



CHAPTER cxxxiii.

An Act for enabling the Caledonian Railway Company to alter the authorised lines of railway and viaduct across the River Clyde for connecting their railways on the south side of Glasgow with their authorised Station in Gordon Street in that city ; and for other purposes. [19th July 1875.] A.D. 1875.

WHEREAS by the Caledonian Railway (Gordon Street, Glasgow, Station) Act, 1873, (herein-after called “ the Act of 1873,”) the Caledonian Railway Company (herein-after called “ the Company ”) were authorised to make and maintain a station adjoining Gordon Street in the city of Glasgow, and certain lines of railway, therein called respectively Railway No. 1, Railway No. 2, and Railway No. 3, and a bridge and other works in connexion with that station : 36 & 37 Vict.
c. clxxxviii.

And whereas it is expedient that the Company should be authorised to make and maintain a deviation of the said Railway No. 1, including a new viaduct across the Clyde, to the westward of the viaduct authorised by the Act of 1873, and two new lines of railway, in substitution for the said Railway No. 3, and for those portions of the Bridge Street Station at Glasgow and of the Glasgow and Paisley joint line of railway (herein-after called “ the joint line ”), belonging jointly to the Company and to the Glasgow and South-western Railway Company (herein-after called “ the two companies ”), which will be taken or interfered with for the purposes of the said deviation and new lines ; and that provision should be made for the abandonment of the said portions of the Bridge Street Station and joint line, and of a portion of the said Railway No. 1 (including the said authorised viaduct), and of the said bridge, and of the said Railway No. 3, and of certain works connected therewith respectively :

And whereas it is expedient that the heads of agreement between the Company and the Trustees of the Clyde Navigation (herein-after called “ the Clyde Trustees ”), confirmed by the Act of 1873, should be rescinded, and that the Company and the Clyde Trustees, and the Company and the Glasgow and South-western Railway Company

[Ch. cxxxiii.] *The Caledonian Railway (Gordon [38 & 39 VICT.] Street Station Connecting Lines) Act, 1875.*

A.D. 1875. (herein-after called "the South-western Company"), should respectively be authorised to enter into agreements with each other in relation to their respective interests as affected by this Act :

And whereas it is expedient to provide that certain lands which the Company have acquired or may hereafter acquire under the powers of the Act of 1873 or of this Act shall not be deemed superfluous lands, nor be charged with the general mortgage debt of the Company, and that the Company may hold or sell, feu out or grant leases of the same, and borrow money on the security thereof :

And whereas plans and sections showing the lines and levels of the railways authorised by this Act, and also a book 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 Lanark, and are herein-after respectively referred to as the deposited plans, sections, and book 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 :

Short title. 1. This Act may be cited as "The Caledonian Railway (Gordon Street Station Connecting Lines) Act, 1875."

Provisions of certain general Acts incorporated. 2. 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. (relating to construction of a railway) of the Railways Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms. 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, the expression "the Company" means the Caledonian Railway Company ; the expression "the special Act" means this Act ; and the expressions "the railway" and "the undertaking" mean and include respectively the railways and the undertaking by this Act authorised.

[38 & 39 VICT.] *The Caledonian Railway (Gordon [Ch. cxxxiii.]
Street Station Connecting Lines) Act, 1875.*

4. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the railways herein-after described, and all proper stations, sidings, approaches, works, and conveniences in connexion therewith respectively; and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for those purposes. The works herein-before referred to and authorised by this Act are :

A.D. 1875.
Power to make rail-ways and other works according to deposited plans.

- (1.) A railway (in this Act called "Line No. 1"), four furlongs eight chains and eight yards or thereabouts in length, being a deviation of the railway authorised by the Act of 1873 and therein called Railway No. 1, which Line No. 1 will commence at a point on the said authorised railway at or near the south side of William Street, and will cross the River Clyde by a viaduct to the westward of the site of the viaduct authorised by the said Act, and will terminate at a point on the said authorised railway at or near the south side of Argyll Street;
- (2.) A railway (in this Act called "Line No. 2"), five chains or thereabouts in length, being a railway in substitution for the railway authorised by the Act of 1873, and therein called Railway No. 3, which Line No. 2 will commence by a junction with Line No. 1 about thirty yards southward from the east end of the south abutment of the bridge by which the joint line is carried over Nelson Street, and will terminate by a junction with the joint line about seventeen yards southward from the south side of Wallace Street; and
- (3.) A railway (in this Act called "Line No. 3"), one furlong four chains and eight yards or thereabouts in length, with sidings, platforms, and other works, in substitution for those portions of the said Bridge Street Station and of the joint line in and near that station, belonging to the two companies, which will be taken, removed, or otherwise interfered with for the purposes of this Act, which Line No. 3 will commence by a junction with the joint line at or near the north side of Wallace Street, and will terminate in the said station on the west side of the centre platform thereof, and at the termination of the existing rails therein.

