



CHAPTER xciii.

An Act to authorize the North British Railway Company to construct a Railway in the City of Glasgow from the College Station of the Company to Bridgeton Cross; and for other purposes. A.D. 1888.
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[5th July 1888.]

WHEREAS a railway in the city of Glasgow from the College Station of the North British Railway Company (in this Act called “the Company”) to Bridgeton Cross would be of local and public advantage and it is expedient that the Company should be authorized to make the said railway:

And whereas plans and sections showing the line and levels of the intended railway and books of reference to the said plans 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 at his offices in Glasgow Lanark Hamilton and Airdrie respectively and such plans sections and books of reference are hereinafter respectively referred to as the deposited plans sections and books of reference:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

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

1. This Act may be cited for all purposes as the North British Railway (Bridgeton Cross Extension) Act 1888. Short title.

2. The Lands Clauses Consolidation (Scotland) Act 1845 the Lands Clauses Consolidation Acts Amendment Act 1860 the Railways Clauses Consolidation (Scotland) Act 1845 Part I of the Railways Incorporation of general Acts.

A.D. 1888. — Clauses Act 1863 relating to construction of a railway and the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the several matters following (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 the non-payment of calls the remedies of creditors of the Company against the shareholders the borrowing of money by the Company on mortgage or bond the conversion of the borrowed money into capital the consolidation of the shares into stock the giving of notices and the provision to be made for affording access to the special Act and Parts I II and III of the Companies Clauses Act 1863 relating respectively to cancellation and surrender of shares to additional capital and to debenture stock are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act—

The expression “the incorporated Acts” shall mean the Acts and parts of Acts incorporated with this Act ;

The several words and expressions to which meanings are assigned by the incorporated Acts shall have the same respective meanings :

In the incorporated Acts for the purposes of this Act—

The expression “the special Act” shall mean this Act ;

The expression “the Company” or “the promoters of the undertaking” or other like expression shall mean the North British Railway Company :

unless in any of the cases aforesaid there be something in the subject or context repugnant to such construction.

Power to make railway &c.

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 sidings approaches works and conveniences connected 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 hereinbefore referred to and authorized by this Act is—

A railway 6 furlongs 6·95 chains in length commencing in the city parish and royal burgh of Glasgow by a junction with the Glasgow City and District Railway of the Company at a point on the said railway one hundred and sixty-five yards or thereabouts measuring along the said railway in a south-easterly

direction from the south-east wall of the booking office of the College Station of the Company and terminating in the parish of Calton in the city of Glasgow at a point in a court running northwards off Canning Street Calton now or formerly called Post Office Court thirty-seven yards or thereabouts northward from the north-west corner of Landressy Street where it joins Canning Street Calton and fifty-two yards or thereabouts eastwards from the south-east corner of West Street Calton where it joins Canning Street Calton.

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5. Subject to the provisions of this Act the railway and works by this Act authorized to be made and maintained by the Company shall for the purposes of tolls and charges and in all other respects form part of the undertaking of the Company.

Railway to form part of Company's undertaking.

6. 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 such 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.

7. And whereas in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown on the deposited plans as subject to be taken for the purposes of this Act will be sufficient for those purposes and that such portions may be severed from the remainder of such properties without material detriment thereto Be it enacted that notwithstanding section ninety of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the properties described in the schedule to this Act and whereof portions only are required for the purposes of this Act may (if such portions can in the judgment of the sheriff or the jury arbiters oversman or other authority assessing or determining the compensation under that Act be severed from the remainder of the said properties without material detriment thereto) be required to sell and convey to the Company the portions only of the properties so required without the Company being obliged or compelled to purchase the whole or any greater portions of the said properties the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other persons interested therein by the taking of such portions.

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

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Period for compulsory purchase of lands.

For the protection of the Glasgow and South Western Railway Company.

8. 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.

