



CHAPTER cxxix.

An Act to authorise the Cathcart District Railway Company to construct a railway from their authorised railway at New Cathcart to join the Caledonian Railway at Strathbungo to revive the powers and extend the time for the compulsory purchase of lands for and to extend the time for the completion of their authorised railway No. 1 to abandon their authorised railway No. 3 to raise further capital and for other purposes. [19th July 1887.]

A.D. 1887.

WHEREAS by the Cathcart District Railway Act 1880 (in this Act called "the Act of 1880") the Cathcart District Railway Company (in this Act called "the Company") were incorporated and authorised to make and maintain the railways in the Act of 1880 described and to raise a share capital of one hundred and seventy-five thousand pounds and to borrow on mortgage any sum not exceeding fifty-eight thousand three hundred and thirty pounds:

42 & 44 Vict.
c. ccix.

And whereas by the Caledonian Railway (Additional Powers) Act 1881 (in this Act called "the Caledonian Act of 1881") an agreement entered into between the Company of the first part and the Caledonian Railway Company (in this Act called "the Caledonian Company") of the second part with respect to the maintenance working and management by the Caledonian Company of the railways of the Company authorised by the Act of 1880 and to other matters in the said agreement mentioned was as set forth in the schedule to the Caledonian Act of 1881 sanctioned and confirmed:

44 & 45 Vict.
c. cxix.

And whereas by the Cathcart District Railway (Extension of Time) Act 1885 (in this Act called "the Act of 1885") the time limited by the Act of 1880 for the completion of the railways by that Act authorised was extended until the seventh day of September one thousand eight hundred and eighty-seven:

48 & 49 Vict.
c. lxxix.

A.D. 1887.

And whereas by the Act of 1880 the time for the compulsory purchase of lands for the purposes of that Act was limited to three years from the passing of that Act and expired on the seventh day of September one thousand eight hundred and eighty-three :

And whereas railway No. 1 authorised by the Act of 1880 excepting a small portion thereof and railway No. 2 authorised by the same Act have been completed and opened for public traffic and it will be of public and local advantage and is expedient that the Company should be authorised to make the railway hereinafter described and to extend thereto the provisions so far as the same are applicable of the said agreement between the Company and the Caledonian Company :

And whereas it is expedient that the powers conferred on the Company by the Act of 1880 for the compulsory purchase of lands for the construction of railway No. 1 by that Act authorised should be revived and the period limited therefor extended to the extent after mentioned and that the period limited for the completion of that railway should be further extended as by this Act provided :

And whereas it is expedient that the Company should be authorised to abandon the construction of railway No. 3 authorised by the Act of 1880 :

And whereas by section 43 of the Act of 1880 it was provided that of the sum of sixteen thousand and four pounds being five per centum upon the amount of the estimate in respect of the railways and works proposed to be authorised by the Bill for that Act as originally introduced into Parliament and which had been deposited with the Court of Exchequer in Scotland in respect of the application to Parliament for that Act the sum of ten thousand six hundred and thirty-five pounds being five per centum upon the amount of the estimate in respect of the railways by that Act authorised should not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order in the said section mentioned or the survivors or survivor of them unless the Company should previously to the expiration of the period limited by the Act of 1880 for the completion of the railways by that Act authorised open the same for the public conveyance of passengers :

And whereas the length of the railway No. 3 authorised by the Act of 1880 which the Company are by this Act authorised to abandon bears to the total length of the railways by that Act authorised the same proportion which the sum of seven hundred and sixty-six pounds eighteen shillings and seven pence bears to the sum of ten thousand six hundred and thirty-five pounds and it is expedient that the sum of seven hundred and sixty-six pounds eighteen

shillings and seven pence portion of the said sum of ten thousand six hundred and thirty-five pounds should be released as hereinafter provided :

And whereas the Company have raised the whole of the share capital and borrowed the whole of the money which they were authorised to raise and borrow under the Act of 1880 but they have not issued debenture stock :

