



CHAPTER cxxix.

An Act to empower the Lanarkshire and Ayrshire Railway Company to construct new Railways and for other purposes. A.D. 1897.
[15th July 1897.]

WHEREAS the Barrmill and Kilwinning Railway Company were incorporated by the Barrmill and Kilwinning Railway Act 1883 (herein-after 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 to Kilwinning in the county of Ayr and for that purpose to raise seventy-five thousand pounds by shares and twenty-four thousand pounds by borrowing :

And whereas by the Lanarkshire and Ayrshire Railway Act 1884 (herein-after called "the Act of 1884") the name of the Company was changed to the name "The Lanarkshire and Ayrshire Railway Company" (herein-after called "the Company") and the Company were authorised to construct new railways in the county of Ayr and for that purpose to raise an additional sum of three hundred thousand pounds by shares and one hundred thousand pounds by borrowing :

And whereas by an agreement scheduled to and confirmed by the Act of 1884 made between the Company and the Caledonian Railway Company (herein-after 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 (herein-after called "the Act of 1885") that agreement was applied extended to and declared to include the railways of the Company authorised by the Act of 1884 subject to certain variations therein made and the Caledonian Company were also authorised to subscribe moneys towards the undertaking of the Company and they have

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A.D. 1897. — under the powers of that Act subscribed the sum of one hundred and fifty thousand pounds towards the same :

And whereas it is expedient that the Company should be authorised to make and maintain the new railways in this Act mentioned :

And whereas it is expedient that the Caledonian Company in the events and subject to the conditions in this Act mentioned should be authorised to make and maintain certain of the new railways herein-after described :

And whereas it is expedient that the new railways by this Act authorised should be worked managed and maintained by the Caledonian Company and be subject to the conditions contained in the agreement scheduled to the Act of 1884 as altered by this Act and that the Caledonian Company should be authorised to raise additional capital for the purpose of subscribing further moneys towards the undertaking of the Company and for the construction by the Caledonian Company of certain of such railways as herein-after provided and that provision should be made for the transfer to the Caledonian Company of certain of such railways :

And whereas it is expedient that the Company should be authorised to raise additional capital for the purposes of this Act and for the general purposes of their undertaking :

And whereas plans and sections showing the lines and levels of the railways authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the principal sheriff clerks for the counties of Ayr Lanark and Renfrew 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 :—

Short title.

1. This Act may be cited as the Lanarkshire and Ayrshire Railway Act 1897.

Incorporation of Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation (Scotland) Act 1845 and Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 the clauses and provisions of the

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Companies Clauses Consolidation (Scotland) Act 1845 with respect to the following matters (that is to say) :— A.D. 1897.

- 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 nonpayment 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 general meetings of the Company and the exercise of the right of voting by the shareholders ;
- The making of dividends ;
- The giving of notices ; and
- The provision to be made for affording access to the special Act by all parties interested ;

Part I. (relating to the cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 are except where expressly varied by this Act incorporated with and form part of this Act.

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 The expression "the Company" means the Lanarkshire and Ayrshire Railway Company the expressions "the railway" and "the railways" mean the railways by this Act authorised the expression "the undertaking" means the undertaking of the Company the expression "the Caledonian Company" means the Caledonian Railway Company the expression "the Act of 1883" means the Barrmill and Kilwinning Railway Act 1883 the expression "the Act of 1884" means the Lanarkshire and Ayrshire Railway Act 1884 the expression "the Act of 1885" means the Lanarkshire and Ayrshire Railway Act 1885. Interpretation..

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railways herein-after described with all proper stations junctions sidings approaches works and conveniences connected therewith respectively and may enter upon Power to make railways.

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A.D. 1897. — 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 railways herein-before referred to and authorised by this Act are—

Railway No. 1 four miles two furlongs 6·8 chains or thereabouts in length commencing in the parish of Beith by a junction with the railway of the Company at a point thereon six hundred and sixty yards or thereabouts measured in a north-easterly direction along that railway from the booking office at Giffen station and terminating in the parish of Dunlop at a point nine hundred and seven yards or thereabouts measured in a north-easterly direction from the mile post marking fourteen miles from Glasgow on the road leading from Lugton Inn to Uplaw Moor :

Railway No. 2 nine miles six furlongs 8·2 chains or thereabouts in length commencing in the parish of Dunlop at the point before described as the termination of Railway No. 1 and terminating in the parish of Eastwood at a point four hundred and fifty yards or thereabouts measured in a south-westerly direction from the western corner of Birkenshaw farm buildings :

Railway No. 3 one mile six furlongs 6·8 chains or thereabouts in length commencing in the parish of Eastwood at the point before described as the termination of Railway No. 2 and terminating in the parish of Cathcart at a point one hundred and ninety-five yards or thereabouts measured in a south-westerly direction from the north corner of the Couper Institute :

Railway No. 4 five miles one furlong 4·6 chains or thereabouts in length commencing in the parish of Cathcart at the point before described as the termination of Railway No. 3 and terminating in the parish of Cambuslang by a junction with the Clydesdale Junction section of the Caledonian Railway at a point five hundred and sixty yards or thereabouts measured along that railway in a westerly direction from the centre of the footbridge at Newton Station :

Railway No. 5 three furlongs 7·8 chains or thereabouts in length wholly situate in the parish of Dunlop commencing at the point before described as the termination of Railway No. 1 and terminating by a junction with the Glasgow Barrhead and Kilmarnock Joint Line at a point thereon four hundred and twenty three yards or thereabouts measured in a north-easterly

direction from the centre of the bridge carrying that railway over the road leading from Lugton Inn to Dunlop: A.D. 1897.

Railway No. 6 three furlongs 5·6 chains or thereabouts in length commencing in the parish of Eastwood at the point before described as the termination of Railway No. 2 and terminating in the parish of Cathcart by a junction with the Busby Branch of the Caledonian Railway three hundred and ninety yards or thereabouts measured in a north-westerly direction along that railway from the centre of the bridge carrying the road from Clarkston to New Cathcart over that railway:

Railway No. 7 one mile 8·7 chains or thereabouts in length commencing in the parish of Cathcart by a junction with the intended Railway No. 3 at a point two hundred and thirty-three yards or thereabouts measured in a westerly direction from the western corner of Bogton House and terminating in the same parish by a junction with the Busby Branch of the Caledonian Railway at a point thereon four hundred and seventy-five yards or thereabouts measured in a north-westerly direction along that railway from the centre of the bridge carrying the road from Clarkston to New Cathcart over that railway:

Railway No. 8 one furlong 7·5 chains or thereabouts in length wholly situate in the parish of Cathcart commencing at the point before described as the termination of Railway No. 3 and terminating by a junction with the Cathcart District Railway at a point thereon two hundred and five yards or thereabouts measured in a south-westerly direction along that railway from the centre of the bridge carrying that railway over the White Cart Water at Cathcart:

Railway No. 9 three furlongs 5·4 chains or thereabouts in length wholly situate in the parish of Cathcart commencing by a junction with the intended Railway No. 4 at a point three hundred and ninety-three yards or thereabouts measured in a north-easterly direction from the north-east corner of the Cathcart parish church and terminating by a junction with the outer circle rails of the Cathcart District Railway at a point thereon six hundred and sixty yards or thereabouts measured in a northerly direction along that railway from the centre of the bridge over the White Cart Water at Cathcart before described:

Railway No. 10 four furlongs 1·6 chains or thereabouts in length wholly situate in the parish of Cathcart commencing by a junction with the intended Railway No. 4 at the point before

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described as the commencement of Railway No. 9 and terminating by a junction with the inner circle rails of the Cathcart District Railway at a point thereon six hundred and eighty-five yards or thereabouts measured in a northerly direction along that railway from the centre of the bridge over the White Cart Water at Cathcart before described :

Railway No. 11 one mile four furlongs 0·5 chains or thereabouts in length wholly situate in the parish of Cambuslang commencing by a junction with the intended Railway No. 4 at a point four hundred and sixteen yards or thereabouts measured in a westerly direction from the north-west corner of the parish church at Kirkhill and terminating by a junction with the Newton and Carmyle Branch of the Caledonian Railway at a point seventy yards or thereabouts measured in a southerly direction along that railway from the centre of the viaduct carrying that railway over the River Clyde at Carmyle.