9. In constructing the railway by this Act authorized where the same is intended to pass through and under or where it will in any manner interfere with the College Station and the St. John's sidings or any other sidings rails lands and works of the Glasgow and South Western Railway Company (hereinafter called "the South Western Company") the following provisions shall apply and have effect (that is to say) :—

1. Notwithstanding anything contained in this Act or shown on the deposited plans and sections the railway shall be constructed in such line within the limits of deviation as shall be agreed upon by the engineers of the Company and of the South Western Company or as shall in case of difference be determined as hereinafter provided :
2. The Company shall construct the railway for the whole length thereof where it passes under the said station sidings rails lands and works of the South Western Company in tunnel or covered way and so that no part thereof or of the tunnels arches girders brick-work or structure thereof or connected therewith shall be less than sixteen inches below the level of the surface of the South Western Company's sidings and rails and so that the sleepers of such sidings and rails shall rest on ballast as at present and no alteration shall be made in the surface of the ground or in the levels of the said station sidings rails lands or works :
3. The Company shall construct the said railway and all other works both temporary and permanent necessary and incidental to the construction thereof or affecting the said station sidings rails lands or works of the South Western Company in accordance with the provisions of this section and according to such plans sections and specifications and of such quality and strength of materials and in every other respect in such manner as shall be previously submitted to and approved in writing by the engineer of the South Western Company for the time being And the Company shall not commence the construction of the railway or works or enter upon or interfere with any lands works or property belonging to or used by the South Western Company until such plans sections and specifications have been so submitted and approved Provided always that if the said engineer shall for the period of one month neglect or refuse to

approve such plans sections or specifications or shall dis-
approve the same then the railway or works shall be
constructed according to plans sections and specifications to
be submitted to and approved (subject however to the special
provisions of this section) by an engineer to be agreed upon
or appointed as hereinafter provided :

4. All the works and operations of the Company shall be carried on so as in no way to obstruct impede or interfere with the free and uninterrupted and safe use of the said station sidings rails and works of the South Western Company or with the traffic thereon and if any such obstruction or interference shall be caused or take place the Company shall pay to the South Western Company or any other companies or persons working over or using the said station sidings rails or works full compensation in respect thereof to be recovered with full costs in any court of competent jurisdiction :
5. All the said works shall be executed in a substantial and workmanlike manner and shall be maintained in a good and substantial condition and if any loss or damage shall be sustained by the South Western Company or any other companies or persons working over or using the said station sidings rails or works by reason of the failure of any of the works the Company shall pay to the South Western Company or such other companies or persons as aforesaid full compensation in respect thereof to be recovered as aforesaid :
6. The Company shall not (except with the previous consent of the South Western Company under their common seal) acquire any absolute property in any lands or works of the South Western Company but only the right servitude or privilege of making maintaining and using a double line of railway in the line within the limits of deviation to be agreed upon as aforesaid but subject to and in accordance with the provisions of this section :
7. All the aforesaid works of the Company shall be executed and thereafter maintained by and in all things at the expense of the Company :
8. If any difference shall arise between the Company and the South Western Company or their respective engineers as to anything to be done or not to be done under the provisions of this section the same shall be referred to and determined by an engineer to be agreed upon between the parties or if they cannot agree to be appointed on the application of either of the parties in difference by the sheriff of the

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county of Lanark and the award of the engineer so appointed shall be final and binding on both parties and the costs of the arbitration shall be in the discretion of the arbitrator.

For the
protection of
the City of
Glasgow
Union
Railway
Company.

10. In constructing the railway by this Act authorized where the same is intended to pass through and under or where it will in any manner interfere with the rails lands and works of the City of Glasgow Union Railway Company (hereinafter called "the Union Company") the following provisions shall apply and have effect (that is to say):—