And whereas it is expedient that the Company be authorised to raise further share and loan capital for the purposes of this Act :

And whereas it is expedient that the Caledonian Company should take and hold shares in the Company in respect of the additional capital which the Company are by this Act authorised to raise to the extent hereinafter provided :

And whereas plans and sections showing the line and levels of the railway authorised by 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 lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the principal sheriff clerk for the county of Renfrew in his office at Paisley and are hereinafter respectively referred to as the deposited plans sections and books of reference :

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

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

1. This Act may be cited as the Cathcart District Railway Act Short title. 1887.

2. The Lands Clauses Consolidation (Scotland) Act 1845 the Lands Clauses Consolidation Acts Amendment Act 1860 the Railway Clauses Consolidation (Scotland) Act 1845 Part I (relating to construction of a railway) Part II (relating to extension of time) and Part III (relating to working agreements) of the Railways Clauses Act 1863 as amended by the Regulation of Railways Act 1873 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

Incorporation of Acts.

A.D. 1887.

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 and Part I (relating to cancellation and surrender of shares) Part II (relating to additional capital) and Part III (relating to debenture 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 and all the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 which relate to stock into which shares in the capital of the Company have been converted or consolidated shall apply to the stock which the Company are by this Act authorised to issue and to the holders thereof.

Interpreta-
tion.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and in the Acts wholly or partially incorporated with this Act as applied to this Act and in this Act the expression "the Company" means the Cathcart District Railway Company the expression "the special Act" means this Act the expression "the railway" means the railway by this Act authorised the expression "the undertaking" means the undertaking of the Company as authorised by the Act of 1880 and this Act.

Power to
make rail-
way.

4. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railway hereinafter described with all proper stations junctions sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose The railway hereinbefore referred to and authorised by this Act is :

A railway two miles seven furlongs and one hundred and sixty-nine yards in length to be wholly situate in the county of Renfrew commencing in the parish of Cathcart by a junction with the railway No. 1 authorised by the Act of 1880 at its authorised point of commencement being seven yards or thereabouts measured in an easterly direction from the centre of the public highway leading from Glasgow to New Cathcart opposite the centre of the public road known as Newlands Road at its

junction with the said public highway and terminating in the parish of Govan by a junction with the Caledonian Railway Company's line of railway leading from near Shields Bridge to the Glasgow and Kilmarnock joint line of railway at a point thereon one hundred and fifty-six yards or thereabouts measuring in a northerly direction from the centre of the bridge by which Nithsdale Road is carried over the said joint line which intended railway will pass from in through or into the parishes of Cathcart Eastwood and Govan or some or one of them.

A.D. 1887.

5. The powers of the Company for the compulsory purchase of lands for the purposes of the railway authorised by this Act shall not be exercised after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

6. All new portions of road authorised by the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 as incorporated with this Act to be formed in lieu of roads altered or diverted shall as respects management and maintenance and in all other respects but subject to the provisions of section 39 of the said Act be held as parts of and be subject to the same provisions as the existing roads altered or diverted as aforesaid respectively.

New portions of road to be subject to same provisions as existing roads.

7. So soon as the diversion of the public road in the parish of Cathcart marked No. 29 on the deposited plan hereby authorised is effected all rights of way over the diverted portion of the existing road shall absolutely cease.

As to diversion of road in parish of Cathcart.

8. Persons empowered by the Lands Clauses Consolidation (Scotland) Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement servitude right or privilege not being an easement of water 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 ground annuals or feu duties so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements servitudes rights and privileges as aforesaid respectively.

Power to take easements &c. by agreement.