Provision
regarding
bridge for
carrying
Cambus-
lang Old
Town high-
way over
Railway
No. 4.

5. In constructing Railway No. 4 by this Act authorised the Company shall make the bridge for carrying the Cambuslang Old Town highway No. 148 in the parish of Cambuslang over that railway of the same clear width between the parapets and having approaches of the same gradients as the bridge and approaches thereto carrying that highway over the Caledonian Railway Company's Clydesdale Junction Branch Railway.

Persons
under dis-
ability may
grant servi-
tudes &c.

6. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any servitude right or privilege (not being a servitude right or privilege of water in which other than the grantors have an interest) 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 and ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Lands for
extra-
ordinary
purposes.

7. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation (Scotland) Act 1845 shall not exceed twenty acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

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8. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

9. In altering for the purposes of this Act the roads next herein-after mentioned the Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connection therewith respectively (that is to say) :—

Inclination of roads.

No. on Deposited Plans.	Parish.	Description of Road.	Intende d Inclination.
RAILWAY No. 2.			
183A	Neilston	Public	1 in 14½
65	Eastwood	do.	} 1 in 12½
17	Mearns	do.	
RAILWAY No. 4.			
114A	Cathcart	Public	1 in 25
119	do.	do.	1 in 25
11	Rutherglen	do.	1 in 17½
43	do.	do.	1 in 11
1	Cambuslang	do.	1 in 21
10	do.	do.	1 in 12

10. The Company may make the arches of the bridges for carrying the railways over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connection therewith respectively (that is to say) :—

Height and span of bridges.

No on Deposited Plans.	Parish.	Description of Road.	Height.	Span.
RAILWAY NO. 1.				
37	Dunlop	Public	15 feet	30 feet
RAILWAY NO. 3.				
39	Cathcart	Public	12 „	15 „
RAILWAY NO. 4.				
114A	Cathcart	Public	15 „	40 „
44	Rutherglen	do.	15 „	45 „
1	Cambuslang	do.	15 „	45 „
10	do.	do.	15 „	30 „
RAILWAY NO. 11.				
155	Cambuslang	Public	15 „	28 „

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Power to
divert roads
as shown on
deposited
plans.

11. The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road (that is to say) :--

Railway.	Parish.	No. of Road on deposited Plans.
RAILWAY No. 1	Dunlop	37
do. „ 1	do.	42
do. „ 2	Neilston	5
do. „ 2	do.	28
do. „ 2	do.	183A
do. „ 2	do.	65
do. „ 2	Mearns	17
do. „ 4	Cathcart	119
do. „ 4	do.	114A
do. „ 4	do.	102
do. „ 4	Rutherglen	44
do. „ 4	do.	43
do. „ 4	Cambuslang	1
do. „ 4	do.	2
do. „ 4	do.	10
do. „ 10	Cathcart	116

And when and so soon as such portion of each of the said roads is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to mines lying under or near to the railways appropriate and use for the purposes of their undertaking the site of the portion of road stopped up so far as the same is bounded on both sides by lands of the Company :

Provided always that the maintenance and management of the diverted portion of the road or highway No. 43 on the deposited plans in the parish of Rutherglen shall continue with the road authority liable to maintain the existing road or highway authorised to be diverted.

Strength of
bridges.

12.—(1.) The Company shall construct the bridges carrying the highways across Railways No. 4 and No. 11 in the parish of Cambuslang of such strength as will be sufficient to carry the maximum weight of the steam road rollers of the district committee of the middle ward of the county of Lanark.

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(2.) The Company shall in all cases where bridges are carried over roads take effective means to prevent and if necessary by sheets of corrugated iron to intercept all water-drip from the bridge on the footpaths underneath. A.D. 1897.

(3.) Proper and sufficient drains cesspools gratings and outfalls shall be laid by the Company for carrying off the surface water from the roads so far as interfered with by the construction of the works authorised by this Act.

13. For the protection of the county council of the county of Lanark and the district committee of the lower ward of that county (who are herein-after included in the expression "the county council") the following provisions shall have effect and be binding on the Company notwithstanding anything shown on the deposited plans and sections with respect to interferences with the following roads by Railway No. 4 (that is to say) :—

For protection of county council of Lanark and district committee of lower ward.

(1.) As regards Castlemilk Road numbered eleven on the deposited plans in the parish of Rutherglen and county of Lanark the present line of the road shall not be altered the gradients of the altered portions of the road shall be made one in twenty-one on the north side and one in forty on the south side of the intended railway and shall run on an easy gradient into the unaltered portions of the road the width of the bridge to carry the railway over the road shall be thirty feet the bridge shall have a clear head space of fifteen feet throughout above the finished surface of the roadway and the foundations of the bridge shall be constructed of sufficient depth and in such manner as to admit of the head space being increased to sixteen feet throughout by lowering the roadway :

(2.) As regards Blairbeth Road numbered forty-three and East Kilbride Road numbered forty-four both on the deposited plans in the parish of Rutherglen and county of Lanark the width of the bridge to carry the railway over the road shall be forty-five feet the bridge shall have a clear head space of sixteen feet throughout above the finished surface of the road the altered portion of East Kilbride Road north of the railway shown on the deposited plans to be level shall be extended to produce a slight gradient Blairbeth Road south of the railway shall be lowered three feet at the north boundary of the grounds of Overwood Villa and the road shall be formed with an easy curvature and gradient of one in twenty-two tailed out southwards to join easily with the existing road and provided the Company's operations are carried out in conformity with the provisions of this section the county council shall relieve the

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Company of all claims of compensation at the instance of adjoining proprietors in respect of the lowering of the portion of Blairbeth Road beyond the limits of deviation shown on the deposited plans :

- (3.) The Company shall in all cases where bridges are carried over roads take effective means to prevent and if necessary by sheets of corrugated iron to intercept all water-drip from the bridge on the footpaths underneath :
- (4.) Proper and sufficient drains cesspools gratings and outfalls shall be laid by the Company for carrying off the surface water from the roads so far as interfered with by the construction of the works authorised by this Act :
- (5.) Properly constructed footpaths four feet six inches in width with dressed whinstone kerbs and water channels shall be formed by the Company along the west side of the altered portions of the said roads so far as the same shall be underneath bridges and along the wing walls thereof and the said footpaths kerbs and channels shall be similar to the existing footpaths kerbs and channels on the remaining portion of the altered roads :
- (6.) The Company shall construct the said bridges roads and relative works to the reasonable satisfaction of the county council and in accordance with working plans and specifications to be submitted to the county council twenty-one days before the works are commenced Should the county council intimate within the period before named their dissatisfaction with the Company's proposal the difference failing agreement between the county council's surveyor and the Company's engineer shall be determined by a neutral engineer to be appointed failing agreement by the Board of Trade on the application of either party Such engineer shall be bound to give his decision within twenty-one days from the date of submission and the costs of such reference shall be borne and paid as the said referee shall direct :
- (7.) The Company shall make adequate provision to the satisfaction of the county council for the traffic on the said roads during the period of interference before any interference takes place.