- (1.) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the railway shall be constructed so that for the whole length thereof where it passes under the said rails lands and works of the Union Company in tunnel or covered way no part thereof or of the tunnel arches girders brick-work or structure thereof or connected therewith shall be less than sixteen inches below the level of the surface of the Union Company's rails and so that the sleepers of such rails shall rest on ballast as at present and no permanent alteration shall be made in the surface of the ground or in the levels of the said rails lands or works :
- (2.) The Company shall construct the said railway and all other works both temporary and permanent necessary and incidental to the construction thereof or affecting the railways property or works of the Union Company in accordance with the provisions of this section and according to such plans sections and specifications and of such quality and strength of materials and in every other respect in such manner as shall be previously submitted to and approved in writing by the engineer of the Union Company for the time being The Company shall not commence the construction of the said Railway or works or enter upon or interfere with any land works or property belonging to or used by the Union Company until such plans sections and specifications have been so submitted and approved Provided always that if the said engineer shall for the period of one month neglect or refuse to approve such plans sections or specifications or shall disapprove the same then the said railway or works shall be constructed according to plans sections and specifications to be submitted to and approved (subject however to the special provisions of this section) by an engineer to be agreed upon by the Company and the Union Company or in default of agreement to be appointed at the request of either the Company or the Union Company by the sheriff of the county of Lanark :

- (3.) All the works and operations of the Company shall be carried on so as in no way to obstruct impede or interfere with the free and uninterrupted and safe use of the railways of the Union Company or with the traffic thereon and if any such obstruction or interference shall be caused or take place the Company shall pay to the Union Company or any other companies or persons working or using the said railways full compensation in respect thereof to be recovered with full costs in any court of competent jurisdiction : A.D. 1888.
- (4.) All the said works of the Company shall be executed in a substantial and workmanlike manner and shall be maintained in a good and substantial condition and if any loss or damage shall be sustained by the Union Company or any other companies or persons working or using the said railways by reason of the failure of any of the works or of the use thereof by the Company the Company shall pay to the Union Company or other companies or persons as aforesaid full compensation in respect thereof to be recovered as aforesaid :
- (5.) The Company shall not (except with the previous consent of the Union Company under their common seal) acquire any absolute property in any lands or works of the Union Company but only the right privilege or servitude of making maintaining and using a double line of railway in the line within the limits of deviation and in accordance with the provisions of this section :
- (6.) All the aforesaid works of the Company shall be executed and thereafter maintained by and in all things at the expense of the Company :
- (7.) If the Union Company shall at any time widen their railway at the points where the railway by this Act authorized is intended to be carried through or under their railway lands and works the Company shall not be entitled to object to such widening but the same shall be made at the sight and to the approval of the engineer of the Company for the time being in the same manner and subject to the same conditions as in this section provided with respect to the formation of the railway by this Act authorized through or under the railways lands and works of the Union Company :
- (8.) If any difference shall arise between the Company and the Union Company or their respective engineers as to anything to be done or not to be done under the provisions of this section the same shall be referred to and determined by an engineer to be agreed upon between the parties or if they cannot agree

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to be appointed on the application of either of the parties in difference by the sheriff of the county of Lanark and the award of the engineer so appointed shall be final and binding on both parties and the costs of the arbitration shall be in the discretion of the arbitrator.

For protection of Glasgow Corporation gas and water undertakings.

11. Whereas in constructing the railway by this Act authorized it is proposed to carry the same underneath roads and streets shown on the deposited plans and described in the deposited books of reference at such a level as may necessitate considerable alterations upon the mains and water-pipes laid by the Commissioners acting under the Glasgow Corporation Waterworks Act 1855 (in this section called "the Water Commissioners") and also at such a level as may interfere with or injuriously affect several of the gas 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") And whereas the inhabitants of the city of Glasgow 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 of the said mains and pipes And whereas 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 it is expedient that provision be made for protecting the said mains and pipes during the construction of the railway and works by this Act authorized and 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 Therefore the following provisions in that behalf shall be binding on the Company and have full effect (that is to say) :—

(A) At least twenty-one days before the Company commence any works the execution of which would in any way interfere with or affect any of the said roads and streets or the substrata of the same and mains or pipes therein they shall give to the Water Commissioners or to the Corporation as the case may be notice thereof in writing accompanied by plans and sections working drawings and specifications showing the manner in which the proposed tunnel or covered way and railway works are to be executed at the points where the same are to be constructed underneath or near to the said mains or pipes which shall include all beams girders troughs culverts and masonry which may be necessary for conveying supporting and protecting the existing mains or pipes of the Water Commissioners or of the Corporation and any additional mains or pipes which may be laid by the Water Commissioners or by the