9. And whereas in the construction of the railway and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same 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

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

A.D. 1887. interested in the houses buildings or manufactories described in the schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbiters oversman or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties 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 required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise. Provided that so far as regards No. 38 in the parish of Cathcart in the said schedule the provisions of this section shall not apply in the event of any part of the dwelling house or lodge and avenue to Newlandsfield shown on the deposited plans as forming part of the said No. 38 being taken for the construction of the railway and works hereby authorised. Provided further that if in the opinion of the jury arbiters oversman or other authority as aforesaid any such portions cannot be severed from the remainder of such properties without material detriment thereto the Company may withdraw their notice to treat for the portion of the property required by them and thereupon they shall pay to the owners of and other persons interested in the property in respect of which they have given notice to treat all costs charges and expenses reasonably and properly incurred by them in consequence of such notice. Provided always that nothing in this section contained shall be held as determining that the properties described in the said schedule are subject to the provisions of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

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

10. 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 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 hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):--

- (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 the Lands Clauses Consolidation (Scot-

- land) Act 1845 and if given by the owners and lessees 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 the liability to compensation under the Lands Clauses Consolidation (Scotland) Act 1845 or under any other Act ;

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(9.) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions contained in the Lands Clauses Consolidation (Scotland) Act 1845 ;

(10.) Subject to the provisions of this Act nothing in this section shall repeal or affect the application of section ninety of the Lands Clauses Consolidation (Scotland) Act 1845.

Restriction
on taking
houses of
labouring
class.

11. The Company shall not under the powers of this Act without the consent of the Secretary for Scotland purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

For pro-
tection of
Glasgow and
Kilmarnock
Joint Line.

12. In constructing the railway where the same is intended to pass over or adjoin the Glasgow and Kilmarnock Joint Line (hereinafter called "the joint line") the following provisions shall apply and have effect (that is to say):—

(1.) The bridge by which the railway is carried over the joint line shall have a span of not less than 50 feet in the clear and the said bridge shall have a clear headway throughout of not less than 14 feet above the upper surface of the rails of the said joint line at the point of crossing.

(2.) The said railway to the south of Nithsdale Road shall not be deviated eastward to such an extent as to include any part of the Strathbungo station on the joint line.

(3.) The railway between the bridge carrying Nithsdale Road over the joint line and the point of junction with the Caledonian line shall be constructed so as that the eastmost rail thereof will not be nearer at any point than 28 feet to the west existing rail of the main line of the joint line.

(4.) The existing siding on the west side of the Caledonian Railway at Strathbungo Junction shall be reconstructed by the

Company at its own cost at such place as may previously to the commencement of the construction of the railway be agreed on by the engineer of the Company and the engineer of the Joint Line Committee and failing agreement as shall be determined by an engineer to be appointed by the Board of Trade as hereinafter provided.

(5.) The Company shall not except with the previous consent of the Glasgow and Kilmarnock Joint Line Committee (hereinafter called "the Joint Committee") acquire any absolute property in any lands of the Caledonian and Glasgow and South Western Railway Companies as owners of the joint line but only the right servitude and privilege of making and maintaining the railway and relative works.

(6.) Working plans sections and specifications of all the works of the Company so far as to be executed on or affecting the lands and works of the joint line shall be submitted to the engineer of the Joint Committee for his approval at least one month previously to the commencement of such works and all such works shall be constructed and completed with all reasonable despatch and so as to cause as little interruption or inconvenience as may be to the traffic on the joint line.

(7.) If any difference shall at any time arise between the Company or their engineer and the Joint Committee or their engineer with respect to any of the matters referred to in this section the settlement of which is not otherwise hereinbefore provided for such difference shall be determined by an engineer to be appointed by the Board of Trade on the application of any of such parties and the decision of the engineer so appointed including the determination by him of all questions of costs of the reference shall be final and conclusive.

