



ANNO VICESIMO OCTAVO & VICESIMO NONO

# VICTORIÆ REGINÆ.

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## Cap. cxxxv.

An Act for enabling the *Caledonian* Railway Company to make a Railway from *Barrhead* to *Paisley*, and to improve the Railway between *Barrhead* and *Crofthead*, all in the County of *Renfrew*; and for other Purposes.

[29th June 1865.]

**W**HEREAS by "The *Caledonian* Railway Act, 1845," the *Caledonian* Railway Company (in this Act called "the Company") were incorporated: And whereas under the Provisions of "The *Caledonian* and *Glasgow, Paisley, and Greenock* Railways Amalgamation Act, 1847," the *Glasgow, Paisley, and Greenock* Railway, including the Portion of that Railway extending from *Glasgow* to *Paisley* which previously belonged jointly to the *Glasgow, Paisley, and Greenock* Railway Company and the *Glasgow, Paisley, Kilmarnock, and Ayr* Railway Company, and now belongs jointly to the Company and the *Glasgow and South-western* Railway Company, and which is known as the Joint Line of Railway from *Glasgow* to *Paisley* and is herein-after called the "Joint Line," was vested in the Company and became Part of their Undertaking: And whereas under the Provisions of "The *Caledonian* Railway (*Glasgow, Barrhead, and Neilston Direct* Railway Lease) Act, 1849," the

8 & 9 Vict.  
c. clxii.

10 & 11 Vict.  
c. clxix.

12 & 13 Vict.  
c. xc.

[Local.]

21 P

*Glasgow,*

*The Caledonian Railway (Barrhead and Paisley Branch, &c.)  
Act, 1865.*

16 & 17 Vict.  
c. cxlix.

*Glasgow, Barrhead, and Neilston Direct Railway* (herein-after called the "*Barrhead Railway*") was leased to and vested in the Company for the Term of Nine hundred and ninety-nine Years, from and after the Twenty-seventh Day of *September* One thousand eight hundred and forty-nine: And whereas under the Powers of "*The Caledonian Railway (Crofthead Extension and Amendment) Act, 1853,*" the Company have extended the said *Barrhead Railway* to *Crofthead*: And whereas it would be attended with Advantage and Convenience to the Public if the Company were authorized to make and maintain a Railway from the said *Barrhead Railway* near *Barrhead* to the said Joint Line near *Paisley*, and to alter and improve certain Portions of the said *Barrhead Railway* and of the said Extension of that Railway to *Crofthead*: And whereas Plans and Sections showing the Lines and Levels of the said proposed Railway and Alteration and Improvement of existing Lines and the Lands which may be required to be taken for the Purposes thereof, with a Book of Reference to the said Plans, have been deposited for public Inspection in the Office at *Paisley* of the Principal Sheriff Clerk of the County of *Renfrew*: But the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say)

Short Title.

1. In citing this Act for any Purpose it shall be sufficient to use the Expression "*The Caledonian Railway (Barrhead and Paisley Branch, &c.) Act, 1865.*"

8 & 9 Vict.  
cc. 19. & 33.,  
23 & 24 Vict.  
c. 106., and  
26 & 27 Vict.  
c. 92. incor-  
porated.

2. Subject to the Provisions of this Act, "*The Lands Clauses Consolidation (Scotland) Act, 1845,*" "*The Lands Clauses Consolidation Acts Amendment Act, 1860,*" "*The Railways Clauses Consolidation (Scotland) Act, 1845,*" and Part I. of "*The Railways Clauses Act, 1863,*" relating to Construction of a Railway, are incorporated with this Act.

Parts of  
8 & 9 Vict.  
c. 17. and  
26 & 27 Vict.  
c. 118. incor-  
porated.