Corporation as hereinafter provided together with all scour pipes and air-valves which may be rendered necessary by the operations of the Company and also the means where any are required of supporting diverting or protecting the mains or pipes either during the operations of the Company or permanently which plans and sections shall be approved of by the engineers of the Commissioners and of the Corporation respectively previously to the works of the Company affecting the said roads or streets or the substrata of the same and mains or pipes therein being commenced or in the event of any difference of opinion between the said engineers and the engineer of the Company such difference shall be settled by an arbitrator to be appointed by the sheriff of the county of Lanark :

- (b) Before any of the mains or pipes of the Water Commissioners or the Corporation are in any way interfered with to the effect of interrupting the supply of water or gas through the then existing mains or pipes there shall be laid down mains or pipes of dimensions not less than the mains or pipes which are to be so interfered with and having junctions at each end thereof with the then existing mains or pipes so as to provide for the uninterrupted supply of water or gas for all purposes during the execution of the works as fully and freely as if the then existing mains and pipes were not interfered with :
- (c) When the mains and pipes so interfered with are replaced and the roadways over the same or the substrata thereof are made good any temporary mains or pipes which may have been laid shall be disconnected from the then existing mains or pipes and when the full and free flow of water or gas for all purposes through the mains or pipes so replaced shall be restored such temporary mains and pipes may be removed :
- (d) The works approved of by the engineers of the Water Commissioners and of the Corporation or the arbitrator to be appointed as aforesaid so far as they interfere with or affect any of the works or water supply of the Water Commissioners or of the works or gas supply of the Corporation shall be executed by the Water Commissioners or the Corporation as the case may be or by such persons as they respectively shall think fit and under the sole direction of their engineers respectively and during the progress of those works the said engineers may if they think fit execute any incidental works which they may deem requisite for the protection of the Water Commissioners or of the Corporation in accordance with this section Provided always that if the Company shall consider the mode

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of execution of any such works so approved of or any such incidental works objectionable or unreasonable they shall have power to appeal to the arbitrator to be appointed as aforesaid who shall decide upon any such objection :

- (E) If the Water Commissioners or the Corporation for ten days next after the day named in the notice served by the Company for the commencement of the works interfering with or affecting the said roads or streets or substrata of the same and mains or pipes therein or any of them or for ten days after such later day as the Company by notice in writing to the Water Commissioners or to the Corporation may have named for commencing the works fail to commence or at any time thereafter fail to proceed with reasonable despatch in the execution of the works the Company at their own expense may remove alter or otherwise interfere with the said roads or streets and the substrata of the same and mains or pipes therein or any of them in such manner and to such extent as they deem necessary and may execute all such other works as they deem requisite for preventing any interruption to the supply of water by the Water Commissioners or to the supply of gas by the Corporation :
- (F) The Company shall pay to the Water Commissioners and to the Corporation respectively the amount of all reasonable costs charges and expenses incurred by the Water Commissioners or by the Corporation in or about or in any way relating to the works so executed by them including a reasonable sum as remuneration to their respective engineers for their services in that behalf but under deduction of the value of the pipes superseded by new works and the Company shall indemnify the Water Commissioners and the Corporation and save them harmless from and against the consequences of any damage or injury done by the leakage or bursting or injuring of the said mains or pipes or any of them occasioned by the construction of the railway by subsidence following thereon or otherwise by the works of the Company :
- (G) The Water Commissioners or the Corporation shall not be liable for any damage or injury done to the works of the Company or to any of the roads or streets underneath which the railway is to be formed or otherwise howsoever by reason of any of the works executed under this Act or consequent on the execution thereof and the Company shall indemnify [the Water Commissioners and the Corporation and save them harmless from and against the consequences of all such

damages or injury unless such damage or injury shall have been occasioned by the default or neglect of the Water Commissioners or of the Corporation or of their respective agents officers workmen or servants :