For protection of water mains and works of district committee of

14. If in carrying the railways and other works by this Act authorised over or under any of the aqueducts conduits or lines of pipes of the district committee of the middle ward of the county of Lanark (herein-after referred to as "the district committee") it shall be found necessary to alter the existing lines or levels of such

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aqueducts conduits or lines of pipes or any of them or otherwise interfere with the same such alterations shall be carried out so as not to injuriously affect or interrupt the supply of water conveyed by the same and the Company shall give at least fourteen days' previous notice to the clerk to the district committee before commencing any such works and the construction of the railways and works connected therewith in so far as involving any alteration of or works affecting any aqueduct conduit or line of pipes of the district committee shall be executed at the expense of the Company and at the sight and to the reasonable satisfaction of the engineer of the district committee and according to plans to be submitted to and approved by such engineer or in case of difference to be approved by an engineer to be appointed as herein-after mentioned before any such works are commenced and if the district committee shall incur any expense for works necessary in reference to the crossing of such aqueducts conduits or lines of pipes or any other interference therewith or in reference to accesses thereto the same shall be repaid by the Company and the district committee shall have at all times the right of access to such aqueducts conduits or lines of pipes for the repair enlargement alteration and maintenance of the same and for laying additional pipes alongside of any existing aqueducts conduits or lines of pipes crossed by the railways when they shall see fit and the district committee as regards all such additional pipes shall be subject to the provisions of section 14 of the Lanarkshire (Middle Ward District) Water Act 1896 as if the railway and works by this Act authorised and the Company had been expressly specified and included in that section of that Act Provided that the district committee shall as far as possible avoid the causing of any interruption or obstruction to the traffic of the railways Provided also that in case any difference shall arise between the Company and the district committee or their engineers as to any plans or the mode of executing any works under this section such difference shall be referred to an engineer to be appointed failing agreement by the Board of Trade on the application of either the district committee or the Company.

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middle ward
of county
of Lanark.

15. For the protection of the corporation of the city of Glasgow (herein-after called "the corporation") the following provisions shall have effect (that is to say):—

- (1.) The Company shall make the intended deviation of the Cathcart Road from the south-east corner of the property of Cathcart Free Church to a point on the said road one hundred and fifty-five yards or thereabouts north-eastward from the centre of the bridge carrying that road over the Cart according to the

For pro-
tection of
corporation
of Glasgow
as to roads
and bridges.

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line shown in purple on a plan signed in duplicate on 16th March 1897 by Charles Forman engineer for the Company and Alexander Beith McDonald city engineer of Glasgow :

- (2.) The Company shall make the roads Nos. 116 119 and 123 on the deposited plans in the parish of Cathcart so far as intended to be diverted either within or beyond the city but only so far as within the parish of Cathcart of a width of not less than sixty feet including footpaths of a width of not less than ten feet on each side thereof and such new roads or diversion thereof shall be completed (so far as the same are within the city) to the satisfaction of the master of works :
- (3.) The Company shall make all new bridges over such roads intended to be diverted within the parish of Cathcart of spans of not less than sixty feet and of heights of not less than sixteen feet throughout and the existing railway bridge near the said church shall be maintained of its present width and shall have a height of not less than sixteen feet throughout :
- (4.) The Company shall take effective means to prevent and if necessary to intercept water-drip from the said existing railway bridge near the said church upon the footpaths of the road to be formed or diverted by them underneath the same.

For protec-
tion of
Gorbals
Reservoirs of
Glasgow
corporation
water under-
taking.

16. Whereas the works connected with the construction of the Railway No. 2 authorised by this Act will interfere with or affect the reservoirs of the Gorbals Waterworks belonging to the corporation and the drainage areas from which these reservoirs are supplied with water Therefore in the construction of that railway the following provisions shall be binding on the Company and have full effect (that is to say) :—

- (1.) The Company shall construct the Railway No. 2 and any works connected therewith at such a distance from the Ryat Linn Reservoir of the corporation as not in any way to interfere with the embankment of that reservoir :
- (2.) In carrying the Railway No. 2 through the portion of the Waulk Mill Glen Reservoir of the corporation shown upon the deposited plans the Company shall at their own cost construct and thereafter maintain (A) culverts over the various pipes leading out of the said Ryat Linn Reservoir and out of the flood water course herein-after mentioned and (B) bridges over the approach or private road belonging to the corporation situated near the last-mentioned reservoir and over the flood

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water course between the said Ryat Linn Reservoir and the said Waulk Mill Glen Reservoir Provided always that before the construction of the said culverts and bridges is commenced plans and sections working drawings and specifications of the same shall be submitted to and reasonably approved of by the engineer of the water undertaking of the corporation :

- (3.) Where the embankment of the Railway No. 2 is under the top water level of the said Waulk Mill Glen Reservoir the Company shall at their own cost pitch the said embankment or otherwise sufficiently protect the same from the wash of the reservoir and generally all the slopes of the said railway where it passes through the drainage area of any of the said reservoirs belonging to the corporation shall be thoroughly protected from the wash of the rain by being properly soiled over :
- (4.) The Company shall at their own cost provide and thereafter maintain catch-water drains or such other accommodation works as may in the opinion of the engineer of the water undertaking of the corporation be required for the purpose of preventing any interference with the drainage areas of any of the said reservoirs through or in consequence of the construction of the Railway No. 2 or of any of the works connected therewith :
- (5.) The construction of the Railway No. 2 and of any of the accommodation works provided for in this section so far as that railway or the works connected therewith may be constructed through any portion of the said reservoirs shall be executed during such season of the year as may be fixed and determined by the engineer of the water undertaking of the corporation provided that the said engineer within one month after receiving intimation from the Company of their intention to proceed with the construction of the said railway and works intimates to the Company the season of the year during which he desires the said railway and works shall be so constructed :
and
- (6.) The Company shall pay to the corporation compensation in respect of the land to be taken by them from the corporation for the construction of the Railway No. 2 and also in respect of the diminished storage capacity of any of the said reservoirs caused by the construction of the same as the amount of such compensation shall in the event of difference between the corporation and the Company be settled in accordance with the provisions of the Lands Clauses Acts.

17. Whereas the mains or pipes of the corporation of the city of Glasgow acting under the Glasgow Corporation Waterworks

For protec-
tion of
mains and

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—
pipes of
Glasgow
Corporation
water and
gas under-
takings.