13. Whereas the mains and pipes of the Commissioners acting under the Glasgow Corporation Waterworks Act 1855 (in this section called "the water commissioners") and the mains and pipes of the lord provost magistrates and council of the city of Glasgow acting under the Glasgow Corporation Gas Act 1869 (in this section called "the corporation") are laid along various roads and streets which will be crossed or interfered with by the railway and works by this Act authorised and it may be necessary for the purposes of this Act to interfere with the said roads and streets and the said mains and pipes And whereas the inhabitants of the city of Glasgow and the suburbs thereof and districts and places adjacent are supplied with water by the water commissioners by means of certain of the said mains and pipes and with gas by the corporation by means of other

For protec-
tion of
Glasgow
Corporation
gas and
water under-
takings.

A.D. 1887.

of the said mains and pipes. And whereas it is expedient that provision be made for preventing any interruption of the supply of water by the water commissioners and of the supply of gas by the corporation to the inhabitants of the said city and suburbs and districts and places adjacent. Therefore the provisions of section 36 of the Act of 1880 (except sub-section (B) thereof) shall apply and extend to the railway by this Act authorised as fully and effectually to all intents and purposes as if those provisions had been repeated in this Act with reference to the railway and shall be binding on the Company and have full effect.

For protec-
tion of
Glasgow
Corporation
tramways.

14. Whereas the railway will cross over by a bridge the Coustonholm Road on which the Glasgow Corporation tramways are laid the Company shall construct and for ever afterwards maintain the bridge so that there shall be a clear headway of sixteen feet for the full width of twenty-five feet and shall not in the construction of the bridge and relative works interfere with or obstruct the working of the tramways in any way and the operations of the Company shall be conducted under the supervision and with the approval of the corporation and the Company shall indemnify the lessees or others for the time being using or working the tramways 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 bridge 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.

For protec-
tion of the
Coustonholm
Weaving
Company.

15. The Company shall not be entitled to enter upon take or use except by agreement any land or property belonging to the Coustonholm Weaving Company in the parish of Eastwood other than the properties forming No. 4 on the deposited plans in the said parish and so much of No. 5 in the said parish as lies to the east of the line coloured red upon the plan signed by Mr. Woodall Chairman of the Select Committee of the House of Commons to whom the Bill for this Act was referred as relative hereto and the portion of the river marked No. 1 on the deposited plan in the said parish ex adverso of the said No. 4 so far as belonging to the said Coustonholm Weaving Company and in the event of the Company requiring to take for the purposes of this Act any portion of the said property No. 4 or the said property No. 5 so far as to the east of the said line coloured red they shall be bound to take the whole of such properties that is to say the whole of No. 4 and so much of No. 5 as lies to the east of the said red line together with the portion of the said river so far as belonging to the said Coustonholm Weaving Company ex adverso of No. 4 but the Company shall not by reason

thereof be bound to take the remainder of the said property No. 5 or the property marked No. 6 on the deposited plans in the said parish of Eastwood and in ascertaining the compensation payable to the Coustonholm Weaving Company for the portions of land which may be so taken there shall in addition to all other damage be allowed full compensation for the additional expense if any to be incurred by the said Company in insuring their buildings and the goods and effects therein against loss by fire arising from the operations of the Company or their contractors in constructing the railway and from the working of the traffic thereon.

A.D. 1887.
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16. If the Company fail within the period limited by this Act to complete the railway authorised by this Act the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the railway and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the Solicitor to Her Majesty's Treasury and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of the Queen's Remembrancer of the Court of Exchequer in Scotland in the bank specified in such warrant or order and shall not be paid thereout except as hereinafter provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening the railway by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Imposing
penalty un-
less railway
is opened
within time
limited.

17. Every sum of money recovered by way of penalty as aforesaid shall be applicable and after due notice in the Edinburgh Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid

Providing
for applica-
tion of
penalty.

A. D. 1887.

and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit and if no such compensation is payable or if a portion of the sum or sums of money recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the said Court thinks fit to order on the application of the Solicitor to Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the said Court if the Company is insolvent and has been ordered to be wound up or a judicial factor has been appointed shall wholly or in part be paid or transferred to such judicial factor or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Period for
completion
of railway.