(H) If at any time any accident shall occur to the mains and pipes belonging to the Water Commissioners or to the Corporation at or near any of the points where the tunnel or covered way and railway are to be constructed underneath the said mains or pipes in respect of which it may be necessary to interfere with any of the works of the Company it shall be lawful for the Water Commissioners or the Corporation immediately to repair the said mains or pipes in such manner as to occasion as little delay and inconvenience as may be to the traffic of the railway of the Company Provided always that the Water Commissioners or the Corporation shall either before or as soon as practicable after the commencement of such repair give notice thereof to the Company Provided also that it shall be lawful for the Company on the occurrence of any such accident to repair any damage that may be thereby caused to the railway so far as the same can be repaired without interrupting the repair of the said mains or pipes :

(I) The Water Commissioners or the Corporation shall not be liable for any loss or damage which may happen to the railway or works connected therewith or to the rolling stock used or to the passengers or goods conveyed upon the railway by reason of any accident which may at any time happen to the said mains or pipes at or near any of the points where the tunnel or covered way and railway are to be constructed underneath the same nor for any loss or damage to the Company arising from the stoppage or loss of traffic on the railway during the repair of the said mains or pipes which may be necessary in consequence of such accident unless such loss or damage shall have been occasioned by the default or neglect of the Water Commissioners or the Corporation or of their agents officers workmen or servants :

(J) Nothing in this Act shall prevent the Water Commissioners or the Corporation from laying from time to time as they think proper any additional pipes which may not interfere with the permanent use of the railway for the purposes of the said water or gas supply within the area of the said streets and roads underneath which the tunnel or covered way and railway are to be constructed And the Water Commissioners or the Corporation shall not be liable for any loss or damage which

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may happen to the railway or for any stoppage of the railway or loss of traffic thereon that may be caused by the laying of such additional pipes but the Company shall indemnify them and save them harmless from and against the consequences of such damage stoppage or loss Provided always that the Water Commissioners or the Corporation shall give to the Company twenty-one days' notice in writing accompanied by plans sections and specifications showing the manner in which such additional pipes are proposed to be laid before commencing the laying of such additional pipes and shall complete the same with all reasonable despatch Provided also that the Company shall be entitled to execute such works as they may think necessary to secure the railway from injury and prevent interruption to the traffic thereon during the laying of such additional pipes but so that such works shall not interrupt the laying of those pipes Provided also that the works necessary for laying such additional pipes by the Water Commissioners or the Corporation and the works necessary to secure the railway and the traffic thereon from damage or interruption as aforesaid shall be made and completed according to a plan to be approved of previously to the commencement of any such works by the engineers for the time being of the Water Commissioners or the Corporation and of the Company respectively or in case of difference between them then according to a plan to be so approved of by an arbitrator to be appointed as aforesaid :

(K) The special provisions herein contained for the protection of the Water Commissioners and the Corporation shall not be deemed to supersede or dispense with the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 sections eighteen to twenty-three both inclusive but those provisions respectively except in so far as they may be inconsistent with any of the special provisions herein contained shall be and remain in full force and effect :

(L) In all cases in which an arbitrator shall be appointed as aforesaid the costs of and incident to the arbitration shall be paid by the Company.

For protection of the Corporation of Glasgow as a municipal corporation.

12. For the further protection of the lord provost magistrates and council of the city of Glasgow as a municipal corporation and as trustees or commissioners acting in execution of the several public and local and personal Acts by which any powers jurisdiction or authorities are conferred on them (in this section called "the Corporation") the following provisions in addition to the provisions

contained in the last preceding section shall have effect and be binding on the Company (that is to say) :— A.D. 1888.

