



## CHAPTER xi.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the London Midland and Scottish Railway. [29th May 1924.]

A.D. 1924.

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**W**HEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament:

62 & 63 Vict.  
c. 47.

Be it therefore enacted by the King'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:—

1. The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed.

Confirma-  
tion of  
Order in  
schedule.

2. This Act may be cited as the London Midland and Scottish Railway Order Confirmation Act 1924.

Short title.

A.D. 1924.

SCHEDULE.

LONDON MIDLAND AND SCOTTISH RAILWAY.

*Provisional Order to authorise the London Midland and Scottish Railway Company to acquire lands to confirm the purchase of other lands already acquired by the Company to extend the time for the completion of certain authorised works and for the purchase of lands and for other purposes.*

WHEREAS it is expedient that the London Midland and Scottish Railway Company (hereinafter referred to as "the Company") should be authorised for the purposes of their undertaking to acquire the lands described in this Order :

And whereas it is expedient that the Company should be authorised to hold for the purposes of their undertaking the lands described in this Order which have already been acquired for those purposes :

And whereas it is expedient that the agreement set forth in the Second Schedule to this Order should be confirmed :

And whereas it is expedient that the time for the completion of the railways and works and for the purchase of the lands mentioned in this Order should be extended as herein provided :

And whereas it is expedient that the other powers contained in this Order should be conferred on the Company :

And whereas plans of the lands which may be taken under the powers of this Order and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the principal sheriff clerks of the counties of Ayr Kincardine and Lanark and are hereinafter referred to as the deposited plans and book of reference :



And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

A.D. 1924.

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows :—

1. This Order may be cited for all purposes as the London Midland and Scottish Railway Order 1924. Short title.

2. The Lands Clauses Acts and Part II. (relating to extension of time) of the Railways Clauses Act 1863 as amended by any subsequent Act are except where and as expressly varied by this Order incorporated with this Order. Incorporation of Acts.

3. In this Order unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings and the expression "the Company" means the London Midland and Scottish Railway Company. Interpretation.

In the provisions of the Acts wholly or partially incorporated with this Order the following expressions have for the purposes of this Order the meanings hereinafter attributed to them (that is to say) :—

The expressions "the Company" "the undertakers" and "the promoters of the undertaking" mean the Company;

The expression "the railway and works" in Part II. of the Railways Clauses Act 1863 incorporated with this Order means the railways and other works the time for the purchase of lands for or for the completion of which is hereby extended.

4. Subject to the provisions of this Order the Company may enter upon take and use for the purposes of their undertaking the lands hereinafter described and delineated on the deposited plans and described in the deposited book of reference (that is to say) :— Power to Company to acquire certain lands.

IN THE COUNTY OF AYR.

(1) Certain lands in the parish of Kilmaurs on the north side of and adjoining the Com-

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pany's Kilmarnock and Troon Branch Railway between a point fifty-two yards or thereabouts east of the bridge carrying the said branch railway over the road leading to West Gatehead Farm and the west end of Gatehead goods yard :

(2) Certain lands in the parish of Galston :—

(a) On the north side of and adjoining the Company's Darvel and Strathaven Branch Railway between a point near where the siding to Holmes Coal Pit leaves the said branch railway and a point five hundred and fifty yards or thereabouts eastward thereof ;

(b) On the north side of the Company's said Darvel and Strathaven Branch Railway between a point five hundred and ten yards or thereabouts west of the bridge carrying the road to Barward Farm over the said branch railway and the said bridge ;

(c) On the south side of the Company's said Darvel and Strathaven Branch Railway between a point near where the siding to Holmes Coal Pit leaves the said branch railway and the bridge carrying the road to Barward Farm over the said branch railway.

IN THE COUNTY OF KINCARDINE.