5. The Company may apply towards the purposes authorised by this Act any moneys which they are by the Act of 1873 authorised to raise by the issue of shares or stock, or by borrowing, and any other capital or funds belonging to or authorised to be raised by

Company may apply to purposes of this Act funds not

[Ch. cxxxiii.] *The Caledonian Railway (Gordon [38 & 39 VICT.]
Street Station Connecting Lines) Act, 1875.*

A.D. 1875. them which may not be required for the purposes for which the same were authorised to be raised or directed to be applied.

required for
other pur-
poses.

Lands for ex-
traordinary
purposes.

6. The quantity of land to be acquired by agreement by the Company for the extraordinary purposes mentioned in the Railways Clauses Consolidation (Scotland) Act, 1845, shall not exceed one acre, in addition to the lands which they are authorised by this Act to take compulsorily, and by any other Acts to take compulsorily or acquire by agreement.

Powers for
compulsory
purchases
limited.

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

Powers of
lateral and
vertical de-
viation.

8. The Company, notwithstanding the provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, may deviate from the lines of the railways by this Act authorised as delineated on the deposited plans, to any extent within the limits of deviation shown on those plans, except as herein-after otherwise provided; and may deviate from the levels thereof as delineated on the deposited sections to any extent not exceeding two feet.

Position,
width, and
openings of
viaduct
across River
Clyde, and
adjacent
quays and
streets.

9. Line No. 1 shall be carried over the River Clyde and the quays thereof, and the streets called Clyde Place and Broomielaw Street adjacent thereto, by a viaduct in the position, of the width, and with openings of the dimensions herein-after mentioned; viz.,

- (1.) The outer face of the western girder of such viaduct shall be not more than one hundred and forty-five feet from the western face of the outer spandril wall of Glasgow Bridge:
- (2.) The width of the viaduct between the outer faces of the outer girders thereof shall not exceed fifty-five feet, except with the consent in writing of the Clyde Trustees as regards the width across the River Clyde and the quays and property belonging to them, and except with the consent in writing of the Board of Police of Glasgow as regards the width across the streets called Clyde Place and Broomielaw Street:
- (3.) The viaduct shall have five openings, with two piers placed in the river, the exact position of which piers shall be fixed by the engineer of the Company and the engineer of the Clyde Trustees, or as herein-after provided in case of difference between them:
- (4.) The viaduct, so far as extending across the said river and quays, shall have a clear headway throughout of not less than thirty-two feet above the level of high water of ordinary spring tides at the point of crossing:

(5.) The opening in the viaduct for crossing Clyde Place shall extend from the south building line of that street to the south wall of the shed on the south quay :

A.D. 1875.

(6.) The opening in the viaduct for crossing Broomielaw Street shall extend from the north building line of Broomielaw Street to a point to be fixed by the engineer of the Clyde Trustees not less than eighty-five feet southward from that building line :

(7.) The clear headway of the viaduct above Clyde Place and Broomielaw Street respectively shall be not less than eighteen feet above any part of the roadway.

10. The design and structure of the said viaduct across the River Clyde shall, subject to the provisions of this Act and to the approval of the Board of Trade, be such as shall be agreed upon by the engineer of the Company, the engineer of the Clyde Trustees, and the architect of the city of Glasgow (herein-after called "the city architect"), or as herein-after provided in case of difference between them.

Design and structure of viaduct.