- (A) At least twenty-one days before the Company commence any works the execution of which would in any way interfere with or affect any of the roads or streets in the city and royal burgh of Glasgow or which would interfere with or affect the sewers and drains belonging to the Corporation the Company shall give to the Corporation notice thereof in writing accompanied by plans sections working drawings and specifications showing the manner in which the proposed railway and works are to be executed and also the means to be employed for protecting the said roads streets sewers and drains during the operations of the Company and also the means to be employed for making good any injury or damage to or interference with the said roads streets sewers and drains which plans sections working drawings and specifications shall be subject to the approval of the Corporation previously to the works of the Company affecting the said roads streets sewers or drains being commenced :
- (B) Where the railway and works and operations of the Company are carried on upon the surface of the ground the Company shall not at any one time without the consent of the Corporation interfere with or occupy for the purposes of the said railway and works and operations a greater extent of road or street surface than one hundred and fifty lineal yards In every case in which the Company interfere with the said roads or streets the Company shall to the satisfaction of the Corporation—
- (1) Restore the road or street so interfered with by the said works or by subsequent subsidence occasioned thereby to its original level :
 - (2) Cause the formation of the road or street to be properly consolidated :
 - (3) Make good the paving and metalling of the road or street and wherever necessary cause the street road or footpath to be repaved or re-metalled over its entire width :
 - (4) Provide and maintain all requisite communications and accesses for foot passengers to and from the houses and other buildings in the streets or roads so interfered with :
- (c) At least two months before the Company commence any station within the city and royal burgh of Glasgow the Company shall submit to the Corporation plans sections and

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elevations of the said station which plans sections and elevations shall be subject to the approval of the Corporation previously to the said station being commenced :

- (D) Wherever the railway or works cross or otherwise interfere with any of the lines of the tramways of the Corporation or those lines or any of them are interfered with by the operations of the Company the construction of the railway and works so crossing or interfering with any lines of the said tramways shall be conducted under the supervision and with the approval of the Corporation and the Company shall indemnify the Corporation or the lessees for the time being of the tramways for any damage detention injury or other interference sustained by them by reason of the interruption to or interference with their traffic in consequence of the construction of the railway and works or of the operations of the Company or otherwise including any compensation to passengers servants or others and any damages to plant which the Corporation or the lessees may become liable for or incur in connection with any accident or injury arising from or in any way attributable to the operations of the Company :
- (E) Wherever the railway or works cross pass under or otherwise interfere with any of the lines of the tramways of the Corporation the Company shall during the space of one year from the restoration of the roadway maintain and repair the portion of the tramway lines of the Corporation and of the roadway between and within the lines and extending eighteen inches outside of the lines so crossed passed under or otherwise interfered with to the satisfaction of the engineer of the tramways appointed by the Corporation :
- (F) The Company shall pay to the Corporation the costs and expenses they may incur or be put to in superintending the works authorized by this Act or otherwise or with reference to any of the matters aforesaid :
- (G) Nothing in this Act contained shall prevent the Corporation at any future time from carrying out any public improvement or any alterations developments or extensions of the existing or contemplated works in connection with any department administered by them either above or below the level of the railway and wherever the same are carried across the railway the Company shall pay to the Corporation any additional expense the Corporation may incur or be put to in the carrying out of the same by reason of the making or maintaining of the railway and works or by any of the operations of the Company

nor shall anything in this Act entitle the Company to any compensation for any damage occasioned by such operations of the Corporation: A.D. 1888.

(H) If the Corporation and the Company shall differ upon or with reference to any plans elevations sections or other particulars which under the provisions hereinbefore contained are to be delivered by the Company to the Corporation 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 of this section every such difference shall on the application of the Company or of the Corporation be referred to the determination of an arbitrator to be named by the sheriff of the county of Lanark and the costs of and incident to the reference shall be paid by the Company.

13. Where any part of the Company's property to be acquired under the powers of this Act is situate or fronting any footpaths the Company shall after the acquisition thereof at all times maintain the portion of any such footpath in so far as the same is adjoining to or fronting any such property. Maintenance of footpaths adjoining the property of Company.