(3) Certain lands in the parish of Glenbervie :—

(a) On the east side of the Company's main line from Perth to Aberdeen between a point sixty-seven yards or thereabouts south of the line of the south abutment of the bridge carrying the said main line over the Drumlithie Burn and the line of the south abutment of the said bridge ;

(b) On the east side of the Company's main line from Perth to Aberdeen between the Drumlithie Burn and the public road from Drumlithie to Stonehaven,

IN THE COUNTY OF LANARK.

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- (4) Certain lands in the parish of Bothwell on the north side of the Company's Bellshill station between a point eighty-three yards or thereabouts east of the west side of Hamilton Road and a point one hundred and thirty-eight yards or thereabouts east of the west side of the said road :
- (5) Certain lands in the parish of Dalziel and burgh of Motherwell and Wishaw on the north-east side of the Company's Jerviston Branch Railway between a point eighty-six yards or thereabouts south of Craigneuk Street and a point near Shields Colliery signal box :
- (6) Certain lands in the parish of Govan and city and royal burgh of Glasgow on the north side of the Company's Polmadie engine shed between Polmadie Road and a point two hundred and ninety yards or thereabouts east of the said road.

5. The Company may hold and use for the purposes of their undertaking the following lands which have been already acquired by them (that is to say) :—

Company  
may hold  
certain  
lands  
already  
acquired.

IN THE COUNTY OF AYR.

- (1) Certain lands in the parish of Kirkoswald on the east side of and adjoining the highway from Girvan to Ayr via Dunure on the north side of Turnberry Hotel grounds :
- (2) Certain lands in the parish of Dundonald and burgh of Irvine on the south-east side of and adjoining the Company's Irvine Harbour Branch Railway near Irvine Station :
- (3) Certain lands in the parish of Monkton and Prestwick and burgh of Prestwick :—
  - (a) On the west side of and adjoining the Company's main line from Ayr to Glasgow north of and near the Pow Burn ;
  - (b) On the east side of the Company's main line from Ayr to Glasgow on the north side of the centre line of the Pow Burn :



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- (4) Certain lands in the parish and burgh of Ayr on the east side of and adjoining the Company's main line from Ayr to Glasgow north of and near Falkland Junction :
- (5) Certain lands in the parish of Kilwinning and partly in the burgh of Kilwinning on the east side of and adjoining the Company's Kilwinning and Ardrossan Branch Railway south of and near Kilwinning Station :
- (6) Certain lands in the parish of Kilwinning :—
  - (a) On the north-west side of and adjoining the Company's Kilwinning and Ardrossan Branch Railway south-west of and near Dubbs Junction ;
  - (b) On the south-east side of and adjoining the Company's Kilwinning and Ardrossan Branch Railway south-west of and near Dubbs Junction.

**IN THE COUNTY OF DUMFRIES.**

- (7) Certain lands in the parish and burgh of Dumfries on the south side of and adjoining the Company's main line near the east end of Dumfries goods station.

**IN THE COUNTY OF INVERNESS.**

- (8) Certain lands in the parish of Kirkhill on the south side of the railway near Bunchrew Station between Inverness and Beauly.

**IN THE COUNTY OF LANARK.**

- (9) Certain lands in the parish of Dalziel and burgh of Motherwell and Wishaw on the north-east side of Caledonian Street to the north-east of the Company's main line from Glasgow to Motherwell (Clydesdale Section) and between that line and the Company's Motherwell engine shed.

**IN THE COUNTY OF RENFREW.**

- (10) Certain lands in the parish of Inverkip on the east side of the Company's main line from Glasgow to Wemyss Bay between the Fingall Burn and the avenue leading to Kelly House from the public road from Greenock to Wemyss Bay.

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And the expenditure of money by the Company in or about the purchase of the said lands is hereby sanctioned and confirmed. A.D. 1924  
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For the purposes of section 3 of the Housing of the Working Classes Act 1903 as applied to Scotland by the Housing Town Planning &c. Act 1909 such lands shall be deemed to have been acquired under the powers of this section.