11. The compensation to be paid by the Company to the Clyde Trustees in respect of the right, servitude, and privilege of using the lands and quays belonging to the Clyde Trustees which are required for the piers or pillars of the said viaduct, and of crossing the River Clyde and the harbour of Glasgow and the said lands and quays, and in respect of all claims for damage to the navigation and works of the Clyde Trustees which may be caused by the execution of the powers of this Act, shall, over and above the other provisions of this Act, and over and above the sum of twenty-two thousand five hundred pounds already paid by the Company to the Clyde Trustees under the provisions of the Act of 1873, be the sum of forty-eight thousand pounds, which last-mentioned sum the Company shall pay to the Clyde Trustees at the term of Whitsunday one thousand eight hundred and seventy-six, or upon the date of the Company entering on possession of any part of the property of the Clyde Trustees for the purpose of executing any of the works authorised by this Act, if the Company enter thereon before the said term, with interest on the said sum at the rate of five per centum per annum, from and after the date of payment thereof herein-before prescribed until actual payment thereof.

Compensation to be paid by the Company to Clyde Trustees.

12. The Company shall make such repairs and alterations on any sheds or other works of the Clyde Trustees which may be injured or interfered with by the Company in the construction of the said viaduct and relative works as may be necessary to restore as far as possible such sheds or other works to their previous state of efficiency.

Company to restore sheds and works of Clyde Trustees so far as interfered with.

[Ch. cxxxiii.] *The Caledonian Railway (Gordon [38 & 39 VICT.] Street Station Connecting Lines) Act, 1875.*

A.D. 1875.

Sum to be paid by Company towards widening Glasgow Bridge.

13. Whereas the Company were bound by the Act of 1873 to construct a bridge, which would have been in effect a widening of Glasgow Bridge on the west side thereof, the construction of which bridge is by this Act abandoned; and whereas the Clyde Trustees, and the lord provost, magistrates, and council of the city of Glasgow (herein-after called "the corporation"), with whom the provisions of the said Act relating to that bridge were arranged, have consented to such abandonment on the condition herein-after contained: Therefore, the Company shall, on or before the term of Whitsunday one thousand eight hundred and seventy-six, pay the sum of twenty-five thousand pounds to the trustees acting under the Glasgow Bridges Consolidation Act, 1866, (herein-after called "the Bridge Trustees,") who shall keep that sum, and all interest accruing thereon, on a separate account, intituled "Glasgow Bridge Widening Account," and shall apply the same, whenever Parliament shall allow, towards the widening of Glasgow Bridge on the west side thereof, including the necessary piers, or towards entirely rebuilding Glasgow Bridge, of a greater than its present width.

Plans and specifications of works affecting River Clyde or property of Clyde Trustees to be submitted to them and to the Corporation of Glasgow.

14. Plans and specifications of all the works and operations of the Company and of the Bridge Trustees respectively authorised and proposed as aforesaid to be executed on the River Clyde, or on the property of the Clyde Trustees, including all temporary works, shall from time to time be submitted to the Clyde Trustees and to the corporation at least two weeks before commencing the operations; and, so far as the works and operations of the Company or of the Bridge Trustees affect the harbour or the navigation of the River Clyde, they shall be carried on at the sight and to the reasonable satisfaction of the engineer for the time being of the Clyde Trustees, and in such a manner as to preserve open the navigation to and from the upper harbour.

Differences to be settled by arbitration.

15. Any difference which may occur between the following parties or any of them; that is to say, the Company, or the Bridge Trustees, or the Clyde Trustees, or their respective engineers, or the corporation, or the city architect, under any of the provisions herein-before contained, shall be submitted to and determined by an engineer agreed on by the parties in difference or named by the sheriff of Lanarkshire on the application of any of such parties.

Dimensions of bridges across streets.

16. Line No. 1 shall be carried over each of the following streets; namely, Cook Street, Wallace Street, Nelson Street, King Street, and Ann Street, by a bridge of one span from the building line on the one side to the building line on the other side, each of such bridges having a clear headway throughout of not less than eighteen

[38 & 39 VICT.] *The Caledonian Railway (Gordon [Ch. cxxxiii.]
Street Station Connecting Lines) Act, 1875.*

feet, measuring from the centre line of the carriageway, except in the case of Cook Street and Wallace Street, where the clear headway throughout shall be not less than sixteen feet, measuring as aforesaid ; and Line No. 2 shall be carried over Wallace Street by a bridge of one span from the building line on the one side to the building line on the other side, having a clear headway throughout of not less than fifteen feet, measuring as aforesaid ; and Line No. 3 shall be carried over Nelson Street and King Street respectively by bridges of one span from the building line on the one side to the building line on the other side, each of such bridges having a clear headway throughout of not less than eighteen feet, measuring as aforesaid.