14. Within ten years after the passing of this Act or so soon as the Company shall acquire and utilise for railway purposes the properties fronting Canning Street whichever of these events shall first happen the Company shall widen Canning Street between West Street and Orr Street by taking down the buildings fronting said street and setting back the same to a line in range with the building now situated at the west corner of Orr Street so as to give an additional width of not less than twenty feet to Canning Street between these streets. Frontage of property facing Canning Street to be set back.

15. Subject to the provisions hereinbefore contained the Corporation consent to the portion of McKechnie Street extending in an easterly direction for a distance of eighty-five yards or thereabouts from the junction therewith of Sister Street being shut up and disused and the Company shall in lieu thereof construct a new street from Western Street and the remaining portion of McKechnie street so as to afford a new and improved connection between these two streets and Little Street. Portion of McKechnie Street to be closed and new diversion to be formed.

16. For the protection of the Glasgow Tramway and Omnibus Company Limited (herein called "the Tramway Company") the following provisions shall have effect:— For the protection of the Glasgow Tramway and Omnibus Company Limited.

(A) In every case in which the Company interfere with the tramways leased by the Tramway Company from the Corporation

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the Company shall to the satisfaction of the Tramway Company restore the said tramways so interfered with by the said works or by subsequent subsidence occasioned thereby to their original level and to the like condition in which they were before the said works were commenced :

(B) Wherever the railway or works or the operations of the Company cross or interfere with any of the said tramways the construction and maintenance of the railway and works and the continuance of the operations shall be conducted under the supervision and with the approval of the Tramway Company and the Company shall from time to time indemnify the Tramway Company for all loss or damage arising from loss of traffic loss of profit or damage detention or injury sustained by the Tramway Company by reason of the interruption to or interference with their traffic in consequence of the construction and maintenance of the railway and works or of the operations of the Company or otherwise including any compensation to passengers servants or others and any damages to plant which the Tramway Company may become liable for or incur in connection with any accident or injury arising from or in any way attributable to the operations of the Company and upon any claim for such compensation or damages being intimated to the Company the Company shall be bound to relieve the Tramway Company of such claim and of all costs and expenses of and incident thereto :

(c) The foregoing provisions shall apply to the Tramway Company only during the currency of the existing lease with the Corporation which expires upon the first day of July one thousand eight hundred and ninety-four.

For protection of the Glasgow School Board.

17. The Company shall not otherwise than by agreement enter upon take or use any part of the existing schoolhouses buildings or ground attached thereto in the parish of Calton Glasgow and in the city parish of Glasgow belonging to the school board of the burgh of Glasgow until the expiration of two years after notice to purchase and take the said existing schoolhouses buildings and ground shall have been given to the said board Provided that such notice shall not be given to the said board except in some month of October within three years after the passing of this Act but may be so given on the Company finding security for the purchase-money to the satisfaction of the sheriff.

Penalty imposed unless the line is opened

18. If the Company fail within the period limited by this Act to complete the railway which they are by this Act authorized to make 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 railway is 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 works 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 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 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 for the purposes of such traffic as aforesaid 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.

A.D. 1888.
within the
time limited.

19. 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 has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or of 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 has 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 is payable or if a portion of the sum or sums of money so 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 Court thinks fit to order on the application of the solicitor to Her Majesty's Treasury and shall be carried to and

Application
of penalty.

A.D. 1888. — 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.

20. 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.

Restrictions on displacing persons of labouring class.

21. (1) The Company shall not under the powers of this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A) They shall have obtained the approval of the Secretary for Scotland to a scheme for providing new dwellings for the persons residing in such houses or for such number or proportion of those persons as the Secretary for Scotland shall after inquiry deem necessary having regard to the number of persons residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the other circumstances of the case; and

(B) They shall have given security to the satisfaction of the Secretary for Scotland for the carrying out of the scheme:

(2) The approval of the Secretary for Scotland to any scheme under this section may be given either absolutely or conditionally and after the Secretary for Scotland has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme:

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Secretary for Scotland may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit:

A.D. 1888.

