

**CHAPTER cix.**

An Act to confer further powers on the Lanarkshire and Ayrshire Railway Company and for other purposes. A.D. 1888.

[24th July 1888.]

**W**HEREAS the Barrmill and Kilwinning Railway Company were incorporated by the Barrmill and Kilwinning Railway Act 1883 (hereinafter called "the Act of 1883") with power to make and maintain railways from a junction at Barrmill with the Beith branch of the Glasgow Barrhead and Kilmarnock Joint Line (hereinafter called "the Joint Line") to Kilwinning in the county of Ayr and for that purpose to raise seventy-five thousand pounds by shares:

And whereas by the Lanarkshire and Ayrshire Railway Act 1884 (hereinafter called "the Act of 1884") the name of the Company was changed to the name the Lanarkshire and Ayrshire Railway Company (hereinafter called "the Company") and the Company were authorised to construct new railways in the county of Ayr and for that purpose to raise the further sum of three hundred thousand pounds by shares:

And whereas by an agreement scheduled to and confirmed by the Act of 1884 made between the Company and the Caledonian Railway Company (hereinafter called "the Caledonian Company") the Caledonian Company subject to the conditions therein mentioned became bound to work manage and maintain in perpetuity the railways authorised by the Act of 1883:

And whereas by the Lanarkshire and Ayrshire Railway Act 1885 (hereinafter called "the Act of 1885") the Caledonian Company were authorised to subscribe moneys towards the undertaking of the Company not exceeding in whole one hundred and fifty thousand pounds and the working agreement scheduled to and confirmed by the Act of 1884 was applied extended to and declared to include the railways of the Company authorised by that Act subject to certain variations thereby made:

A.D. 1888.      And whereas the Caledonian Company have subscribed the sum of  
—      one hundred and fifty thousand pounds towards the undertaking of  
the Company :

And whereas by the Lanarkshire and Ayrshire Railway Act 1886  
(hereinafter called " the Act of 1886 ") further powers were conferred  
on the Company with reference to their undertaking and the Com-  
pany were authorised to borrow on mortgage any sum not exceeding  
in whole one hundred and twenty-five thousand pounds :

And whereas the Company have proceeded with the construction  
of the railways authorised by the recited Acts and are in the course  
of constructing the main line from Barrmill to Ardrossan as a double  
line instead of a single line as originally intended :

And whereas the Beith branch from its junction with the railway  
of the Company to Lugton on the main railway of the joint line  
(which is a double line) a distance of two miles and three-quarters or  
thereabouts is a single line :

And whereas it is expedient that provision should be made for the  
conversion of such portion of single line of the Beith branch into a  
double line and that the agreement contained in the schedule to this  
Act with reference thereto should be confirmed :

And whereas it is expedient that the Company should be autho-  
rised to take and hold the additional lands hereinafter mentioned for  
the general purposes of their undertaking :

And whereas it is expedient that the time limited by the Act of  
1883 for the completion and opening for public traffic of the Railway  
No. 1 by that Act authorised should be extended :

And whereas it is expedient that the time limited by the Act of  
1884 for the completion and opening for public traffic of the railways  
authorised by that Act should be extended :

And whereas it is expedient that the Company be authorised to  
abandon portions of the railways authorised by the Act of 1883 and  
that so much of the deposit with the Court of Exchequer in Scotland  
as is applicable thereto should be released :

And whereas plans of the additional lands to be taken by the  
Company 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 Ayr and are hereinafter re-  
spectively referred to as the deposited plans 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: A.D. 1888.

1. This Act may be cited as the Lanarkshire and Ayrshire Railway (Additional Powers) Act 1888 and this Act and the other Acts relating to the Company may be cited as the Lanarkshire and Ayrshire Railway Acts 1883 to 1888. Short title.

2. The Lands Clauses Consolidation (Scotland) Act 1845 the Lands Clauses Consolidation Acts Amendment Act 1860 and Part II. (relating to extension of time) of the Railways Clauses Act 1863 are (in so far as applicable and except where expressly varied by this Act) incorporated with and form part of this Act. Incorporation of general Acts.

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: Interpretation.

The expression "the Company" means the Lanarkshire and Ayrshire Railway Company;

The expression "the undertaking" means the undertaking of the Company;

The expression "the Caledonian Company" means the Caledonian Railway Company;

The expression "the South Western Company" means the Glasgow and South Western Railway Company;

The expression "the Joint Line Committee" means the Glasgow and Kilmarnock Joint Line Committee;

The word "person" includes Corporation.