A.D. 1875.

17. The design and structure of the said bridges over the streets above named, and also the elevation designs of the works and buildings which may be erected by the Company in Eglinton Street, and which may not be separated from it by buildings now existing, shall be such as shall be agreed upon by the engineer of the Company and the city architect.

Design and
structure of
such bridges.

18. In carrying the railways over any street under the control of the Board of Police, the Company shall observe and abide by the following conditions :

Construc-
tion of such
bridges.

(1.) All bridges shall be made and maintained water-tight, and so as to prevent, as far as possible, noise from the passing of trains over them.

(2.) The Company shall not commence the erection of any bridge over any such street until they shall have given to the city architect twenty-one days notice, in writing, of their intention to commence the same, by leaving such notice at his office, with plans, elevations, sections, and other necessary particulars of the said bridges, and until he shall have signified his approval of the same, unless he fail to signify such approval or disapproval within twenty-one days after service of the said notice and delivery of the said plans, elevations, sections, and other particulars as aforesaid.

19. If the city architect and the Company shall differ upon or with reference to any plans, elevations, sections, or other particulars which under the provisions of this Act are to be delivered by the Company to him, or as to the mode of carrying out the same, or as to any other matter or thing arising out of the said plans, elevations, sections, or particulars, or any of the provisions contained in the two next preceding sections of this Act, every such difference shall, on the application of the Company or of the Board of Police, be referred to the determination of an engineer to be named by them, or, if they

Providing
for appeal to
arbitration.

[Ch. cxxxiii.] *The Caledonian Railway (Gordon [38 & 39 Vict.] Street Station Connecting Lines) Act, 1875.*

A.D. 1875. do not agree in such nomination, to be appointed by the sheriff of the county of Lanark; and such engineer shall have power to determine by whom and in what manner the costs of and incident to the reference shall be paid.

Power to stop up a certain street.

20. Notwithstanding the provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, the Company may permanently stop up and appropriate the site of the street called William Street, in so far as they shall have acquired the lands on both sides of that street, without substituting any street or road therefor.

Provisions of Act of 1873 for protection of water and gas pipes to apply to this Act.

21. Sections 34, 35, 36, 37, 38, 39, and 40 of the Act of 1873, and all the provisions therein contained for the protection of the mains and pipes of the commissioners acting under the Glasgow Corporation Waterworks Act, 1855, and of the mains and pipes of the lord provost, magistrates, and council of the city of Glasgow acting under the Glasgow Corporation Gas Act, 1869, shall extend and apply to the railways and other works authorised by this Act in the same manner as to the railways and other works authorised by the Act of 1873, and as fully as if those sections and provisions had been repeated in this Act with reference to the railways and other works authorised by this Act, or as if the railways and other works authorised by this Act had been authorised by the Act of 1873.

Regulating interference with lands and works of Glasgow and South-western Railway Company and of that company and Caledonian Railway Company jointly.

22. The railways and works by this Act authorised, so far as passing through, crossing, or in any manner interfering with any lands, railways, or works belonging to the South-western Company, or to the two companies, shall be constructed so as to cause as little injury and inconvenience as may be to the said companies respectively, and to their traffic, and shall be executed to the reasonable satisfaction of the engineer for the time being of the South-western Company, or of the two companies, as the case may be, and according to plans and specifications describing the works, and the mode in which the construction thereof is to be carried on, which shall be submitted to such respective engineers before the commencement of the works; and the centre line of Line No. 1, where passing through any lands belonging to the two companies, shall not be deviated to the westward of the centre line thereof as shown on the deposited plans; nor shall the Company take from the two companies any greater extent of lands on the western side of the centre line so shown than would be necessary for enabling the Company to construct Line No. 1 as a double line of railway, with a platform on the western side thereof not exceeding fifteen feet in width: Provided always, that wherever the space between the westmost rail of Line No. 1 and the eastmost rail of the lines in the Bridge Street Station when remodelled as herein-after provided shall be less than

[38 & 39 VICT.] *The Caledonian Railway (Gordon [Ch. cxxxiii.]
Street Station Connecting Lines) Act, 1875.*

thirty-five feet, the Company shall not take, for the purposes of Line No. 1, any lands or works to the westward of an imaginary line equidistant at all points between the said two rails: Provided also, that the Company shall not acquire in absolute property any part of the lands numbered on the deposited plans 284, in the parish of Govan, or of the lands to the westward thereof, so far as situate between imaginary lines in continuation westward of the northern and southern boundaries respectively of the said lands numbered 284, but only the right, servitude, or privilege of making, maintaining, and using Line No. 1 as by this Act provided, with a platform on each side thereof not exceeding fifteen feet in width, in and through so much of the said several lands as is not situate within sixty feet of the west building line of Bridge Street.