(4) Any provisions of any scheme under this section or any conditions subject to which the Secretary for Scotland may have approved of any such scheme or of any modifications of any such scheme or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by an order of the Court of Session to be obtained by the Secretary for Scotland :

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty not exceeding five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom :

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase section ninety of the Public Health (Scotland) Act 1867 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of that Act and the scheme were one of the purposes of that Act :

(7) The Company may on any lands belonging to them or purchased or acquired under this section or under any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorized to raise or apply for the purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated solely for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings by the Company shall contain proper covenants for securing that the buildings on such lands shall during such period be used exclusively for the purpose of such dwellings :

A.D. 1888.

Provided also that the Secretary for Scotland may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as he may see fit:

(8) The Secretary for Scotland may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and he and any person appointed by him to hold inquiry shall have and may exercise for any purpose in connection with any scheme under this section all or any of the powers vested in them respectively under the Public Health (Scotland) Act 1867 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act:

(9) The Company shall pay to the Secretary for Scotland a sum to be fixed by him in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the person appointed to hold any such inquiry and a sum to be fixed by the Secretary for Scotland not exceeding three guineas a day for the services of the person so appointed:

(10) 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.

Power to apply existing authorized capital to purposes of this Act.

22. The Company may raise and apply to the purposes of this Act to which capital is properly applicable any money which they are authorized to raise by any other Act and which may not be required for purposes to which by that Act it is authorized to be applied.

Power for Company to raise capital by shares or stock.

23. The Company may subject to the provisions of Part II of the Companies Clauses Act 1863 raise by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or preference shares or stock convertible into ordinary shares or stock or wholly or partially by one or more of those modes respectively any additional capital not exceeding in the whole three hundred thousand pounds 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. A.D. 1888.

24. 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 : Except as otherwise provided new shares or stock to be subject to same incidents as present shares or stock.

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

25. 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. Dividends on new shares or stock.

26. 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. Restriction as to votes in respect of preferential shares or stock.

27. Subject to the provisions of any Act already passed by which the Company are authorized 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 the Company may be authorized 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 Act and this Act respectively authorized to raise by the creation and issue of new shares or stock. New shares or stock raised under this Act and any other Act of past or present sessions may be of same class.

28. Twenty per centum on the amount of any share shall be the greatest amount of any call which may be made thereon and there shall be an interval of not less than three months between any two successive calls and the Company shall not call up more than three-fourths of a share in any year. Calls.

29. The Company may in respect of the additional capital of three hundred thousand pounds which they are by this Act authorized to raise from time to time borrow on mortgage of the Power to borrow.

A.D. 1888. — undertaking any sum not exceeding in the whole one hundred 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 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.

Provisions
of Act of
1887 as to
appointment
of a receiver
or judicial
factor re-
pealed.

30. The provisions of the North British Railway Act 1887 authorizing the appointment of a receiver or judicial factor for principal or interest moneys due upon any mortgages of the Company are hereby repealed but subject and without prejudice to any appointment of a receiver or judicial factor or proceedings taken under or by virtue of such provisions and in force or pending at the time of the passing of this Act.

For appoint-
ment of a
receiver or
judicial
factor.

31. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver or judicial factor In order to authorize the appointment of a receiver or judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver or judicial factor is made shall not be less than ten thousand pounds in the whole.

Existing
mortgages
to have
priority.

32. 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 and as regards the undertaking comprised in and assigned by such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over all mortgages to be 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. A.D. 1888.

33. 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 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 and debenture stock at any time after the passing of this Act granted or created and issued by the Company and shall have priority over all principal moneys secured by such mortgages. Debenture stock.

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

35. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorized 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 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.

36. The Company shall not out of any money by this Act authorized 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 authorizing 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.

37. Nothing in this Act contained shall exempt the Company and the railway by this Act authorized 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 authorized by this Act. Provision as to general Railway Acts.

A.D. 1888.

Costs of
Act.

38. 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.

SCHEDULE referred to in the foregoing Act.

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BY THE COMPANY.

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