6. If there be any omission misstatement or erroneous description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff of the county in which the said lands are situate for the correction thereof and if it appear to the sheriff that the omission misstatement or erroneous description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and the decision of the sheriff in such matter shall be final The certificate of the sheriff shall be deposited in the office of the principal sheriff clerk of the said county and a duplicate thereof shall also be deposited with the town clerk of the burgh or as the case may be the clerk of the parish council in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such sheriff clerk and town clerk or clerk of the parish council along with the other documents to which it relates and thereupon the deposited plans and book of reference shall be deemed to be corrected in accordance with the certificate and the Company may enter upon purchase take hold and use any lands in accordance with such certificate.

Errors and omissions in plans and book of reference may be corrected by sheriff.

7. The powers for the compulsory purchase of lands under this Order shall cease after the expiration of three years from the passing of the Act confirming this Order. Period for compulsory purchase of lands.

8. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Company any servitude right or privilege (not being a servitude right or privilege of water in which Persons under disability may grant servitudes &c.



A.D. 1924. — persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid.

As to private rights of way over lands taken compulsorily.

9. All private rights of way or servitudes in over or across any lands which shall under the powers of this Order be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Company shall make full compensation to all parties interested in respect of any such rights or servitudes and such compensation shall be settled in manner provided by the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement.

Power to make roads.

10. The Company may make and maintain in or through any of the lands referred to in the section of this Order the marginal note of which is "Power to Company to acquire certain lands" such roads or ways for the accommodation of the owners or occupiers of such lands or of the adjoining lands and in substitution for any existing roads or ways in or through such lands as the Company may think fit or as may be agreed upon between the Company and any such owner or occupier.

Owners may be required to sell parts only of certain properties.

11. And whereas it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of this Order and that such portions may be severed from the remainder of the said properties without material detriment thereto. Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in any of the properties described in the First Schedule to this Order and whereof parts only may be required for the purposes of this Order may (if the same can in the opinion of the jury arbiters or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of the premises without material detriment thereto) be required to sell and convey to the Company the portions 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 taken by them and



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making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise. Provided that if in any case in the opinion of the jury arbiters or other authority as aforesaid any such portions cannot be severed from the remainder of such property without material detriment thereto the Company may at any time within one month after the date of the final decision of such jury arbiters or other authority withdraw their notice to treat for the portions required by them and thereupon they shall pay to the owners of and other parties interested in the property in respect of any portions of which they have given notice to treat all loss and damage sustained and all costs charges and expenses (as the same shall be taxed as between solicitor and client) reasonably incurred by them in consequence of such notice. Provided also that nothing in this section contained shall be held as determining whether the properties described in the said schedule are or are not subject to the provisions of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

Single  
arbiter.

12. In all cases of disputed purchase money or compensation arising under this Order in respect of land to be taken compulsorily or otherwise which fall to be determined under the provisions of the Lands Clauses Acts it shall unless the Company and the other party or parties to the dispute concur in the appointment of a single arbiter in terms of such Acts be in the power of the Company or such other party or parties to apply to the Secretary for Scotland to appoint a single arbiter to determine the purchase money or compensation to be paid and it shall not be competent thereafter to have the same determined by arbiters oversmen sheriff or jury acting under the last-mentioned Acts. The said arbiter upon appointment shall be deemed to be a sole arbiter within the meaning of the Lands Clauses Acts and the provisions of those Acts with regard to arbitration shall apply accordingly and the arbiter shall notwithstanding anything contained in the said Acts determine the amount of expenses in the arbitration and such determination shall be final. The remuneration of the said arbiter shall failing agreement be fixed by the Secretary for Scotland.

13. The tribunal to whom any question of disputed purchase money or compensation under this Order is

Costs of  
arbitration

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in certain  
cases.

referred shall if so required by the Company award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Company by the claimant giving sufficient particulars and in sufficient time to enable the Company to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Company have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant :

Provided that it shall be lawful for the Lord Ordinary on the Bills or the sheriff of the county in which the lands are situate in respect of which the claim has arisen to permit any claimant after seven days' notice to the Company to amend the statement in writing of the claim delivered by him to the Company in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge or sheriff after hearing the Company if they object to the amendment and such amendment shall be subject to such terms enabling the Company to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge or sheriff may seem just and proper under all the circumstances of the case :

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation (Scotland) Act 1845 either contained or was endorsed with a notice of the effect of this section.