18. If the railway is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Extending
period
limited for
purchase of
certain lands.

19. The powers conferred on the Company by the Act of 1880 for the compulsory purchase and taking of lands for the purposes of that Act are so far as those powers relate to the properties numbered on the deposited plans referred to in that Act 46 87 to 94 both inclusive 95 95 96 to 106 both inclusive 116 to 120 both inclusive 130 130A 131 132 and 133 in the parish of Cathcart hereby revived and extended and shall continue in force and may be exercised at any time within but shall not be exercised after the expiration of one year from the passing of this Act.

Extending
period for
completion of
railway No. 1
authorised
by Act of
1880.

20. The period limited by the Act of 1880 as extended by the Act of 1885 for the completion of the railway No. 1 by the Act of 1880 authorised is hereby further extended for a period of three years from the seventh day of September one thousand eight hundred and eighty-seven and such extended period shall for all purposes be deemed to be the period limited by the Act of 1880 for the completion of the said railway and sections 43 and 44 of the Act of 1880 shall be read and have effect accordingly. If the said railway be not completed within the extended period by this Act limited for the completion thereof then on the expiration of that period the powers for making and completing the same or otherwise in relation

thereto shall cease to be exercised except as to so much thereof as shall then be completed. A.D. 1887.

21. The Company may and shall abandon the construction of railway No. 3 authorised by section 5 of the Act of 1880 and on and after the passing of this Act the Company shall except only as is by this Act otherwise expressly provided be absolutely freed from all obligations with respect to the making and maintaining of the said railway. Abandonment of railway No. 3 authorised by Act of 1880.

22. The abandonment by the Company under the authority of this Act of the said railway No. 3 shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation (Scotland) Act 1845 or the Act of 1880. Compensation for damage to land by entry.

23. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the said railway No. 3 authorised to be abandoned by this Act or any portion thereof the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation (Scotland) Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof. Compensation for non-completion of purchase.

24. In consideration of the foregoing provisions of this Act for compensation of landowners injuriously affected by any acts of the Company in respect to the said railway No. 3 authorised by the Act of 1880 which the Company are by this Act authorised to abandon the Court of Exchequer in Scotland or in time of vacation the Lord Ordinary officiating on the Bills in the Court of Session in Scotland Release of part of deposit under Act of 1880.

A.D. 1887.

may and shall on the application of the depositors mentioned in section 43 of the Act of 1880 at any time after the passing of this Act order that the sum of seven hundred and sixty-six pounds eighteen shillings and seven pence part of the sum of ten thousand six hundred and thirty-five pounds mentioned in the said section 43 of the Act of 1880 and the interest and dividends thereof (if any) shall be paid to such depositors or to any other person or persons whom they or he may appoint in that behalf.

Power to
raise addi-
tional
capital.

25. The Company may subject to the provisions of Part II of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole one hundred and nine thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

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

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

And to form
part of
capital of
Company.
Dividends
on new
shares or
stock :

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

28. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Right of
voting in
respect
thereof.

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

30. The provisions contained in sections 10 to 17 both inclusive of the Act of 1880 with reference to the division of the shares in the capital by that Act authorised into half-shares shall extend and apply to the shares in the additional capital by this Act authorised as if the same had been re-enacted in this Act with reference thereto.

A.D. 1887.

Extending to additional capital provisions of Act of 1880 as to dividing shares.

31. The Caledonian Company may and shall take and hold shares in the additional capital which the Company are by this Act authorised to raise to the extent of one-half of such additional capital Provided that the Caledonian Company shall not be bound to take the said shares or any of them unless or until shares representing the other half of such additional capital shall have been bonâ fide subscribed for and taken up by other parties and two pounds in respect of each such share shall have been paid thereon nor in any event unless such shares have been so subscribed for and taken up and two pounds shall have been paid in respect of each such share previously to the expiration of three years from the date of the passing of this Act Provided further that the Caledonian Company shall not transfer or dispose of any such shares which may have been taken by them.