A.D. 1875.

23. The Company shall not, under the powers or for the purposes of this Act, enter upon, take, use, occupy, or interfere with any property in the separate occupation of the South-western Company until they shall have given to that company at least nine months notice of their intention to enter upon, take, use, occupy, or interfere with the same.

Notice to be given before taking certain property herein named.

24. During the construction of Line No. 1 the Company shall at all times preserve, free and uninterrupted, the communications between Bridge Street and the passenger station there, and appurtenances connected therewith.

Communications between Bridge Street and passenger station there not to be interrupted.

25. If any difference shall arise between the Company and the South-western Company, or between the Company and the two companies, or between their respective engineers, with respect to any of the matters referred to in either of the three next preceding sections of this Act, such difference shall, on the application of either of the said companies, be determined by the sheriff of the county of Lanark, whose decision shall be final and conclusive, and who shall have power to determine by whom and in what manner the costs of and incident to the reference shall be paid.

Differences to be settled by arbitration.

26. Subject to the provisions of this Act, the Company shall, under the powers conferred by this Act for making Line No. 3, and in connexion therewith, remodel and improve at their own expense the Bridge Street Station belonging to the two companies, and the approaches thereto; and such remodelling and improvement shall be executed according to such plan and design, and in such manner, as shall be agreed upon between the respective engineers of the Company and the South-western Company, or as, failing agreement, shall be determined by an engineer to be appointed by the Board of Trade on the application of the Company or of the South-western

Company to remodel and improve Bridge Street Station.

[Ch. cxxxiii.] *The Caledonian Railway (Gordon [38 & 39 VICT.]
Street Station Connecting Lines) Act, 1875.*

A.D. 1875. Company; and such engineer shall have power to order the Company to execute such extension of the said station to the westward, under the powers of this Act, as he may consider necessary for efficiently and conveniently accommodating the passenger traffic requiring to use that station, having regard not only to the present but to the future exigencies of such traffic: Provided always, that, in so far as such re-modelling, improvement, and extension are made on the lands of the two companies, such lands shall be given for that purpose free of cost to the Company, and that in fixing the amount of compensation to be paid by the Company to the two companies for any injury occasioned to the said Bridge Street Station by the exercise of the powers of this Act as respects Line No. 1, the arbiter, arbiters, oversman, or jury shall take into consideration the station accommodation to be provided by the Company for the two companies under the provisions of this Act: Provided also, that such remodelling and improvement shall be proceeded with simultaneously with the construction of Line No. 1, and that Line No. 1 shall not be opened throughout for traffic until such remodelling and improvement is completed.

Company to execute works so as not to obstruct traffic of joint line and station, and to pay compensation for any injury or interruption.

27. The Company shall, so far as practicable, execute the works by this Act authorised so as not to obstruct or interfere with the free and safe use of the joint line and Bridge Street Station, or any traffic thereon and if by reason of the execution of any of the said works, or of the failure of any of those works, any injury or interruption shall be occasioned to the traffic of the South-western Company or of the two companies, the Company shall pay to the South-western Company or to the two companies, as the case may be, all costs, damages, and expenses to which they may be put, as well as full compensation for the loss and inconvenience sustained by them by reason of any such injury or interruption, such costs, damages, expenses, and compensation to be recoverable, with full costs, from the Company, in any court of competent jurisdiction.

Notice to be given of taking houses of labouring classes.

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

Company to procure accommodation-

29. Before displacing any person or persons belonging to the labouring classes who may for the time being be the occupier or

[38 & 39 VICT.] *The Caledonian Railway (Gordon [Ch. cxxxiii.]
Street Station Connecting Lines) Act, 1875.*

occupiers of any house or part of any house which the Company are by this Act authorised to acquire, the Company shall (unless the Company and such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons: Provided always, that if any question shall arise as to the sufficiency of such accommodation, or the necessity of procuring the same, such question shall be determined by the sheriff of Lanarkshire; and the Company may, for the purpose of procuring such accommodation, appropriate any lands for the time being belonging to them, or which they have power to acquire, and may purchase by agreement such further lands as may be necessary for such purpose, and may on such lands erect labouring-class dwellings, and may apply for the purposes of this section or any of them any moneys which they may have already raised or are authorised to raise.