Acts 1855 to 1895 and the Glasgow Corporation Gas Acts 1869 to 1895 (herein-after called "the corporation") may at certain points be crossed or otherwise affected by the railways or some of them Therefore for the protection of the corporation the following provisions shall be binding on the Company and have full effect viz. :—

- (1.) Should it be necessary for the Company to interfere with or alter any road or street in which any water or gas mains or pipes of the corporation are or may be laid or to interfere with any of the said mains or pipes the Company shall wherever it is practicable to do so leave not less than three feet of covering from the surface of the road or street over every main or pipe so altered or interfered with And in any case where such three feet of covering or more cannot be given the Company shall in every such case be bound to provide at their own expense special works for carrying the said mains or pipes across the railways with special protection from injury for such mains or pipes all to the reasonable satisfaction of the water or gas engineer of the corporation as the case may be The Company shall also provide at their own expense and to the reasonable satisfaction as aforesaid all stop-cocks scour-pipes and air-valves in connection with said mains or pipes that may be rendered necessary through their operations Provided always that in all cases where such special works as aforesaid have to be constructed by the Company for the said mains or pipes they shall duplicate the works so necessary in order to provide for the laying down of future mains or pipes :
- (2.) In the event of any of the railways authorised by this Act necessitating the construction of a bridge or bridges for the purpose of carrying over the said railways any road or street in which the corporation have power either under the special Acts relating to their water and gas undertakings or under any Act incorporated therewith to lay and maintain water and gas mains or pipes or in the event of the Company at any time after the construction of the railways by themselves or in conjunction with any other company or person constructing any bridge or bridges for the purpose of carrying any such road or street over any of the railways then and in either of these events such bridge or bridges shall be constructed of such materials and in such manner as to admit of the corporation laying and maintaining and when so laid of altering or enlarging such mains or pipes as the water or gas engineer of the corporation respectively may before the construction of such bridge or

bridges is commenced determine to be necessary for adequately supplying with water or gas the inhabitants of the district within which such bridge or bridges are to be constructed : A.D. 1897.

- (3.) If at any time any accident shall occur to any main or pipe at or near any point where such main or pipe is crossed or otherwise affected by the Company and in consequence of which accident it may be necessary to interfere with any of the works of the Company the corporation may immediately repair such main or pipe in such manner as to occasion as little delay and inconvenience as may be to the traffic of the railways of the Company Provided always that 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 the Company may on the occurrence of any such accident repair any damage that may be thereby caused to the railways so far as the same can be repaired without interrupting the repair of the said mains or pipes :
- (4.) The plans of all works required in constructing the railways so far as interfering with or intended to protect any main or pipe and also the plans of all special works (including bridges) to be provided or constructed by the Company shall be submitted to the water or gas engineer of the corporation as the case may be for his approval at least twenty-one days before such works are commenced and the said engineer shall within the period of twenty-one days thereafter intimate to the Company or their engineer his approval or disapproval of such plans :
- (5.) Where any such works involve an alteration in respect of any of the said mains or pipes the corporation shall have the option themselves of executing the works necessary for such alterations at the expense of the Company and the Company shall be liable for any injury or loss sustained by the corporation by reason of such alterations except where such injury or loss shall have been caused by the default or neglect of the corporation :
- (6.) The special provisions herein contained for the protection of the corporation shall not supersede the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 sections 18 to 23 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 :
- (7.) All disputes and differences between the corporation and the Company or between the water or gas engineer of the corporation as the case may be and the engineer of the

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Company with regard to any of the provisions of this and the immediately preceding section shall be referred to the decision of an arbitrator to be appointed by the Board of Trade on the application of either party and the decision of such arbitrator shall be final.

Extension of certain provisions of Act to county council of Renfrew and district committee of first district of Renfrew.

18. The whole provisions of the section of this Act the marginal note of which is "For the protection of the mains and pipes of the Glasgow corporation water and gas undertakings" shall extend and apply to the gas and water mains or pipes of the county council of the county of Renfrew and of the district committee of the first or upper district of that county who shall have within their district and so far as applicable the same rights against the Company as are by that section conferred on the corporation and the Company shall be under the same obligations towards the said county council and district committee as by that section they are placed under towards the corporation.

For further protection of county council of Renfrew and district committee of first district.

19. For the protection of the county council of the county of Renfrew and of the district committee of the first or upper district of that county (herein-after called "the district committee") the following provisions in relation to roads in the said first or upper district shall (unless otherwise agreed between the district committee and the Company) have effect notwithstanding anything shown on the deposited plans and sections to the contrary (that is to say):—

(1.) In constructing the following railways by this Act authorised the Company shall make the bridges for carrying such railways over the roads herein-after mentioned respectively of not less than the following dimensions (that is to say):—

Description of Road.	No on Deposited Plans.	Parish.	Height of Bridge.
RAILWAY NO. 2.			
Balgraystone Road - - - - -	210	Neilston	15 feet
Aurs Road - - - - -	215	"	16 "
Capelrig Road - - - - -	65	Eastwood	15 "
RAILWAYS NOS. 3 and 6.			
Eastwood Mains Road—Two Bridges - - -	40	Eastwood	16 feet
RAILWAY NO. 4.			
Cathcart Road - - - - -	71	Cathcart	16 feet
RAILWAYS NOS. 4 9 and 10.			
Carmunnock Road - - - - -	119	Cathcart	16 feet
Road to be made 60 feet wide			
Glebe Road - - - - -	128	"	16 "

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- (2.) The Company shall in constructing Railway No. 2 divert Springhill Road (Neilston Parish No. 186) to the west of the present line and carry the same twenty-five feet in width under the railway with a bridge with a span of twenty-five feet and a height of fifteen feet and with gradients of one in twenty on the south side and one in thirty-five on the north : A.D. 1897.
- (3.) The Balgraystone Road marked No. 210 of Railway No. 2 in the parish of Neilston shall be diverted and the railway carried over the said diversion of road by a bridge with a span of twenty-five feet and a height of fifteen feet and with approaches having inclinations of one in twenty on the north side and one in thirty-seven and a half on the south side :
- (4.) The Company shall in constructing Railway No. 3 construct the altered portion of Bogton Road numbered on the deposited plans 33 in the parish of Cathcart and the bridge carrying the same over the railway of the clear width of fifty feet between the fences thereof :
- (5.) The Carmunnock Road marked No. 119 of Railways Nos. 4 9 and 10 in the parish of Cathcart shall be diverted and constructed sixty feet in width and those railways shall be carried over such diversion by bridges with spans of sixty feet and a clear height of sixteen feet :
- (6.) The Glebe Road marked No. 128 of Railways 4 and 9 in the parish of Cathcart shall be diverted and those railways shall be carried over such diversion by a bridge with a span of sixty feet and a clear height of sixteen feet :
- (7.) The Company shall construct the diverted portion of Netherlee Road (Railway No. 4 Cathcart Parish No. 102) of the clear width of forty feet between the fences with gradients not steeper than one in twenty-nine :
- (8.) The Company shall convert the existing footbridge over the River Cart leading to the Cathcart Railway Station and the approaches thereto from the public roads on either side into a public bridge and road suitable in all respects for vehicular as well as passenger traffic :
- (9.) In constructing the railways by this Act authorised the Company shall notwithstanding anything shown on the deposited plans and sections or provided in the Railways Clauses Consolidation (Scotland) Act 1845 make the bridges for carrying the railways over or under the roads under the jurisdiction of the said district committee of spans and widths not less than the existing widths of such roads Provided that

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in the event of the district committee widening any of such roads after the construction of such bridges the Company shall widen the bridge carrying any such widened road over or under the railway to the corresponding width provided by the Railways Clauses Consolidation (Scotland) Act 1845 :