3. Subject to the Provisions of this Act, the Clauses and Provisions of "*The Companies Clauses Consolidation (Scotland) Act, 1845,*" with respect to the Distribution of the Capital of the Company into Shares, and with respect to the Transfer or Transmission of Shares, and with respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls, and with respect to the Forfeiture of Shares for Nonpayment of Calls, and with respect to the Remedies of Creditors of the Company against the Shareholders, and with respect to the borrowing of Money by the Company on Mortgage or Bond, and with respect to the Conversion of the borrowed Money into

*The Caledonian Railway (Barrhead and Paisley Branch, &c.)  
Act, 1865.*

into Capital, and with respect to the Consolidation of the Shares into Stock, and with respect to the General Meetings of the Company and the Exercise of the Right of voting by the Shareholders, and with respect to the Provision to be made for affording Access to the Special Act by all Parties interested, and also Part I. of "The Companies Clauses Act, 1863," relating to Cancellation and Surrender of Shares, and Part II. of that Act, relating to additional Capital, are incorporated with this Act; and all the Provisions of "The Companies Clauses Consolidation (Scotland) Act, 1845," so incorporated with this Act, which relate to Stock into which Shares in the Capital of the Company have been converted or consolidated, shall apply to the Stock which the Company are by this Act authorized to issue, and to the Holders thereof: Provided always, that each Year, out of the Profits of which the Preference Shares or Preference Stock issued under the Authority of this Act shall be entitled to the preferential Dividend assigned thereto, shall end on the Thirty-first Day of *January*.

4. In construing for the Purposes of this Act the Acts wholly and partly incorporated herewith, and in construing this Act, the following Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Same Meanings to Words in incorporated Acts as in this Act.

The Expression "the Special Act" shall mean this Act:

The Expression "the Company" or "the Promoters of the Undertaking" shall mean the *Caledonian Railway Company*:

The Expression "the Railway" shall include and mean the Alteration and Improvement of existing Lines as well as the new Railway by this Act authorized:

The Expression the "Joint Line" shall mean the Line of Railway between *Glasgow and Paisley* belonging jointly to the Company and the *Glasgow and South-western Railway Company*:

The Expression the "*Barrhead Railway*" shall mean the *Glasgow, Barrhead, and Neilston Direct Railway*:

Other Expressions to which Meanings are assigned in the Acts wholly or partly incorporated herewith shall respectively have the same Meanings in this Act.

5. It shall be lawful for the Company from Time to Time to raise, in addition to the Sums which they are or may be authorized to raise by any other Act of Parliament, any further Sums of Money not exceeding in the whole the Sum of One hundred and thirty thousand Pounds, by the Issue of new Ordinary Shares or new Ordinary Stock, or of new Preference Shares or new Preference Stock, or, at the Option of the Company, by any of those Modes.

Power to raise Money by Issue of Ordinary or Preference Shares or Stock.

6. It

*The Caledonian Railway (Barrhead and Paisley Branch, &c.)  
Act, 1865.*

Shares or  
Stock not to  
issue until  
One Fifth  
paid up.

6. It shall not be lawful for the Company to issue any Share or Portion of Stock under the Powers of this Act, nor shall any such Share or Portion of 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 Portion of Stock shall be paid up in respect thereof.

Votes in  
respect of  
new Shares  
or Stock.

7. Each Holder of new Shares or Stock in the Capital by this Act authorized to be raised shall be entitled to the same Number of Votes in respect thereof which the Possession of an equal nominal Amount of the Capital authorized by the first-recited Act would have conferred upon him.

Capital  
under several  
Acts of this  
Session may  
be raised by  
Shares or  
Stock of  
One Class.

8. If, by any other Act or Acts passed in the present Session of Parliament, whether before or after the passing of this Act, the Company be authorized to raise any Capital by the Issue of new Shares or Stock (whether ordinary or preference), the Company may if they think fit, subject to the Provisions of such other Act or Acts and of this Act, raise by the Issue of Shares or Stock of one and the same Class, and entitled to the same Privileges, all or any Part or Parts of the aggregate Capital which they are by such other Act or Acts and this Act authorized to raise by the Issue of Shares or Stock.

Power to  
borrow on  
Mortgage.

