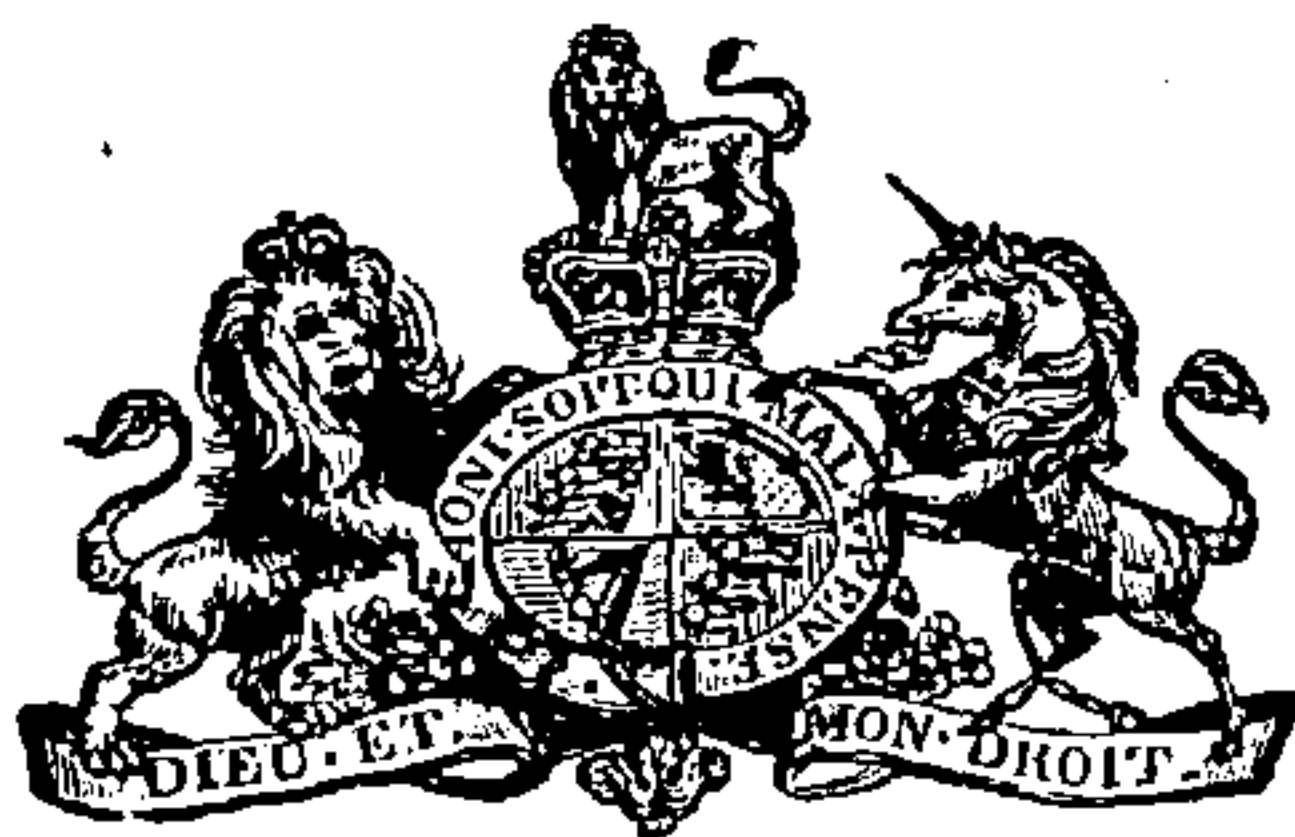


[44 & 45 VICT.] *Caledonian Railway (Partick Siding) [Ch. clxix.]*
Act, 1881.



CHAPTER clxix.

An Act for enabling the Caledonian Railway Company to make a railway siding, and acquire lands at Partick; and for other purposes. [11th August 1881.]

A.D. 1881.