Caledonian Company to take shares to extent of one-half of additional capital.

32. The Company may in respect of the additional capital of one hundred and nine thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole thirty-six 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 before he so certifies that such shares or stock as the case may be were issued and accepted (and to the extent aforesaid paid up) 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 so far as the said additional capital is raised by shares that such persons or corporations or their executors administrators

Power to borrow.

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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 certificate shall be sufficient evidence thereof.

Repealing provisions of Act of 1880 as to appointment of a judicial factor.

33. Section 19 of the Act of 1880 with reference to the appointment of a judicial factor is hereby repealed but without prejudice to any such appointment made or proceedings for any such appointment pending before the passing of this Act.

For appointment of a judicial factor.

34. The mortgagees of the undertaking 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 be not less than ten thousand pounds in the whole.

Debenture stock.

35. 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 and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under the Act of 1880 or this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Priority of principal moneys secured by existing mortgages.

36. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages have priority over all mortgages granted and all debenture stock created and issued after the passing of this Act.

Application of moneys.

37. All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

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

38. The Company may apply towards the purposes authorised by this Act 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.

39. Subject to the provisions of this Act the railway by this Act authorised shall for the purposes of tolls rates and charges and for all other purposes whatsoever be and be deemed to be part of the railways of the Company authorised by the Act of 1880 as if the Company had by that Act been authorised to make and maintain the same and the Company may demand and take in respect of the railway a like amount of tolls fares rates and charges as the Company are authorised to demand and take with respect to their other railways.

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Railway to
form part of
Company's
undertaking.

40. Articles first and third and fourth to eleventh both inclusive of the agreement entered into between the Company of the first part and the Caledonian Company of the second part as set forth in the schedule to and sanctioned and confirmed by the Caledonian Act of 1881 shall apply and extend to the railway and to the additional capital by this Act authorised in the same way and to the same effect as if the railway by this Act authorised had been authorised by the Act of 1880 and as if the additional capital by this Act authorised had formed part of the capital referred to in the said agreement and been authorised by the Act of 1880 except that article eleventh of the said agreement shall so far as regards the shares in the additional capital of the Company by this Act authorised other than those to be held by the Caledonian Company be read as if it were therein provided that the period for the exercise by the Caledonian Company of the option of purchasing such additional shares were three years after the opening of the railway authorised by this Act or any portion thereof Provided always that for the purpose of calculating the mileage proportion of receipts from or in respect of through traffic referred to in articles seventh ninth and tenth of the said agreement the following rules shall after the opening for traffic of the railway by this Act authorised apply instead of those specified in the said articles seventh and ninth but subject always to the provision contained in the said article tenth (that is to say):—

Certain pro-
visions of
agreement
between
Company
and Cale-
donian
Company
extended to
railway and
additional
capital.

(1.) As respects all descriptions of traffic between any station on or beyond any railway of the Caledonian Company and the intended station of the Company near Millbrae Bridge such mileage proportion shall be calculated as if one-half of such traffic were carried via the present railway of the Company and as if the other half were carried via the railway by this Act authorised without reference to the route by which such traffic is actually carried ;

(2.) As respects all passenger and coaching traffic between any station on or beyond any railway of the Caledonian Company

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and any station of the Company other than the said intended station near Millbrae Bridge such mileage proportion shall be calculated according to the route (whether via the present junction between the railways of those Companies or via the junction between their railways by this Act authorised) by which such traffic is booked without reference to the route by which it is actually carried;

- (3.) As respects all goods mineral and live stock traffic between any station on or beyond any railway of the Caledonian Company and any station of the Company other than the said intended station near Millbrae Bridge such mileage proportion shall be calculated according to the route (whether via the present junction between the railways of those Companies or via the junction between their railways by this Act authorised) by which such traffic is actually carried:

Provided that the said agreement shall be subject to revision in the manner provided by section 27 of the Railways Clauses Act 1863 as amended by the Regulation of Railways Act 1873.