Confirma-  
tion of  
agreement  
with Mar-  
quess of  
Ailsa.

14. The agreement between the most Honourable the Marquess of Ailsa as heir of entail in possession of the entailed lands and estates of Cassillis and Culzean of the first part and the Glasgow and South Western Railway Company of the second part as set forth in the Second Schedule to this Order is hereby confirmed and made binding upon the said Marquess as such heir of entail as aforesaid and his successors and upon the Company as successors in title of the said Glasgow and South Western Railway Company and it shall be lawful for the said Marquess and his successors to grant to the Company the rights privileges and servitudes described in the said agreement in like manner and to as full an



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extent as persons possessed of lands are enabled to sell convey and dispose thereof under the powers contained in section 7 of the Lands Clauses Consolidation (Scotland) Act 1845 and Acts amending or explaining the same. A.D. 1924.  
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15. The period now limited by the Caledonian Railway Order 1922 for the completion of Railway No. 3 authorised by the Caledonian Railway (General Powers) Act 1899 is hereby extended for three years from the expiration of that period that is until the ninth day of August one thousand nine hundred and twenty-eight and the sections of the above Act which relate to the period for the completion of the said railway and to the penalties exigible in the event of the same not being completed within the period thereby limited for the completion thereof shall be read and construed as if the period for such completion referred to in those sections did not expire until the expiration of the extended period hereby limited. Extending period for completion of Railway No. 3 under Caledonian Railway Act 1899.

16. The period now limited by the Caledonian Railway Order 1922 for the completion of the Railway (Work No. 1) authorised by the Caledonian Railway Order 1907 is hereby extended for three years from the expiration of that period that is until the nineteenth day of May one thousand nine hundred and twenty-eight and the sections of the said Order of 1907 which relate to the period for the completion of the said railway and to the penalties exigible in the event of the same not being completed within the period thereby limited for the completion thereof shall be read and construed as if the period for such completion did not expire until the expiration of the extended period hereby limited. Extending period for completion of Railway (Work No. 1) under Caledonian Railway Order 1907.

17. The period now limited by the Caledonian Railway Order 1922 for the completion of the bridge lengthening (Work No. 1) authorised by the Caledonian Railway Order 1910 is hereby extended for three years from the expiration of that period that is until the twenty-sixth day of July one thousand nine hundred and twenty-eight. Extending period for completion of bridge lengthening (Work No. 1) under Caledonian Railway Order 1910.

18. The period now limited by the Caledonian Railway Order 1922 for the completion of the bridge widening at Beattock authorised by the Caledonian Railway Order 1913 is hereby extended for three years from the expiration of that period that is until the fourth Extending period for completion of bridge widening under Caledonian Railway Order 1913.

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A.D. 1924. day of July one thousand nine hundred and twenty-eight.

Extension  
of time for  
purchase of  
lands under  
Caledonian  
Railway  
Orders 1907  
1910 1913  
and 1922.

19.—(1) The powers granted by the Caledonian Railway Order 1907 as now extended by the Caledonian Railway Order 1922 for the compulsory purchase and taking of the lands in the parishes of Bothwell Crawford and Wandell and Lamington in the county of Lanark the parish of Currie in the county of Edinburgh the parishes of Stirling and Saint Ninians and royal burgh of Stirling in the county of Stirling and the parish of Comrie in the county of Perth described in section 6 of the said Order of 1907 and therein numbered respectively (2) (3) (9) (11) and (13) are hereby extended and may be exercised by the Company at any time within but shall cease after the expiration of two years from the nineteenth day of May one thousand nine hundred and twenty-five.