WHEREAS it is expedient that the Caledonian Railway Company (herein-after called "the Company") should be authorised to make a railway siding at their Partick goods station; and to acquire lands for that purpose, and for additional accommodation at the said station:

And whereas it is expedient that the Company should be authorised to raise additional share and loan capital for the purposes aforesaid:

And whereas plans and sections, showing the line and levels of the railway siding by this Act authorised to be made, and plans showing the lands by this Act authorised to be acquired, 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 several purposes or under the powers of this Act, were duly deposited with the principal sheriff clerk for the county of Lanark, at Glasgow, and are herein-after 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 Caledonian Railway (Partick Siding) Act, 1881. Short title.

2. The Lands Clauses Consolidation (Scotland) Act, 1845; the Lands Clauses Consolidation Acts Amendment Act, 1860; the Rail- Incorporation of general Acts.
[Local.—169.] A 1

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A.D. 1881. ways Clauses Consolidation (Scotland) Act, 1845; Part I. (relating
8 & 9 Vict. to construction of a railway) of the Railways Clauses Act, 1863,
c. 19. the clauses and provisions of the Companies Clauses Consolidation
23 & 24 Vict. (Scotland) Act, 1845, with respect to the following matters (that is
c. 106. to say) the distribution of the capital of the Company into shares, the
8 & 9 Vict. transfer or transmission of shares, the payment of subscriptions and
c. 33. the means of enforcing the payment of calls, the forfeiture of shares
26 & 27 Vict. for nonpayment of calls, the remedies of creditors of the Company
c. 92. against the shareholders, the borrowing of money by the Company
8 & 9 Vict. on mortgage or bond, the conversion of the borrowed money into
c. 17. capital, the consolidation of the shares into stock, the general meet-
ings 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
26 & 27 Vict. Part III. (relating to debenture stock) of the Companies Clauses
c. 118. Act, 1863, are (except where expressly varied by this Act) incorpo-
rated 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 Com-
pany are by this Act authorised to issue, and to the holders thereof.

Interpreta-
tion 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 railway siding and the undertaking by this Act authorised.

Power to
make railway
siding.

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 siding herein-after described, and all proper stations, sidings, approaches, and other 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 books of reference as may be required for those purposes. The railway siding herein-before referred to and authorised by this Act is:—

A railway siding, in the parish of Govan and county of Lanark, one furlong and two yards or thereabouts in length, commencing

by a junction with the Company's short dead siding at the northern end of their Partick goods station, at a point about twenty yards southward from the bridge under the North British Railway Company's Stobcross line immediately to the northward of the said goods station, and terminating at a point near to and on the western side of the said Stobcross line about two hundred yards northward from the said bridge.

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5. Subject to the provisions of this Act, the Company may enter upon, take, hold and use, for the purposes of additional station, siding, and other accommodation, the lands herein-after described, which are delineated on the deposited plans and described in the deposited books of reference, or such parts thereof as they may find necessary (that is to say):—

Power to take additional lands.

Certain lands in the parish of Govan and county of Lanark, extending along the western side of the North British Railway Company's Stobcross line, from a point about eighty yards southward from the bridge under that line immediately to the northward of the Company's Partick goods station, to a point about two hundred and eighty yards northward from the said bridge.

6. Unless with the previous consent in writing of the North British Railway Company, the said railway siding by this Act authorised shall be constructed so that the eastmost rail thereof shall not be nearer to the westmost of the now existing rails of the said Stobcross line than the distances herein-after respectively specified, that is to say, from the commencement of the said railway siding to the northern abutment of the bridge herein-before mentioned a distance of eight feet; from the said northern abutment to a point sixty-six yards northward therefrom a distance gradually increasing from eight feet to seventeen feet; and from the last-mentioned point to the termination of the said siding, at a point two hundred and fifty-five yards northward from the said abutment, a distance of seventeen feet.

Siding to be kept at specified distance from Stobcross line.

7. The Company shall not, without the previous consent in writing of the North British Railway company, enter upon or interfere with any of the works or lands of that company, numbered respectively on the deposited plans 1, 2, and 5 in the parish of Govan, further or otherwise than is necessary for constructing the said siding, and for maintaining and using the same; nor shall they without such consent take or acquire any of the said lands of that company, or any right therein other than an easement or right of making, and in perpetuity maintaining and using, the said siding over the said lands in manner herein-before provided; and the said siding shall be constructed in

Protection of North British Railway Company.