For the protection of the Postmaster-General.

41. Nothing in this Act or in the Caledonian Act of 1881 or in the agreement scheduled to the last-mentioned Act shall affect the rights of the Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the passing of this Act be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company is owned leased or worked by the Caledonian Company or amalgamated with the undertaking thereof and as freely and fully in all respects as he was entitled to do before the passing of this Act or the passing of the Caledonian Act of 1881.

Classification table to be open for inspection and copies to be sold.

42. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise trains on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling.

Terminal charges (if any) to be

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be

carried over the railways render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railways shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such account the nature and detail of the terminal expenses in respect of which it is made shall be specified. A.D. 1887.
specified on
application.

If the Company fail to comply with the provisions of this section 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 Regulation of Railways Act 1873 section 14. Penalty.

43. The Caledonian Company may from time to time raise for the purposes of their subscription to the railway any capital not exceeding in nominal amount fifty-four thousand five hundred pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively and the clauses and provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the following matters (that is to say): — Power to
Caledonian
Company to
raise money
by the
creation of
shares or
stock.

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The consolidation of the shares into stock ;

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

The making of dividends ; and

The giving of notices :

And Part I (relating to cancellation and surrender of shares) and Part II (relating to additional capital) of the Companies Clauses Act 1863 as amended by the Railway Companies (Scotland) Act 1867 shall extend and apply to the Caledonian Company and to the additional capital which they are by this Act authorised to raise and all the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 which relate to stock into which shares in the capital of the Company have been converted or consolidated shall apply to the stock which the Caledonian Company are by this Act authorised to issue and to the holders thereof Provided that if in

A.D. 1887. any year ending on the thirty-first day of January there are not profits available for the payment of the full amount of preferential dividends or interest for that year on any such new preference shares or stock no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Caledonian Company.

Shares of Caledonian Company not to be issued until one-fifth part thereof shall have been paid up.

44. The Caledonian Company shall not issue any share under the authority of this Act of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

Application of moneys raised by the Caledonian Company.

45. All moneys which the Caledonian Company may raise under the powers of this Act shall be applied for the purposes of the before-mentioned subscription only.

New shares or stock of Caledonian Company to be subject to the same incidents as other shares or stock of that Company.

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

Dividends on new shares or stock.

47. Every person who becomes entitled to new shares or stock of the Caledonian Company under this Act shall in respect of the same be a holder of shares or stock in that Company and shall be entitled to a dividend either preferential or ordinary as the case may be with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Voting &c. in Caledonian Company.

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

49. Subject to the provisions of any Act already passed by which the Caledonian Company are authorised to raise capital by new shares or stock and to the provisions of this Act and any other Act passed in the present session of Parliament whether before or after the passing of this Act by which that Company may be authorised to raise capital by new shares or stock the said 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 and this Act respectively authorised to raise by the creation and issue of new shares or stock.

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New shares or stock raised under this Act and any other Acts of past or present sessions may be of same class.

50. If any money is payable to a holder of shares or stock in the Company or the Caledonian Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate or of his tutor or curator or curator bonis shall be a sufficient discharge to the Company.

Receipt clause in case of persons not sui juris.

51. No interest or dividend shall be paid out of any share or loan capital which the Company or the Caledonian Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company or the Caledonian 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.

52. Neither the Company nor the Caledonian Company shall 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 or the Caledonian 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.

53. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by the Act of 1880 and this Act.

Provision as to general Railway Acts.

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

Costs of Act.

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SCHEDULE referred to in the foregoing Act.DESCRIBING THE HOUSES BUILDINGS OR MANUFACTORIES WHEREOF
PARTS ONLY ARE REQUIRED BY THE COMPANY.

Parish.	Numbers on deposited Plans.
Cathcart - -	3, 15, 38.
Eastwood - -	3, 8, 12, 16, 17, and 27.

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