4. The agreement between the Company of the first part and the Caledonian Company and the South Western Company of the second part of which a copy is contained in the schedule appended to this Act is hereby confirmed and shall be carried into effect by the parties respectively. Confirming agreement between the Company and the Caledonian and South Western Companies.

5. The Company may from time to time enter upon take use and appropriate for the general purposes of their undertaking and works connected therewith all or any of the lands delineated on the deposited plans and described in the deposited books of reference in the parishes of Kilwinning and Ardrossan in the county of Ayr. Power to acquire additional lands.

6. 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 two years from the passing of this Act. Period for compulsory purchase of lands.

A.D. 1888.

Extension of  
time for com-  
pletion of  
Railway  
No. 1 autho-  
rised by Act  
of 1883.

7. The time limited by the Act of 1883 for the completion and opening for public traffic of the Railway No. 1 by that Act authorised shall be and the same is hereby extended and enlarged and shall continue in force until the expiration of one year from the twentieth day of August one thousand eight hundred and eighty-eight and that period shall for all purposes be deemed to be the period originally limited by the Act of 1883 for the completion of such railway and works.

Extension of  
time for  
completion  
of railways  
authorised  
by Act of  
1884.

8. The time limited by the Act of 1884 for the completion and opening for public traffic of the railways authorised by that Act shall be and the same is hereby extended and enlarged and shall continue in force until the expiration of two years from the twenty-eighth day of July one thousand eight hundred and eighty-nine and that period shall for all purposes be deemed to be the period originally limited by the Act of 1884 for the completion of such railways and works.

Restriction  
on taking  
houses of  
labouring  
class.

9. 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.

Defining  
labouring  
class.

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.

Part of  
authorised  
railways to  
be aban-  
doned.

10. The Company shall abandon the construction of—

(1) So much of the Railway No. 1 authorised by the Act of 1883 as extends from the commencement of the Railway No. 1 authorised by the Act of 1884 to the termination of the Railway No. 1 authorised by the Act of 1883; and

(2) The Railway No. 2 authorised by the Act of 1883;

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 such railway and portion of railway.



**11.** The abandonment by the Company under the authority of this Act of any railway or 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 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 in the Act of 1883.

A.D. 1888.

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 Compensation for damage to land by entry &c.

**12.** 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 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 railways abandoned.

**13.** Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty the sum of six hundred and sixty pounds was deposited with the Court of Exchequer in Scotland in respect of the application to Parliament for the Bill for this Act And whereas the powers to the Company to construct the railway described in the said Bill as introduced into Parliament have been struck out Therefore on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them at any time after the passing of this Act the Court of Exchequer in Scotland may and shall order that the said sum of six hundred and sixty pounds and the interest and dividends thereon shall be paid and transferred to such persons survivors or survivor or as they or he shall direct.

Providing for release of deposit for Bill of 1888.

A.D. 1888.

Providing  
for release  
of part of  
deposit fund  
for Act of  
1883.

**14.** Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty the sum of four thousand pounds (herein and in the Act of 1883 called the deposit fund) was deposited with the Court of Exchequer in Scotland in respect of the application to Parliament for the Act of 1883 which sum has not been repaid to the depositors referred to in section 40 of the Act of 1883 and still remains with the said Court of Exchequer And whereas the total length of the railways authorised by the Act of 1883 is six miles six furlongs and one hundred and twenty-four yards or thereabouts and the length of the railway and portion of railway by this Act authorised to be abandoned is four furlongs and one hundred and twenty-four yards or thereabouts and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway and portion of railway so authorised to be abandoned bears to the entire length of the railways authorised by the Act of 1883 is three hundred and thirty-four pounds eleven shillings and one penny Therefore on the application of the said depositors referred to in the Act of 1883 at any time after the passing of this Act the Court of Exchequer in Scotland may and shall order that the said sum of three hundred and thirty-four pounds eleven shillings and one penny and the interest and dividends thereon shall be paid and transferred to the depositors or as they shall direct.

Power to  
apply cor-  
porate funds.

**15.** The Company may apply for the purposes of this Act any moneys properly applicable to capital purposes which they are for the time being authorised to raise and which are not required for the purposes for which the same were authorised to be raised.

Saving  
rights of the  
Postmaster-  
General.