A.D. 1875.
tion for persons of the labouring classes to be displaced.

30. 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, 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 rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights, and privileges as aforesaid respectively.

Power to take easements, &c. by agreement.

31. If the Company fail within the period limited by this Act to complete the railways authorised to be made 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 said railways are completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railways or portions of railway not so completed; and the said penalty may be applied for by any landowner or other person claiming to be compensated, in accordance with the provisions of the next following section of this Act, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act, 1854; and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of the Queen's Remembrancer of the Court of Exchequer in Scotland in the bank named in such warrant or order, and shall not be paid thereout except as herein-after provided; but no penalty shall accrue in

Penalty imposed unless railways are opened within period limited.

[Ch. cxxxiii.] *The Caledonian Railway (Gordon [38 & 39 VICT.]
Street Station Connecting Lines) Act, 1875.*

A.D. 1875. — 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 such lines respectively by unforeseen accident or circumstances beyond their control: Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application
of penalty.

32. Every sum of money so recovered by way of penalty as aforesaid shall be applicable, and after due notice in the Edinburgh Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railways or any portion thereof, or who may 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 shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit; and if no such compensation shall be payable, or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum or sums of money recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court of Exchequer in Scotland thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Period for
completion of
works.

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

Company to
abandon
certain
authorised
works.

34. The Company shall abandon the construction of the following works authorised by the Act of 1873, and the subsidiary works connected therewith respectively; (that is to say,) (1) that portion

of the railway called in that Act Railway No. 1 which extends between the points of commencement and termination of Line No. 1, including the viaduct for carrying the said authorised railway across the River Clyde; (2) the bridge across that river and the quays on the north and south sides thereof; (3) the railway called in the said Act Railway No. 3; and (4) the flight of steps leading to Eglinton Street from the eastern side of the Street or Road No. 1 authorised by the said Act; and section fifty-three of the Act of 1873, so far as it relates to the works authorised by that Act which are herein-before required to be abandoned, is hereby repealed.

A.D. 1875.

35. The abandonment by the Company, under the authority of this Act, of any portion of any railway or works 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 of the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have 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 1873.

Compensation for damage to land by entry, &c. for purposes of railways abandoned.

36. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the railways or works authorised to be abandoned by this Act, the Company shall be released from all liability to purchase or to complete the purchase of any such lands; but, notwithstanding, full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands 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 to be made in respect of portions of railways abandoned.

37. Those portions of the Bridge Street Station at Glasgow, and of the joint line in and near that station lying between Wallace Street and the north end of the said station which under the provisions of this Act are taken, removed, or otherwise interfered with for

Portions of Bridge Street Station and joint line to be abandoned, and in

[Ch. cxxxiii.] *The Caledonian Railway (Gordon [38 & 39 VICT.] Street Station Connecting Lines) Act, 1875.*

A.D. 1875.
—
lieu thereof
Line No. 3
to be vested
in the two
companies
and managed
by the joint
committee.

the purposes of Line No. 1, Line No. 2, and Line No. 3, and the works connected therewith respectively, shall, from and after the time when the same are so taken, removed, or interfered with, be abandoned; and in lieu thereof Line No. 3 and the works connected therewith shall, as respects tolls, rates, and charges, and in all other respects, form part of the joint line, and be vested in the two companies jointly, and be managed by the joint committee of directors of those companies, known as the Glasgow and Paisley Joint Line Committee, as part of the joint line.

Tolls for
railways.

38. Line No. 1 and the subsidiary works connected therewith shall in all respects form part of the said Railway No. 1 authorised by the Act of 1873; and the Company may demand and take, in respect of the use of Line No. 1 and Line No. 2, or either of them, or any part thereof, and of carriages and engines thereon, and in respect of accommodation and services provided by them in connexion therewith, any tolls, rates, and charges, not exceeding the tolls, rates, and charges which the Company are by the Caledonian Railway (Lanarkshire and Midlothian Branches) Act, 1866, authorised to demand and take in respect of the use of the railways by that Act authorised to be made, and of carriages and engines thereon, and in respect of accommodation and services provided by them in connexion therewith: Provided that Line No. 1 and Line No. 2 shall be considered in all respects part of the Caledonian Railway, and that only one short-distance charge shall be made for the conveyance of any traffic partly on those railways or either of them and partly on the Caledonian Railway.