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A.D. 1881. manner herein-before provided, according to a plan to be approved of by the engineer of the North British Railway Company, or, in the event of difference between him and the engineer of the Company, to be determined by an engineer to be appointed by the sheriff of Lanarkshire on the application of either company.

Company may use siding, &c. in connexion with running powers over Stobcross line.
27 & 28 Vict. c. cclxxi.
Power to raise additional capital.

8. The Company shall have right in perpetuity to use the said siding by this Act authorised, and the lands which they may acquire under the powers of this Act from parties other than the North British Railway Company, in connexion with the running powers over the said Stobcross line conferred on them by the agreement confirmed by the Caledonian Railway (Glasgow Harbour) Act, 1864.

9. Subject to the provisions of Part II. of the Companies Clauses Act, 1863, the Company may, for the purpose of constructing the works and acquiring the lands by this Act authorised to be constructed and acquired, raise any additional capital not exceeding in nominal amount four 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: Provided that, if in any year ending on the thirty-first day of January there are not profits available for the payment of the full amount of preferential dividend 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 Company.

New shares or stock to be subject to the same incidents as other shares or stock.

10. 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.

Capital.

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

Dividends on new shares or stock.

12. Every person who becomes entitled to such 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. A.D. 1881.

13. 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 stock 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. Right of voting in respect of new shares or stock.

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

15. The Company may from time to time borrow on mortgage any sums not exceeding in the whole one thousand three hundred and thirty pounds; but no part thereof shall be borrowed until the whole capital of four thousand pounds is issued and accepted, and one half thereof 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 the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share (forming part of such capital so issued) has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors or assignees, and also, in so far as the said capital is raised by shares, that such persons or corporations, or their executors, administrators, successors or assignees 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. Power to borrow.

16. The mortgagees of the Company under this or any previous Act may enforce payment of arrears of interest, or principal, or Appointment of a judicial factor,

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A.D. 1881. — principal and interest, due on their mortgages, by the appointment of a judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than ten thousand pounds in the whole.

Existing mortgages to have priority.

17. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall, during the continuance of such mortgages and bonds, and subject to the provisions of the Acts under which the same were respectively granted, have priority over any mortgages granted by virtue of this Act; but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture stock.
30 & 31 Vict.
c. 126.

18. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863, as amended by the Railway Companies (Scotland) Act, 1867, but notwithstanding anything therein contained the interest of all debenture stock, at any time after the passing of this Act created and issued by the Company, shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

19. All moneys raised under this Act, whether by shares or stock, or debenture stock or borrowing, shall be applied for the purposes of this Act only.

Company may apply corporate funds to purposes of Act.

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

Lands for extraordinary purposes.

21. 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, in connexion with the railway siding authorised by this Act, shall not exceed two acres, 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.

Period for compulsory purchase of lands.

22. 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.

23. Persons empowered by the Lands Clauses Consolidation (Scotland) Act, 1845, to sell and convey 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 feu duties or ground annuals, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements rights and privileges as aforesaid respectively.

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Power to take easements, &c., by agreement.

24. The Company may demand and take, in respect of the use of the railway siding by this Act authorised to be made, or any part thereof, and of carriages and engines thereon, and in respect of accommodation and services provided by the Company 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 the Company in connexion therewith: Provided that the said railway siding by this Act authorised to be made shall, as respects tolls, rates and charges, be considered in all respects part of the undertaking of the Company, and that only one short distance charge shall be made for the conveyance of any traffic partly thereon or on any part thereof, and partly on any other railways of the Company.

Tolls.
29 & 30 Vict. c. ccxlii.

25. The Company shall not, out of any money by this Act or any other Act relating to the Company authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made, as is in conformity with the Companies Clauses Consolidation (Scotland) Act, 1845.

Interest not to be paid on calls paid up.

26. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament, now or hereafter in force, may be required to be deposited in respect of any application to Parliament, for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

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

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Provision as
to general
railway Acts.

27. Nothing in this Act contained shall exempt the Company, or the railway siding 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.

28. 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.

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