- (10.) The Company shall in all cases where the levels of roads are altered in so far as the gradients are not particularly above specified make the gradients to the satisfaction of the district committee provided no objection to the lessening of or improving the gradient is offered by the proprietors of the adjoining ground and on condition that the Company shall not be liable to bottom or metal any increased length of the immediate approaches to the bridge over those shown on the deposited plans or to maintain such increased length :
- (11.) The Company shall in all cases where roads are diverted or altered make the diversion or alteration so as to run easily as regards line and level into the existing roads :
- (12.) The Company shall in all cases where bridges are carried over roads take effective means to prevent and if necessary by sheets of corrugated iron to intercept all water-drip from the bridge on the footpaths underneath :
- (13.) The Company shall in constructing Railway No. 4 (Cathcart Road Parish of Cathcart No. 71) provide lamps under the said bridge and when it may be necessary light the same during the day time and shall defray the cost thereof :
- (14.) The Company shall provide and properly construct and fence metal magazines equal in size and construction and as near as may be as conveniently situated as the existing metal magazines superseded in the construction of Railway No. 2 (Capelrig Road Parish of Eastwood No. 65) and Railways Nos. 9 and 10 (Cathcart Road Parish of Cathcart No. 116) :
- (15.) The Company shall in constructing Railway No. 2 make adequate provision for carrying the water mains in Neilston Road (Neilston Parish No. 109A) for supplying the village of Neilston across said railway so as to obviate fracture or other damage by reason of traffic passing over it or from frost :
- (16.) Except as otherwise provided by this Act all crossings or interferences with any roads under the jurisdiction of the district committee and all works for the drainage of such roads shall be carried out in accordance with the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 :
- (17.) All works of the Company so far as they interfere with roads under the jurisdiction of the district committee shall be

executed to the reasonable satisfaction of the district committee and according to plans to be approved by their road surveyor or in case of difference between the Company and the district committee or their said surveyor as to any such plans or the mode of executing any works then to the satisfaction of and according to plans to be approved by an engineer to be agreed on or failing agreement to be appointed by the Board of Trade on the application of the Company or the district committee and the costs of such reference shall be borne and paid as the referee shall direct.

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20. For the protection of the county council of the county of Ayr and the northern district committee of that county council (herein-after called "the northern district committee") the following provisions in relation to roads in the said northern district shall (unless otherwise agreed between the northern district committee and the Company) have effect (that is to say):—

For protection of county council of county of Ayr &c.

(1.) In constructing Railway No. 1 by this Act authorised under the Lochlibo Road marked No. 84 of said Railway No. 1 of the parish of Beith on the deposited plans the bridge carrying the road over the railway shall be of the full width between the parapets of the road between the existing hedges and shall be constructed of masonry the usual precautions being taken for making it watertight. If the alteration of the said road is carried out as shown upon the deposited plans the embankment of the road shall be extended on the north-east side so that the gradient will join the existing road surface near the gateway where the fence on the east side approaches the road:

(2.) In constructing Railway No. 1 by this Act authorised over the Waterland and Duniflat Roads marked Nos. 37 and 42 of said Railway No. 1 on the deposited plans the railway will be carried over the road on a bridge of 35 feet wide. The bridge shall be constructed in the same style as the bridge referred to in subsection (1) hereof and the diversion of the road if made shall be made with easy curves the centre of the deviated main road to be not less than 200 feet from the centre of the proposed railway and the centre of the Duniflat Road to be not less than 90 feet from the centre of the proposed railway all to have sufficient declivities to provide for the natural escape of the surface water from the respective roads:

(3.) The curves and gradients of the road diversions in this section before referred to shall be such as may be agreed on between the surveyor of the northern district committee and the engineer of the Company respectively; and failing such agree-

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ment as may be decided by a neutral man of skill to be appointed by the Board of Trade.

For protection of war office.

21. The Company shall to the satisfaction of the Secretary of State for War cover in or otherwise render absolutely safe from musketry fire from the ranges at Darnley and Patterton such portion or portions of the railway as may in the opinion of the said Secretary of State require such protection and at any time hereafter the Company shall execute at their expense any further works which the said Secretary of State may consider necessary for the protection of such railway and the Company shall not at any time raise objection to or seek to restrict firing on the said ranges.

Confirming agreement with Duke of Hamilton's trustees.

22. The agreement as set forth in the Third Schedule to this Act made between the commissioner for the trustees of the late William Alexander Louis Stephen Duke of Hamilton Brandon and Chatelherault K.T. and the Company is hereby confirmed and made binding on the parties thereto.

Owners may be required to sell parts only of certain lands and buildings.

23. And whereas in the construction of the railways by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

- (1.) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":
- (2.) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3.) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so

severed the jury arbiters or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed :

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- (4.) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5.) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :
- (6.) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7.) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to

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the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation (Scotland) Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

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

24. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of the railways it may be necessary to underpin or otherwise strengthen the same Therefore the Company at their own costs and charges may and if required by the owners and lessees of any such house or building shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

(1.) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :

(2.) Each such notice if given by the Company shall be served in manner prescribed by section 18 of the Lands Clauses Consolidation (Scotland) Act 1845 and if given by the owners and lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Company :

(3.) If any owner lessee or occupier of any such house or building or the Company as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade :

(4.) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall

prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building : A.D. 1897.

- (5.) The cost of the reference shall be in the discretion of the referee :
- (6.) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :
- (7.) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :
- (8.) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Company from the liability to compensate under the Lands Clauses Consolidation (Scotland) Act 1845 or under any other Act :
- (9.) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts :
- (10.) Nothing in this section shall repeal or affect the application of the ninetieth section of the Lands Clauses Consolidation (Scotland) Act 1845.

25.—(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 which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

Restrictions
on displacing
persons of
labouring
class.

- (A.) They shall have obtained the approval of the Secretary for Scotland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the

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fifteenth day of December last or for such number of persons as the Secretary for Scotland shall after inquiry deem necessary having regard to the number of persons on or after that date 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.

(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 of 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 Provided that the court may if it think fit reduce such penalty.

(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

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purpose of any such purchase section 90 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 they were a local authority within the meaning of that Act and the scheme were one of the purposes of that Act. A.D. 1897.

(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 authorised to raise or apply for the general 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 the period of twenty-five years from the date of the 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 to secure during such period of twenty-five years the exclusive use of the buildings on such lands for the purpose of such dwellings and shall be endorsed with notice of this enactment :

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 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

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A.D. 1897. Secretary for Scotland not exceeding three guineas a day for the services of the person so appointed.

(10.) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Secretary for Scotland under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Secretary for Scotland is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Secretary for Scotland they might have been sufficient to accommodate.

(11.) For the purposes of this section the expression "labouring class" means and includes mechanics artizans 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.

Penalty
imposed
unless
railway
opened
within the
time limited.

26. If the Company fail within the period limited by this Act to complete the railways 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 railways are completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the works and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act 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 of the Queen's and Lord Treasurer's Remembrancer on behalf of the Court of Exchequer in Scotland in the bank specified in such

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warrant or order and shall not be paid thereout except as herein-after 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 such line 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. 1897.

27. 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 railways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid 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 if a judicial factor has been appointed or the Company is insolvent or the railways or any part thereof have been abandoned be paid or transferred to such judicial factor or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company. Application of penalty.

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

29. Subject to the provisions of this Act the railways by this Act authorised shall for the purposes of tolls rates and charges and all other purposes be and be deemed to be part of the undertaking of the Company and the agreement between the Company and the Caledonian Company scheduled to and confirmed by the Act of 1884 as altered and modified by the Act of 1885 shall with the exception of the provisions of section 12 sub-section c of that Act Railways to be part of Company's undertaking.

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A.D. 1897. be applicable and apply to the railways by this Act authorised in the same manner and to the same extent as if they had been authorised by the Acts of 1883 and 1884 and as if they had been expressly described and included in that agreement.

For protection of
Postmaster-General.