(2) The powers granted by the Caledonian Railway Order 1910 as now extended by the Caledonian Railway Order 1922 for the compulsory purchase and taking of the lands in the parish of Govan and the city and royal burgh of Glasgow the parish of Rutherglen and royal burgh of Rutherglen the parish of Old Monkland and burgh of Coatbridge and the parish of Hamilton all in the county of Lanark described in section 5 of the said Order of 1910 and therein numbered respectively (1) (2) (3) (4) (6) and (7) are hereby extended and may be exercised by the Company at any time within but shall cease after the expiration of two years from the twenty-sixth day of July one thousand nine hundred and twenty-five.

(3) The powers granted by the Caledonian Railway Order 1913 as now extended by the Caledonian Railway Order 1922 for the compulsory purchase and taking of the lands in the parish of Kirkpatrick Juxta in the county of Dumfries described and numbered (1) in section 5 of the said Order of 1913 are hereby extended and may be exercised by the Company within but shall cease after the expiration of two years from the fourth day of July one thousand nine hundred and twenty-five.

(4) The powers granted by the Caledonian Railway Order 1922 for the compulsory purchase and taking of lands in the parish of Dalziel the parish of Cambusnethan the burgh of Motherwell and Wishaw the parish of Bothwell the parish of Old Monkland the parish of



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Cambuslang and the parish of Blantyre all in the county of Lanark described in section 6 of the said Order of 1922 and therein numbered respectively (1) (2) (3) (4) (5) (6) (7) (8) and (9) are hereby extended and may be exercised by the Company at any time within but shall cease after the expiration of two years from the twenty-ninth day of June one thousand nine hundred and twenty-five.

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20. The powers granted by the Glasgow and Renfrew District Railway Act 1897 as now extended by the Glasgow and South Western Railway Order 1918 for the compulsory purchase of the several lands referred to in the second schedule to the Glasgow and South Western Railway Order 1906 are hereby extended and may subject to the provisions of section 24 (For protection of Trustees of Clyde Navigation) of the Glasgow and South Western Railway Order 1911 and subject also to the powers conferred on the Trustees of the Clyde Navigation by the Clyde Navigation Act 1911 and the Clyde Navigation Order 1914 be exercised by the Company at any time within but shall cease after the expiration of two years from the thirty-first day of August one thousand nine hundred and twenty-four but nothing in this Order shall relieve the Company from the obligations or restrictions imposed by section 30 (Restrictions on displacing persons of the labouring class) of the said Act of 1897.

Extension of time for purchase of land under Glasgow and Renfrew District Railway Act 1897.

21. The powers granted by the Glasgow and South Western Railway Order 1918 for the compulsory purchase and taking of the lands required for the widening of the Ardrossan Railway authorised by that Act and of the lands in the parish of Stevenston the burgh of Saltcoats the parish of Irvine the parish of Dundonald the royal burgh of Irvine and the parish of Monkton and Prestwick and the burgh of Prestwick all in the county of Ayr described in section 9 of the said Order of 1918 and therein numbered (1) (4) (5) (6) and (7) are hereby extended and may be exercised by the Company at any time within but shall cease after the expiration of two years from the thirty-first day of August one thousand nine hundred and twenty-four :

Extension of time for purchase of lands under Glasgow and South Western Railway Order 1918.

Provided that nothing in this Order shall in any way prejudice or affect the provisions of or be deemed to extend the periods specified in section 18 (For protection

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A.D. 1924. of town council of Saltcoats) of the Glasgow and South  
— Western Railway Order 1918 :

Provided further that notwithstanding anything contained in the said Glasgow and South Western Railway Order 1918 or this Order the Company shall not enter upon purchase take or use otherwise than by agreement the lands or any part of the lands in the parish of Dundonald and burgh of Irvine in the county of Ayr numbered 45 in the said parish and burgh on the plans deposited in relation to the said Order of 1918.

Application  
of funds of  
Company.