**16.** Nothing in this Act or in the Acts of 1884 or 1885 or in the agreement contained in schedule B to the Act of 1884 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 lands 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.

Provision as  
to general  
Railway  
Acts.

**17.** Nothing in this Act contained shall exempt the Company or the Caledonian or South Western Companies 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 to be taken by the Company. A.D. 1888.  
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18. 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. Expenses of  
Act.

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### SCHEDULE referred to in the foregoing Act.

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AGREEMENT between the Lanarkshire and Ayrshire Railway Company of the first part and the Caledonian Railway Company and the Glasgow and South Western Railway Company of the second part.

Whereas the first parties are promoting in the present session of Parliament a Bill intituled "An Act to confer further powers on the Lanarkshire and Ayrshire Railway Company and for other purposes" by which Bill it is proposed inter aliâ to authorise the first parties to double the portion of the Beith branch of the second parties from its junction at Barrmill with the railway of the first parties to Lugton And whereas it has been agreed by the parties hereto that the second parties should themselves execute the said doubling on the terms herein mentioned and that the power to do so proposed to be conferred on the first parties should be struck out of the said Bill Therefore the parties hereto agree and bind and oblige themselves as follows:—

First.—The second parties shall at their own expense forthwith commence to double so much of the Beith branch as lies between Lugton and Barrmill by laying down an additional line of railway so as to convert such portion of railway into a double line and shall have the same completed and opened for traffic not later than the 1st day of June 1889.

Second.—If after such opening the total net receipts effeiring to the said doubled portion of line received by the Joint Line Committee from traffic to and from the first parties railways should in any year be less than £800 sterling the first parties shall make up the deficiency to the second parties and pay to the second parties the difference between the amount of said receipts and the said £800 sterling And in the event of the said receipts being on an average of any three consecutive years more than £800 sterling per annum the second parties shall pay to the first parties or the first parties shall be credited in the accounting between the parties with so much of the excess as may be required to make up any deficiency which there may have been in any of such three years.

Third.— Clause 4 authorising the first parties to execute the said doubling and the other clauses relating thereto and also clauses 21 22 and 23 shall be struck out of the Bill.

Fourth.—Further opposition to the said Bill shall be withdrawn.

A.D. 1888.

Fifth.—This agreement is made subject to such alterations as Parliament may think fit to make therein but if the Committee on the Bill make any material alteration herein it shall be competent to either party to withdraw the same.

In witness whereof these presents written on this and the preceding page of stamped paper by David Reid clerk to Keydens Strang and Girvan writers in Glasgow are subscribed in duplicate by the parties hereto as follows viz. by Mathew William Thompson and Benjamin Nicholson two of the directors and by John Morton the secretary all of and for and on behalf of the said the Glasgow and South Western Railway Company and are sealed with the corporate seal of that Company all at Westminster on the 27th day of April in the year 1888 before these witnesses Thomas Brunton writer Glasgow and John Mathieson superintendent of the Glasgow and South Western Railway Glasgow by the Honourable Greville Richard Vernon and James Neilson two of the directors and by George Yuille Strang Watkins the secretary all of and for and on behalf of the said the Lanarkshire and Ayrshire Railway Company and are sealed with the common seal of that Company all at Westminster on the day month and year last above mentioned before these witnesses the said Thomas Brunton and David Reid and by Hugh Brown and James Badenach Nicolson two of the directors of and for and on behalf of the said the Caledonian Railway Company and are sealed with the common seal of that Company all at Westminster on the thirtieth day of said month of April and year last mentioned before these witnesses James Thompson general manager and George Jackson solicitor both to the said the Caledonian Railway Company.

THOMAS BRUNTON,  
*Witness.*

JNO. MATHIESON,  
*Witness.*

THOMAS BRUNTON,  
*Witness.*

DAVID REID,  
*Witness.*

JAMES THOMPSON,  
*Witness.*

GEORGE JACKSON,  
*Witness.*



M. W. THOMPSON.

BEN. NICHOLSON.

JOHN MORTON,  
*Sec. G. & S. W. Ry.*

G. R. VERNON.

JAS. NEILSON.

G. Y. STRANG WATKINS,  
*Secy.*

HUGH BROWN,  
*Director.*

J. BADENACH NICOLSON,  
*Director.*

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By EYRE AND SPOTTISWOODE, Printers to the Queen's most Excellent Majesty.

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