30. Nothing in this Act relating to the working by the Caledonian Company of the railways by this Act authorised shall extend to impose upon the Postmaster-General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement made in pursuance thereof between the Postmaster-General and the Caledonian Company any larger number of telegraphic messages of that company free of charge than the Postmaster-General would have been bound to transmit had such working not been hereby authorised or to authorise the Postmaster-General by himself or his agents to place and maintain without the consent of the Caledonian Company telegraphic lines in under upon along over or across the railways and works by this Act authorised to any greater extent than the Postmaster-General would otherwise be entitled without such consent to place and maintain such telegraphic lines in virtue of any existing Act or agreement.

Power to
apply corporate funds
to purposes
of Act.

31. The Company may apply to the purposes of this Act to which capital is properly applicable but not towards works which the Caledonian Company carry out under the section of this Act of which the marginal note is "Power to Caledonian Company to construct Railways Nos. 3 4 7 8 9 10 and 11" any moneys which they now have in their hands or which they have power to raise by shares or mortgage by virtue of any Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Power to
the Company
to raise
additional
capital.

32. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole four hundred and fifty thousand pounds but in the event of the Caledonian Company exercising the option of constructing Railways Nos. 3 4 7 8 9 10 and 11 as herein-after provided not exceeding one hundred and fifty thousand pounds by the issue of new ordinary shares or stock.

Shares not
to be issued
till one-fifth
part thereof
shall have
been paid.

33. The Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person 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.

Receipt in
case of
persons not
sui juris.

34. If any money is payable to a shareholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of

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his tutor or curator or curator bonis shall be a sufficient discharge to the Company. A.D. 1897.

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

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

36. 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 up and paid on such new shares or to the whole amount of such stock as the case may be.

Dividends on shares or stock.

37. 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 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 authorised to raise by the creation and issue of new shares or stock.

New shares issued under this Act and any other Acts may be of same class.

38. The Company may in respect of the additional capital which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole one-third part of such additional capital 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 that 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

Power to borrow.

[Ch. cxxix.] *Lanarkshire and Ayrshire Railway* [60 & 61 VICT.]
Act, 1897.

A.D. 1897. — persons or corporations to whom the same were issued or their executors administrators successors or assigns and also in 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.

For appointment of a judicial factor.

39. Every provision in any Act passed before the present Session of Parliament whereby the Company is authorised to raise money by borrowing for the purposes of their undertaking with respect to the appointment of a judicial factor for enforcing payment by the Company of arrears of interest or principal or principal and interest shall be and the same is hereby repealed but without prejudice to any appointment which has been made or to the continuance of any proceedings which have been commenced prior to the passing of this Act under such provision. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than ten thousand pounds in the whole.

Debenture stock.

40. The Company may create and issue debenture stock to be called D 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.

Existing mortgages to have priority.

41. 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 such mortgages and bonds 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.

Application of moneys.

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

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of this Act and for the general purposes of the undertaking of the Company to which such capital is properly applicable. A.D. 1897.

43. The Caledonian Company may at any time before the Company commence the construction of Railways Nos. 3 4 7 8 9 10 and 11 or any one of them give notice in writing to the Company of their intention to construct the same and in that case the Caledonian Company shall be entitled to construct the said railways and all the provisions of this Act applicable to the Company in respect of those railways shall apply to the Caledonian Company in respect of those railways in the same manner and to the same extent as they apply to the Company and as if the Caledonian Company had been by this Act authorised to construct the said railways and in that event the Caledonian Company shall pay to the Company two-thirds of the costs charges and expenses of and incident to the preparing for obtaining and passing of this Act.

Power to
Caledonian
Company to
construct
Railways
Nos. 3 4 7 8
9 10 and 11.

44. In the event of the Caledonian Company not having exercised the option of constructing the said Railways Nos. 3 4 7 8 9 10 and 11 the Caledonian Company may at any time within five years from the completion and opening of the said railways for the public conveyance of passengers give notice in writing to the Company of their intention to acquire those railways and the said railways shall be transferred to the Caledonian Company on that company obtaining powers from Parliament authorising such transfer and paying to the Company the cost of construction of the said railways and two-thirds of the costs charges and expenses of and incident to the preparing for obtaining and passing of this Act and the carrying the same into effect together with interest at the rate of four per cent. per annum on such cost of construction of the railways and the like interest on such proportionate part of the costs charges and expenses of this Act such interest to be reckoned from the respective dates of payment by the Company of the principal sums in respect whereof it is so payable and the Company shall not oppose any application to Parliament by the Caledonian Company for such powers.

Power to
Caledonian
Company to
acquire
Railways
Nos. 3 4 7 8
9 10 and 11.

45. The Caledonian Company with the authority of three-fourths of the votes of their shareholders present in person or by proxy at a general meeting of that company specially convened for the purpose may from time to time subscribe any sum which they think fit towards the undertaking of the Company not exceeding in the whole three hundred and six thousand pounds in addition to any moneys which they have already contributed to the Company or are already authorised to subscribe towards the undertaking of

Power to
Caledonian
Company
to subscribe
and to apply
funds for
that pur-
pose.

[Ch. cxxix.] *Lanarkshire and Ayrshire Railway* [60 & 61 Vict.]
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A.D. 1897. — the Company Provided that in the event of the Caledonian Company exercising the option conferred upon them by this Act of constructing Railways Nos. 3 4 7 8 9 10 and 11 by this Act authorised the sum to be subscribed by the Caledonian Company shall not exceed the sum of one hundred and two thousand pounds and they may with the like authority contribute and apply in or towards payment of such subscription any moneys which they are already authorised to raise and which may not be required by them for the purposes of their undertaking and also any moneys which they are by this Act authorised to raise and the Caledonian Company shall in respect of the sums to be subscribed by them be entitled to take and hold a corresponding amount of shares or stock in the Company authorised by this Act to be raised and shall in respect of such shares or stock have all the powers rights and privileges (including the right of voting at general meetings as herein-after provided) and be subject to all the obligations and liabilities of proprietors of shares in the Company Provided always that the Caledonian Company shall not sell dispose of or transfer any of the shares of the Company for which they may subscribe.

Votes of
Caledonian
Company at
general
meetings of
company.

46. The Caledonian Company whilst shareholders of the Company may by writing under their common seal from time to time appoint some person to attend any meeting of the Company and such person shall have all the privileges and powers attaching to a shareholder of the Company at such meetings and may vote thereat in respect of the capital held by the Caledonian Company.

Power to
Caledonian
Company
to raise
additional
capital &c.

47. The Caledonian Company may from time to time raise for the purpose of any subscription made by them under this Act and for the construction of Railways Nos. 3 4 7 8 9 10 and 11 in the event of the Caledonian Company exercising the option of constructing such railways any capital not exceeding in nominal amount four hundred and two 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 And the clauses and provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the following matters (that is to say) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

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

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

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The consolidation of shares into stock ;

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

The making of dividends ; and

The giving of notices ;

and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 shall subject to the provisions of this Act extend and apply to the Caledonian Company and to the additional capital which they are by this Act authorised to raise and the provisions of the Caledonian Railway (Conversion of Stock) Act 1890 shall apply to any ordinary stock created and issued by the Caledonian Company under the authority of this Act.

A.D. 1897.

48. The Caledonian Company shall not issue any share under the authority of this Act of less nominal value than ten pounds nor shall any such share vest in the person 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.

Shares not to be issued until one-fifth paid.

49. All moneys which the Caledonian Company may raise under the powers of this Act shall be applied for the purposes of the before-mentioned subscription only or if that Company exercises the option conferred upon them by this Act with respect to the construction of the said Railways Nos. 3 4 7 8 9 10 and 11 then for the purposes of that construction and of such subscription as in that case herein-before provided.