9. When and so soon as the said additional Capital of One hundred and thirty thousand Pounds shall have been issued and taken up, and One Half of the said Sum shall have been paid up, it shall be lawful for the Company from Time to Time to borrow on Mortgage, and if paid off again to borrow any Sum or Sums of Money not exceeding in the whole the Sum of Forty-three thousand three hundred Pounds, in addition to the Amount which they are or may be authorized to borrow by any other Act of Parliament: Provided always, that no Part of such Sum shall be borrowed until the Company shall have proved to the Sheriff who is to certify under the Provisions contained in the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," that the whole of such additional Capital has been issued and taken up *bonâ fide*, and that One Half thereof has been paid up, and that a Sum not less than One Fifth Part of the Amount of each Share and of each Portion of Stock so issued had been paid up thereon at the Time of the Issue and Acceptance thereof, and that the whole of the said Shares or Stock are held by the Persons to whom the same were issued, or their Executors, Administrators, or Assignees, and for which such Persons, or their Executors, Administrators, or Assignees, are legally liable.

Reserving  
Priority of  
existing  
Securities.

10. All Mortgages, Bonds, and Debenture Stock for which or for the Interest whereof the Company are lawfully liable, and which shall be

*The Caledonian Railway (Barrhead and Paisley Branch, &c.)  
Act, 1865.*

be in force at the Time of the passing of this Act, shall during their Subsistence have Priority over any Mortgage to be granted by the Company under the Powers of this Act.

11. All Monies raised under the Powers of this Act by the Issue of new Shares or Stock, or by borrowing on Mortgage, shall be applied in the first instance to the Purposes by this Act authorized, and, subject thereto, shall be applicable to the Purposes authorized by the other Acts relating to the Company.

Application  
of Monies.

12. The Powers for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Powers for  
compulsory  
Purchases  
limited.

13. In addition to the Lands herein-before authorized to be taken by the Company, it shall be lawful for the Company to purchase by Agreement, in connexion with the Railway by this Act authorized, any Quantity of Land near or adjoining thereto, not exceeding Three Acres, for the extraordinary Purposes specified in "The Railways Clauses Consolidation (*Scotland*) Act, 1845."

Lands for  
extra-  
ordinary  
Purposes.

14. It shall be lawful for the Company, with the Powers of Deviation and other Powers and subject to the Provisions contained in this Act and in the Acts wholly and partly incorporated herewith, to make and maintain in the Lines and upon the Lands delineated on the Plans and described in the Book of Reference deposited as aforesaid, and according to the Levels defined on the Sections deposited therewith, the Railway and Alteration and Improvement of Railways herein-after specially described, and all proper Works and Conveniences in connexion therewith respectively, and to enter upon, take, and use such of the said Lands as they may find necessary for the Purposes authorized by this Act and those Acts.

Power to  
construct  
Railway  
and Works.

15. The Railway and Alteration and Improvement of Railways by this Act authorized to be constructed and made are:

Description  
of Railway  
and Works.

1. A Railway commencing by a Junction with the said *Barrhead* Railway about Eleven Chains North-eastward from the Booking Office of the *Barrhead* Station on that Railway, and terminating by a Junction with the said Joint Line about Two Furlongs and a Half South-westward from the Western End of the *Arkleston* Tunnel:

2. An Alteration and Improvement of that Portion of the *Barrhead* Railway and of the said Extension thereof to *Crofthead* which lies between a Point about One Chain Westward from the Booking Office of the said *Barrhead* Station and the

[*Local.*]

21 Q

present

*The Caledonian Railway (Barrhead and Paisley Branch, &c.) Act, 1865.*

present Termination of the said Extension at *Crofthead*, by altering the Line and Levels thereof, and laying an additional Line or additional Lines of Rails between the said Point about One Chain Westward from the Booking Office of the *Barrhead* Station and a Point about Three Chains North-westward from the present Termination of the said Extension at *Crofthead*.