22. The Company may apply towards the purposes of this Order to which capital is properly applicable any capital or funds belonging to or authorised to be raised by them which may not be required for the purposes for which the same were authorised to be raised or directed to be applied.

Provision as  
to general  
Railway  
Acts.

23. Nothing in this Order contained shall exempt the Company from the provisions of any general Act relating to railways or the better or more impartial audit of the accounts of railway companies passed before or after the passing of the Act confirming this Order or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised to be taken by the Company.

Costs of  
Order.

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



The SCHEDULES referred to in the foregoing Order. A.D. 1924.

**THE FIRST SCHEDULE.**

HOUSES BUILDINGS OR MANUFACTORIES PARTS ONLY OF WHICH MAY BE TAKEN.

Parish.	No. on Deposited Plans.
Land at BELLSHILL STATION.	
Bothwell ... ..	2 3.
Land at POLMADIE.	
Govan and City and Royal Burgh of Glasgow ... ..	2.
Land at SHIELDS COLLIERY SIGNAL BOX.	
Dalziel and Burgh of Motherwell and Wishaw ... ..	1.

**THE SECOND SCHEDULE.**

AGREEMENT between the MOST HONOURABLE ARCHIBALD KENNEDY MARQUESS OF AILSA EARL OF CASSILLIS etcetera etcetera Heir of Entail infest and in possession of the Entailed Lands and Estates of Cassillis and Culzean in the Counties of Ayr and Wigtown of which the lands and others aftermentioned form part (hereinafter referred to as "the First Party") of the first part and the GLASGOW AND SOUTH WESTERN RAILWAY COMPANY incorporated by the Glasgow and South Western Railway Consolidation Act eighteen hundred and fifty-five (hereinafter referred to as "the Company") of the second part.

WHEREAS in pursuance and in virtue of the Glasgow and South Western Railway Act 1901 the Glasgow and South Western Railway Order Confirmation Act 1906 the Lands Clauses Consolidation (Scotland) Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 incorporated with the second mentioned Act and Acts explaining and amending the same the First Party by grant of servitude dated the sixteenth day of

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A.D. 1924. August nineteen hundred and eighteen and recorded in the division of the General Register of Sasines applicable to the county of Ayr on the thirty-first day of May nineteen hundred and nineteen gave granted disposed conveyed and made over from himself and the heirs entitled to succeed to him in the said entailed lands and estates to the Company their successors and assignees according to the true intent and meaning of the said Acts the right privilege and servitude in all time to come of using the Links and Bent Hills extending to two hundred and forty-three acres and four hundred and sixty-six decimal or one thousandth parts of an acre or thereby imperial standard measure lying in the parish of Kirkoswald and county of Ayr delineated and coloured red on the plan thereof annexed and signed as relative to the said grant of servitude as a golf course and for the purpose of playing the game of golf thereon with a perpetual right of servitude of passing over all existing roads to and from or on or through the said golf course but always with and under the restrictions conditions obligations provisions declarations reservations limitations and others specified in the said grant of servitude all as the said grant of servitude containing sundry other clauses and provisions and others in itself more fully bears :

And whereas the said golf course was duly formed and the Company have up till now exercised the rights conferred on them by the said grant of servitude :

And whereas the Company are desirous of making certain alterations on the said golf course :

And whereas to enable them to carry out the said proposed alterations it is necessary that they should acquire from the First Party the further right privilege and servitude of using an additional part of the said Links and Bent Hills as a golf course or as part of the said existing golf course and for the purpose of playing the game of golf thereon :

And now seeing that it is proper that the terms of the arrangements between the parties hereto should be reduced to writing Therefore this agreement witnesseth—

First The First Party shall grant to the Company the right privilege and servitude in all time to come of using for the purpose of playing the game of golf thereon and as an extension of the golf course laid out in terms of the foresaid grant of servitude the ground extending to sixty-seven acres and one hundred and five decimal or one thousandth parts of an acre or thereby imperial standard measure (hereinafter called the said ground) lying in the parish of Kirkoswald and county of Ayr delineated and coloured red on the plan annexed and subscribed as relative hereto together with a perpetual right and servitude of passing over all existing roads to and from or on or through the said ground with entry as at the term of



Martinmas nineteen hundred and twenty notwithstanding the date hereof. A.D. 1924.