Application of additional capital.

50. 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 issued by the Caledonian Company no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Caledonian Company.

Dividend on preference shares not cumulative.

51. Except as by this Act otherwise provided the capital in new shares or stock created by the Caledonian Company under this Act and the new shares or stock 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 Caledonian Company of the same class or description and the new shares or stock were shares or stock in such capital.

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

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

And to form part of capital of Caledonian Company.

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A.D. 1897.

Dividends
on new
shares or
stock of
Caledonian
Company.

53. Every person who becomes entitled to new shares or stock of the Caledonian Company shall in respect of the same be a holder of shares or stock in the Caledonian Company and shall be entitled to a dividend with the other holders of shares or stock of the Caledonian Company 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.

Votes in
respect of
new shares
or stock of
Caledonian
Company.

54. Each holder of new shares or stock in the capital of the Caledonian Company 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 Caledonian Company would have conferred upon him. Provided that except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

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

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

Power for
Caledonian
Company to
borrow.

56. In the event of the Caledonian Company exercising the option of constructing Railways Nos. 3 4 7 8 9 10 and 11 by this Act authorised they may in respect of the additional capital which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole one hundred thousand pounds but no part thereof shall be borrowed until shares or stock or shares and stock for such additional capital 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 or stock or shares and stock for the whole of such additional 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 and the whole amount of the stock in such capital has been paid on account thereof before or at the time of the issue

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or acceptance thereof and that such shares or stock or shares and stock as the case may be were issued and accepted and such one-half of the said capital was paid up bonâ fide and that such shares or stock or shares and stock as the case may be are held by the persons to whom the same were issued or their executors administrators successors or assigns and also in so far as the said additional capital is raised by shares that such persons 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. A.D. 1897.

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

58. The Caledonian 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 Caledonian Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Caledonian Company and shall have priority over all principal moneys secured by such mortgages. Debenture stock.

59. All mortgages and bonds granted by the Caledonian 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 such mortgages and bonds 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 Caledonian Company. Existing mortgages to have priority.

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

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A.D. 1897.

Extending
time for sale
of certain
superfluous
lands.

61. Notwithstanding anything in the Lands Clauses Consolidation (Scotland) Act 1845 or in any Act relating to the Company with which that Act is incorporated the periods for and within which the Company may hold sell and dispose of any superfluous lands connected with their railway and situate in the parishes respectively described or mentioned in the Second Schedule in this Act are hereby extended for the periods following (that is to say) As regards such of the said lands as are situate near to or adjoining any railway or station of the Company for the period of ten years from the passing of this Act and as regards the others of the said lands for the period of three years from the passing of this Act but the Company shall at the expiration of those respective periods sell and absolutely dispose of as superfluous lands all such parts of those lands as shall not then have been applied to or are not then required for the purposes of their undertaking.

Short
distance
charge on
traffic con-
veyed partly
on the rail-
ways and
partly on the
railways of
Caledonian
Company.

62. During the continuance of the said agreement scheduled to the Act of 1884 as altered and modified by the Act of 1885 for the working and use of the railway of the Company by the Caledonian Company the railways of the two companies shall for the purpose of short distance rates and charges be considered as one railway and in estimating the amount of rates and charges in respect of passengers conveyed partly on the railway of the Company and partly on the railway of the Caledonian Company rates and charges may be charged as for three miles and for every mile or fraction of a mile beyond three miles as for one mile only and in estimating the amount of rates and charges in respect of merchandise traffic conveyed partly on the railway of the Company and partly on the railway of the Caledonian Company the Company shall be deemed to be a company connected with the Caledonian Company and specified in the appendix to the schedule to the Railway Rates and Charges No. 19 (Caledonian Railway &c.) Order 1892 confirmed by the Railway Rates and Charges No. 19 (Caledonian Railway &c.) Order Confirmation Act 1892.

Power to
pay interest
out of capital
during con-
struction.

63. Notwithstanding anything in this Act or in any Act or Acts incorporated therewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine

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but subject always to the conditions herein-after stated (that is to say) :— A.D. 1897.

- (A.) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two-thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :
- (B.) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :
- (C.) The aggregate amount to be so paid for interest shall not exceed thirty-five thousand pounds and in the event of the Caledonian Company constructing Railways Nos. 3 4 7 8 9 10 and 11 as herein-before provided not exceeding twelve thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one-third of the amount paid for interest as aforesaid :
- (D.) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares :
- (E.) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section :

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company or the Caledonian Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company 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.

64. The Company or the Caledonian 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 or the Caledonian Company to

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

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Act, 1897.

A.D. 1897. — construct any other railway or to execute any other work or undertaking.

Provision as
to general
Railway
Acts.

65. Nothing in this Act contained shall exempt the Company or the Caledonian Company 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.

Expenses of
Act.

66. 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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SCHEDULES referred to in the foregoing Act. A.D. 1897.

THE FIRST SCHEDULE.

PROPERTIES OF WHICH PARTS ONLY MAY BE TAKEN.

Parish.	No. on Deposited Plans.
Railway No. 1 Beith	13 15 16 17 18 19 20 21 22 23 24 26 27 28 29 41 43 54 55
Railway No. 2 Neilston	117 119 122 127 130 141 151 152 153 154 155 156 157 160 161 167 168
Eastwood	4
Railway No. 4 Cathcart	72 113
Cambuslang	83 88 98 144 150
Railway No. 7 Eastwood	49
Cathcart	6 31
Railway No. 8 Cathcart	72
Railway No. 9 Cathcart	121
Railway No. 10 Cathcart	121
Railway No. 11 Cambuslang	83 88 98 144 152

THE SECOND SCHEDULE.

SUPERFLUOUS LANDS SITUATE IN THE COUNTY AND PARISHES
FOLLOWING :—

County of Ayr Parish of Beith
Kilbirnie
Dalry
Kilwinning
Stevenston
Ardrossan
Irvine.

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THE THIRD SCHEDULE.

MINUTE OF AGREEMENT between JAMES AULDJO JAMIESON writer to the Signet Edinburgh as Commissioner for the trustees of the late William Alexander Louis Stephen Duke of Hamilton Brandon and Chatelherault K.T. (the said trustees being herein-after referred to as "the trustees") of the first part and THE LANARKSHIRE AND AYRSHIRE RAILWAY COMPANY incorporated by Act of Parliament (the said company being herein-after referred to as "the Company") of the second part.