Junction with Joint Line to be made under Superintendence of Engineer of that Railway.

16. The Junction between the Railway and the Joint Line, and the Curve and Gradients upon which the Railway shall approach the Joint Line, shall be made under the Superintendence and to the reasonable Satisfaction of *William Johnstone*, Civil Engineer in *Glasgow*, the present Engineer of the Joint Line, whom failing, of the Engineer of the Joint Line for the Time being.

Regulating Dimensions of certain Bridges.

17. It shall be lawful for the Company to construct and maintain the Arches of the Bridges for carrying the Railway over the Roads numbered as after mentioned on the Plans deposited as aforesaid of such Dimensions as they may think fit, provided that such Dimensions be not less than those herein-after specified respectively; (that is to say,)

Number on Plans.	Parish.	Description.	Height of Arch.	Width of Arch.
			Feet.	Feet.
87	Abbey Parish of Paisley.	Public Road -	15	20
109	Abbey Parish of Paisley.	Turnpike Road -	16	35
66	Neilston - -	Occupation Road	11	25
90	Neilston - -	Turnpike Road -	16	33

And it shall be lawful for the Company to construct the Bridge for carrying the Road numbered as after mentioned on the Plans deposited as aforesaid over the Railway of such Width between the Fences as they may think fit, provided that such Width be not less than the Width herein-after specified; (that is to say,)

Number on Plans.	Parish.	Description.	Width between Fences.
			Feet.
141	Abbey Parish of Paisley -	Turnpike Road - -	30

Limiting Time for Completion of Railway, and Security for its Completion.

18. The new Railway by this Act authorized shall be completed and opened for public Traffic within Four Years from the passing of this Act, and if the said Railway shall not be completed and opened for public Traffic within the said Period of Four Years, the Company shall

*The Caledonian Railway (Barrhead and Paisley Branch, &c.)  
Act, 1865.*

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

19. It shall be lawful for the Company to demand and recover, Tolls. for the Use of the new Railway and altered and additional Lines of Railway by this Act authorized, and the Conveyance of Traffic thereon, the same Tolls, Rates, and Charges which the Company are authorized by "The *Caledonian Railway (Glasgow, Barrhead, and Neilston Direct Railway Lease) Act, 1849,*" and "The *Glasgow, Barrhead, and Neilston Direct Railway Act, 1845,*" therein recited, to demand and recover for the Use of the *Glasgow, Barrhead, and Neilston Direct Railway*, and the Conveyance of Traffic thereon, as if the said new Railway and altered and additional Lines of Railway had been original Parts of the *Glasgow, Barrhead, and Neilston Direct Railway*, and had been constructed under the Powers of the last-mentioned Act: Provided always, that the Tolls, Rates, and Charges leviable by the Company for small Parcels, (that is to say, Packages not exceeding Five hundred Pounds Weight each,) conveyed on the new Railway and altered and additional Lines of Railway by this Act authorized, shall be the same as those authorized with respect to small Parcels by "The *Caledonian Railway (Crofthead Extension and Amendment) Act, 1853,*" instead of those authorized by the other Acts mentioned in this Section.

20. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay to any Shareholder Interest or Dividend on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in that Behalf of "The *Companies Clauses Consolidation (Scotland) Act, 1845.*" Interest or Dividend not to be paid on Calls paid up.

21. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised Deposits for future Bills not to be raised

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*The Caledonian Railway (Barrhead and Paisley Branch, &c.)  
Act, 1865.*

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paid out of  
Company's  
Capital.

raised for the Purposes of such Act, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway, or execute any other Work or Undertaking.

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

**22.** Nothing herein contained shall be deemed or construed to exempt the Railways by this or the other Acts relating to the Company authorized to be made from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, and of the Rates for small Parcels, authorized by this Act or the other Acts relating to the Company.

Expenses of  
Act.

**23.** All the Costs, Charges, and Expenses of applying for and obtaining this Act, and in any way preparatory or incidental thereto, shall be paid by the Company.

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