Secondly The Company and their successors and assignees shall pay for the said rights privileges and servitudes to the First Party and the heirs entitled to succeed to him in the said entailed lands and estates the annual sum of sixty-seven pounds two shillings and one penny and that at two terms in the year Whitsunday and Martinmas by equal portions beginning the first terms payment thereof as at the term of Whitsunday nineteen hundred and twenty-one for the half year preceding and the next term's payment thereof at the term of Martinmas following and so forth half yearly termly and proportionally in all time thereafter with a fifth part more of each term's payment of liquidate penalty in case of failure in the punctual payment thereof and the interest of the said half-yearly payments at the rate of five pounds per centum per annum from the dates of payment thereof during the not payment.

Thirdly The rights privileges and servitudes to be granted as aforesaid shall be so granted with and under the like restrictions conditions obligations provisions declarations reservations limitations and others so far as still subsisting and applicable and the irritant and resolute clauses specified in the said grant of servitude with reference to the said golf course and the same shall apply to the said ground in all respects as if the said ground had formed part of the original golf course laid out in virtue of the said grant of servitude and in the additional grant of servitude to follow hereon the said restrictions conditions obligations provisions declarations reservations limitations and others with the said irritant and resolute clauses shall mutatis mutandis be inserted ad longum in the said additional right of servitude as applicable to the said ground.

Fourthly If at any time the ground over which the right privilege and servitude granted and disposed by the said first mentioned grant of servitude shall not be required for a golf course or the playing of golf thereon shall be discontinued and the said golf course shall in terms of the said grant of servitude revert to the First Party or his foresaids the said ground shall also revert to him or them free of all the rights and privileges hereinbefore provided for and the Company and the committee mentioned in the said grant of servitude if vested shall thereafter cease to have any interest therein.

Fifthly The rights and privileges hereby agreed to be conferred upon the Company shall be held to be an interest in land acquired by the Company compulsorily under the



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A.D. 1924.  
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provisions of the Lands Clauses Acts and the foresaid annual payment of sixty-seven pounds two shillings and one penny shall be deemed to be compensation fixed in terms of section nine of the Lands Clauses Consolidation (Scotland) Act eighteen hundred and forty-five and sections fourteen fifteen and sixteen of the Entail Amendment Act eighteen hundred and fifty-three and shall be treated accordingly.

Lastly The Company undertake and bind themselves to insert in the next Bill to be laid by them before Parliament a clause or clauses conferring upon the First Party and the Company the powers necessary to enable each of them to carry out the objects and purposes of this Agreement and the same shall be subject to such alterations as Parliament may think fit to make therein.

In witness whereof these presents type-written on this and the three preceding pages are along with a duplicate hereof subscribed as follows videlicet By the said the Marquess of Ailsa at Culzean Castle Maybole on the ninth day of August nineteen hundred and twenty-two before these witnesses Thomas Smith factor the Castle Maybole and John Walker butler at Culzean Castle aforesaid and they are executed by the said Glasgow and South Western Railway Company that is to say they are sealed with the common seal or corporate seal of said railway company and subscribed by Charles Ker and Archibald Walker two of the directors and by John Muir the secretary all of and for and on behalf of the said railway company all at Glasgow on the nineteenth day of September and year last mentioned before these witnesses David Murray LL.D. and James Wilson both writers in Glasgow.

T. SMITH Witness.

JOHN WALKER Witness.

DAVID MURRAY Witness.

JAMES WILSON Witness.

AILSA.

CHARLES KER Director.

ARCHIBALD WALKER Director.

JOHN MUIR Secretary.

Seal of the  
Glasgow and South  
Western Railway  
Company.

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FOR

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