Agreement
between
Company
and Clyde
Trustees re-
scinded, but
no part of
the payment
made under
that agree-
ment to be
repaid.

39. The heads of agreement between the Company and the Clyde Trustees, dated the seventh day of May one thousand eight hundred and seventy-three, and confirmed by section fifty-eight of the Act of 1873, are hereby rescinded and annulled, and the said section is hereby repealed: Provided always, that no part of the sum of twenty-two thousand five hundred pounds already paid by the Company to the Clyde Trustees in pursuance of that agreement shall be repaid by the Clyde Trustees to the Company.

Power to
Company
and to Clyde
Trustees,
and to Glas-
gow and
South-west-
ern Company
to enter into
agreements.

40. The Company, subject to the approval of a general meeting of their shareholders, and the Clyde Trustees may enter into agreements with each other, and the Company and the South-western Company, for themselves and as joint owners of the joint line and of the said Bridge Street Station, may enter into agreements with each other, so far as they are respectively interested, with respect to the construction, maintenance, management, and use of any of the works authorised by the Act of 1873 and this Act, the execution of

[38 & 39 VICT.] *The Caledonian Railway (Gordon [Ch. cxxxiii.] Street Station Connecting Lines) Act, 1875.*

any of the operations in that Act or this Act mentioned, the alteration and appropriation of and interference with the portions herein-before mentioned of the said joint line and station, and the substitution and vesting of works in lieu of the portions of the said joint line and station to be altered, appropriated, or interfered with.

A.D. 1875.

41. And whereas the Company have acquired, under the powers of the Act of 1873, and may hereafter acquire, under the powers of that Act, for the purposes thereof, so far as such purposes are not abandoned by this Act, and under the powers of this Act, certain lands, houses, and other buildings adjacent or near to the railways, streets or roads, stations, and other works to be constructed under the authority of that Act and this Act; and it is expedient to reserve to the Company the power and control over such lands, houses, and buildings: Therefore, any lands, houses, or other buildings adjacent or near to any of the said railways, streets or roads, stations, or other works which have been already acquired or which may be hereafter acquired by the Company under the powers of the Act of 1873 or of this Act, shall not be deemed superfluous lands within the meaning of the Lands Clauses Consolidation (Scotland) Act, 1845; and the Company may hold the said lands, houses, and buildings, or sell or feu out the same, by public sale or private bargain, in consideration of such prices, feu duties, or ground annuals as they may obtain, or may grant leases thereof for such periods as they may think proper, and may sell such feu duties or ground annuals.

Certain lands, houses, and buildings may be held or sold by the Company.

42. Any lands, houses, buildings, feu duties, or ground annuals so held by the Company shall not be deemed part of the undertaking of the Company charged with the general mortgage debt of the Company.

And shall not be held as part of undertaking charged with general mortgage debt.

43. The Company may borrow any sums of money on heritable bond or bond and disposition in security over any lands, houses, buildings, feu duties, or ground annuals so held by the Company, and not forming part of their undertaking charged with their general mortgage debt, and the only security for the holders of such heritable bonds or bonds and dispositions in security shall be the lands, houses, buildings, feu duties, or ground annuals therein conveyed in security; and the proceeds of the sale of any such lands, houses, buildings, feu duties, or ground annuals shall be applied in the first place in or towards the discharge of the sums of money borrowed on the security thereof.

Power to borrow money on security thereof.

44. Nothing contained in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers, and authorities reserved by or men-

Saving rights of the Crown to mines, &c.

[Ch. cxxxiii.] *The Caledonian Railway (Gordon [38 & 39 Vict.]
Street Station Connecting Lines) Act, 1875.*

A.D. 1875. tioned in sections twenty-one and twenty-two of the Crown Lands Act, 1866, or shall divest, alter, or affect any other estate, right, or interest belonging to the Queen's most Excellent Majesty, her heirs or successors.

Saving rights
of the Crown
in the river.

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

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

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

Expenses of
Act.

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