general meetings of the Company every holder of shares or stock of the Company created under this Act shall have the right of voting in respect thereof on the principle of having one vote for every sum of one hundred pounds actually paid up in respect of the whole of such shares or stock for the time being held by him up to one thousand pounds and he shall have an additional vote for every sum of five hundred pounds actually paid up on such shares or stock beyond the first one thousand pounds up to ten thousand pounds and an additional vote for every sum of one thousand pounds actually paid up on such shares or stock beyond the first ten thousand pounds Provided that no person shall be entitled to vote in respect of any less amount than one hundred pounds paid up Provided also that (unless otherwise specified in any resolution of the Company) no person shall be entitled to vote in respect of any share or stock created or issued under this Act to which a preferential dividend shall be assigned Provided always

[59 & 60 VICT.] *Glasgow and South Western Railway* [Ch. ccxvii.]
Act, 1896.

that nothing in this section shall be deemed to empower the Company to issue stock to be paid up by instalments. A.D. 1896.

37. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act and of any other Act or Acts passed in the present session of Parliament whether before or after the passing of this Act by which the Company may be authorised to raise capital by new shares or stock the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act or Acts and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power to Company to raise capital authorised by any other Act and this Act by new shares or stock of one class.

38. The Company may in respect of the additional capital of three hundred and sixty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking such sums as they think fit not exceeding in the whole one hundred and twenty thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such sheriff as aforesaid that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if the said capital is raised by shares that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such sheriff of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

Power to Company to borrow.

39. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by

Repealing provisions of former Acts

[Ch. ccxvii.] *Glasgow and South Western Railway* [59 & 60 Vict.]
Act, 1896.

A.D. 1896.
with respect
to appoint-
ment of a
judicial
factor.

borrowing money for the purposes of their undertaking with respect to the appointment of a judicial factor for enforcing payment by the Company of arrears of principal money or principal money and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision.

For appoint-
ment of a
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 judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than ten thousand pounds in the whole.

Former
mortgages
to have
priority.

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

Power to
Company
to create
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 moneys
by Company.

43. All moneys raised by the Company under the provisions of this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act and to the general purposes of the undertaking of the Company being in each case purposes to which capital is properly applicable.

Power to
Company to
apply
authorised

44. The Company may apply to or towards the purposes of this Act to which capital is properly applicable any sums of money which they have already raised or are authorised to raise by any of

[59 & 60 VICT.] *Glasgow and South Western Railway* [Ch. ccxvii.]
Act, 1896.

A.D. 1896.

their Acts and which are not required for the purposes to which they are by those Acts made specially applicable.

capital to
purposes
of Act.

45. No interest or dividend shall be paid out of any share or loan capital which the Company are by this Act 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.

Interest not
to be paid
on calls paid
up.

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

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

47. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving rights
of the Crown
in the fore-
shore.

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

Provision as
to general
Railway
Acts.

49. All the costs charges and expenses of and incident to the obtaining of this Act and preparatory thereto shall be paid by the Company.

Expenses
of Act.

[Ch. ccxvii.] *Glasgow and South Western Railway* [59 & 60 VICT.]
Act, 1896.

A.D. 1896.

The SCHEDULE referred to in the foregoing Act.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY ARE REQUIRED
TO BE TAKEN.

Number on deposited Plans.	Parish.	Description of Property.
WIDENING.		
103	Govan - -	Court.
132	Govan - -	Washing green washing house passages coal cellars ashpit and railings.
134	Govan - -	Washing green washing house passages coal cellars ashpit and railings.
136	Govan - -	Washing green passages wooden paling coal cellars and ashpit.
LAND AT DUMFRIES STATION.		
1	Dumfries - -	Policy grounds lawn telegraph and tele- phone posts and wires.
2	Dumfries - -	Outhouses roadway furnace and stalk.
3	Dumfries - -	Pasture land telegraph and telephone wires.

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