WHEREAS the Company is at present promoting a Bill before Parliament intituled "A Bill to empower the Lanarkshire and Ayrshire Railway Company to construct new Railways and for other purposes" And whereas the Company proposes under said Bill to take power inter alia to make and maintain a railway therein referred to as Railway Number Four five miles one furlong four decimal six chains or thereabouts in length commencing in the parish of Cathcart at a point described in said Bill as the termination of Railway Number Three and terminating in the parish of Cambuslang by a junction with the Clydesdale Junction section of the Caledonian Railway at a point five hundred and sixty yards or thereabouts measured along that railway in a westerly direction from the centre of the footbridge at Newton Station as also to make and maintain a railway therein referred to as Railway Number Eleven one mile four furlongs decimal five chains or thereabouts in length wholly situate in the parish of Cambuslang commencing by a junction with the said Railway Number Four at a point four hundred and sixteen yards or thereabouts measured in a westerly direction from the north-west corner of the parish church at Kirkhill and terminating by a junction with the Newton and Carmyle Branch of the Caledonian Railway at a point seventy yards or thereabouts measured in a southerly direction along that railway from the centre of the viaduct carrying that railway over the River Clyde at Carmyle And whereas the said Railway Number Four is intended to pass through feuing ground belonging to the trustees And whereas the parties have in view of the said Bill being passed into law agreed as follows and that it is proper to set forth the agreement in a properly authentic form Therefore the parties hereto have agreed and hereby agree as follows:—

First.—The said Railway Number Four shall be so laid out as to pass under the Greenlees Road without altering the existing level and under the intended feuing roads shown on the plan signed as relative hereto at the points marked A B and C at such a level as will permit these roads to pass over the railway without increasing the gradients fixed in connection with the intending feuing roads and the said Railway Number Four shall also be laid out so as to pass under Whitlawburn Farm Road at such a level as to secure that the approaches of the bridge to be made across the railway at that road shall not be steeper than one in twenty Further within three months after the Royal Assent shall be given to said Bill as the same shall be passed into law the Company shall be bound to furnish to the trustees a plan showing the ground required for said Railway Number Four between Greenlees Road and Whitlawburn Farm Road from which no subsequent deviation shall be made.

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Act, 1897.

Second.—The Company shall erect bridges on the sites of the Greenlees Road and Whitlawburn Farm Road and on the intended feuing roads at the said points marked A B C on said plan and wherever it is practicable the Company shall be bound to leave not less than two feet six inches of covering from the surface of the road or street for a sufficient width to admit of gas water and sewage pipes being conveniently laid on the said bridges and in any case where such two feet six inches of covering cannot be given the Company shall be bound to provide at their own expense special works for carrying the said pipes across the railway with special protection from injury to such pipes all to the reasonable satisfaction of the engineer of the trustees.

A.D. 1897.

Third.—That for the convenience and service of the trustees and their tenants feuars and others the Company shall erect as soon as said Railway Number Four is used for public traffic stations for passengers goods and manure and such like traffic (One) at or adjoining Greenlees Road or within a hundred yards west therefrom and (Two) upon the lands of Fishescoates near the west boundary of the same and adjoining the Glasgow and East Kilbride Road.

Fourth.—The Company shall be bound at any time after service of a notice to take ground for the formation of said Railway Number Four to acquire and pay for all the ground between their railway and the north side of the intended feuing road to the north of the railway and they shall at their own expense when required by the trustees form the said road and also the said roads marked A B and C so far as intended to be formed on ground to be acquired by the Company and complete and maintain them for public use equal to the roads which have or may be formed by the trustees for the accommodation of the feuing lands. The compensation to be paid for the ground referred to in this article shall failing agreement be separately assessed in the arbitration proceedings herein-after mentioned in connection with the compensation to be paid for the land to be taken from the trustees for the purposes of the construction of the said railway. In the event of said road or any part thereof to the north of said Railway Number Four or all or any of the said roads marked A B C being formed by the trustees prior to the acquisition of the ground herein referred to the Company shall nevertheless be bound to pay for the solum of the roads which would otherwise have been paid for as above mentioned and in addition to recoup the trustees the expense of forming said roads as far as made on ground intended to have been conveyed to the Company.

Fifth.—The title to be granted by the trustees to the Company to the ground to be acquired in terms of the preceding article shall be a feu disposition with a feu duty of one penny annually if asked over and above the compensation to be paid for same as before provided and shall contain clauses reserving the whole minerals to the trustees and power to work the same without liability for any damage which may be caused thereby restricting the use to be made of the ground to purposes which shall not be offensive to persons residing in the neighbourhood or detrimental to the feuing of the adjoining ground of all which the trustees shall be the sole judges restricting the buildings to detached or semi-detached dwelling-houses to be built of stone and slated and of such size and style as may be approved of by the trustees and generally all clauses usual

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A.D. 1897. in feu charters by the trustees or the late Duke of Hamilton of ground at
----- Cambuslang for securing the amenity of the place and neighbourhood as for
private residences including therein clauses against noisy noxious or offensive
trades businesses or manufactures and licensed houses or shops All such
clauses shall be conceived in terms and in the manner necessary or useful for
giving them due and complete effect If any dispute shall arise between the
trustees and the company as to the ground to be acquired for the proper works
of the said Railway Number Four under the Company's compulsory powers as
distinguished from ground to be acquired in terms of the preceding article it
shall be settled by arbitration.

Sixth.—In the event of the trustees forming any of the roads laid down on
said plan as intended to cross the line of the said Railway Number Four before
the completion of said Railway Number Four the Company shall be bound when
forming said railway to provide the necessary temporary bridge accommodation so
as to allow the traffic by such roads being continued while the railway is in
course of construction.

Seventh.—The Company shall be bound when forming the said Railway
Number Four to construct such conduits across the same as may be arranged
between the engineer of the trustees and the engineer of the Company and
failing their agreement as shall be fixed by an arbiter to be mutually agreed
upon for the present and future agricultural drainage of the lands and for
carrying away of sewage from any buildings which have been or may be here-
after erected on the lands to the south of said railway As also to construct
such conduits across the said Railway Number Eleven as may be arranged
between the engineers of the trustees and of the Company and failing their
agreement as shall be fixed by an arbiter to be mutually agreed upon for the
present and future agricultural drainage of whatever lands it may be necessary
to conduct the drainage of or the sewage from the houses erected or to be
erected thereon across that line of railway.

Eighth.—Nothing herein contained shall prejudice the trustees' claims against
the Company for compensation for lands to be taken other than the ground to be
acquired in terms of article fourth hereof or for compensation for damage to
their remaining lands or any other claims for compensation competent to them
in consequence of the taking of the said lands or the Company's operations in
virtue of the said Bill which compensation shall failing agreement be ascertained
as for a compulsory sale by arbitration in terms of the Lands Clauses Acts and
it is also provided that nothing herein contained shall prejudice the trustees'
claims for accommodation works in addition to those hereby stipulated or
referred to.

Ninth.—The Company shall be bound to have this agreement incorporated
with or scheduled to the said Bill in a manner satisfactory to the trustees and
subject to such variation and modification thereon as Parliament may think fit
but if any material variations are made thereon either of the parties may with-
draw from the same.

IN WITNESS whereof these presents written on this and the four preceding
pages are subscribed in duplicate as follows videlicet For and on behalf of

[60 & 61 Vict.] *Lanarkshire and Ayrshire Railway* [Ch. cxxix.]
Act, 1897.

the said the Lanarkshire and Ayrshire Railway Company by James Neilson and the Honourable Greville Richard Vernon two of the ordinary directors and George Yuille Strang Watkins the Secretary all of said company all at Westminster on the eleventh day of March eighteen hundred and ninety-seven before these witnesses Duncan Campbell Barr Factor on the Hamilton Estates at Hamilton and Thomas Watson Clerk to the said James Auldjo Jamieson and by the said James Auldjo Jamieson also at Westminster on the day month and year last mentioned before these witnesses David Kerr also his clerk and the said Thomas Watson This testing clause from and after the words "In witness whereof" being written by William Hepburn also Clerk to the said James Auldjo Jamieson. A.D. 1897.

DAV. KERR Witness.

JA^s. AULDJO JAMIESON.

THO^s. WATSON Witness.

JA^s. NEILSON Dⁿ.

DUNCAN C. BARR Witness.

G. R. VERNON Dⁿ.

THO^s. WATSON Witness.

G. Y. STRANG WATKINS SEC^y.

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