

**CHAPTER clxxii.**

An Act for conferring further Powers on the Glasgow and South Western Railway Company for the Construction of Works and the Acquisition of Lands for consolidating and converting their Preference and Ordinary Stocks and for other purposes. A.D. 1897.
[6th August 1897.]

WHEREAS it is expedient that the Glasgow and South Western Railway Company (in this Act called "the Company") should be empowered to construct and maintain the new railways and other works and for those and other purposes of their undertaking to acquire the lands herein-after respectively described or referred to :

And whereas plans and sections showing the lines and levels of the said railways and works and plans showing the lands required or which may be taken for the purposes or under the powers of 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 said lands have been deposited with the principal sheriff clerks of the counties of Renfrew Ayr Dumfries and Kirkcudbright respectively which plans sections and books of reference are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas by section 32 of the Glasgow and South Western Railway Act 1896 the Company were empowered to purchase lease the private railways sidings or tramways of the Lanemark Coal Company Limited and William Hyslop of Bank situate at Lanemark and Bank in the parish of New Cumnock and it is expedient that further provision as contained in this Act should be made with reference to the purchase by the Company of the lands occupied by such railways sidings or tramways and the works and conveniences connected therewith :

A.D. 1897. — And whereas it is expedient that provision should be made as contained in this Act for the consolidation and conversion of some of the preference stocks of the Company and that the existing ordinary capital of the Company should be converted into preferred ordinary stock and deferred ordinary stock and the nominal amount of the ordinary stock increased accordingly as provided by this Act :

And whereas it is expedient that the Company should be empowered to raise a further sum of money for the purposes of this Act and for the general purposes of their undertaking and to apply their funds to those purposes :

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 for all purposes as the Glasgow and South Western Railway Act 1897.

Incorporation of
general
Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation (Scotland) Act 1845 Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 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 ;

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 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 any subsequent Acts are except where expressly varied by this Act incorporated with and form part of this Act. A.D. 1897.

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. Interpreta-
tion.

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 new railways herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The railways herein-before referred to and authorised by this Act are— Power to
make
railways.

- (1) A Railway (No. 1) 6 miles 2 furlongs 7 chains and 15 yards in length commencing in the parish of Dalry in the county of Ayr by a junction with the Company's Glasgow Paisley Kilmarnock and Ayr Railway and terminating in the parish of Lochwinnoch in the county of Renfrew at a point fifty yards or thereabouts measured in a northerly direction from Calderpark Cottage :
- (2) A Railway (No. 2) 4 miles 7 chains and 7 yards in length commencing by a junction with Railway (No. 1) at the termination thereof and terminating in the parish of Kilbarchan in the county of Renfrew at a point three hundred and forty-five yards or thereabouts measured in a north-easterly direction from Woodend otherwise Wardend House :
- (3) A Railway (No. 3) 2 miles 1 furlong 7 chains and 3 yards in length commencing by a junction with Railway (No. 2) at the termination thereof and terminating in the parish of Paisley or Abbey parish of Paisley in the county of Renfrew by a junction with the Company's Greenock branch :
- (4) A Railway (No. 4) 4 miles 1 furlong 2 chains and 14 yards in length commencing in the parish of Kilmarnock or Laigh Kirk parish of Kilmarnock in the county of Ayr by a junction with the Kilmarnock and Troon Railway and terminating in the parish of Galston in the same county by a junction with the Company's Galston branch :
- (5) A Railway (No. 5) 2 furlongs and 17 yards in length wholly situate in the parish of Riccarton in the county of Ayr commencing by a junction with Railway (No. 4) and terminating at a point on the west side of the River Irvine one hundred and

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sixty yards or thereabouts measured in a north-easterly direction from Glencairn Corn Mill :

(6) A Railway (No. 6) 15 miles 6 furlongs 2 chains and 14 yards in length commencing in the parish of Holywood in the county of Dumfries by a junction with the Company's Glasgow Dumfries and Carlisle Railway and terminating in the parish of Glencairn in the same county at a point seventy yards or thereabouts measured in a south-easterly direction from Moniaive Public School :

(7) A Railway (No. 7) (on the deposited plans and sections referred to as Railway No. 10) 1 mile and 16 yards in length wholly situate in the parish of Paisley or Abbey parish of Paisley in the county of Renfrew commencing by a junction with the Company's Potterhill branch at its termination and terminating at a point two hundred and forty yards or thereabouts measured in a north-easterly direction from Glen Mansion House.

Railways
to form
part of
Company's
undertaking.

5. The railways by this Act authorised shall for the purposes of maximum rates and charges for merchandise traffic (including perishable merchandise by passenger train) be part of the railways of the Company as if the same had been part of the Glasgow and South Western Railway at the date of the passing of the Railway Rates and Charges No. 22 (Glasgow and South Western Railway &c.) Order Confirmation Act 1892 and shall for all other purposes be part of the undertaking of the Company as it existed at the date of the passing of the Glasgow and South Western Railway Consolidation Act 1855.

Inclination
of certain
roads.

6. 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 connexion therewith respectively (that is to say) :—

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
RAILWAY NO. 1.			
16	Lochwinnoch - -	Public highway -	1 in 20
RAILWAY NO. 4.			
13	Kilmarnock - -	Public highway -	1 in 20

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No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
RAILWAY No. 6.			
30	Holywood - -	Public highway -	1 in 20
43	Holywood - -	Public highway -	1 in 20
78	Holywood - -	Public highway -	1 in 20
31	Glencairn - -	Public highway -	1 in 20
42 42 42	Glencairn - -	Public highway -	1 in 20
45	Glencairn - -	Public highway -	1 in 20
61	Glencairn - -	Public highway -	1 in 20
66	Glencairn - -	Public highway -	1 in 20

7. 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 connexion therewith respectively (that is to say):—

Height and span of bridges.

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
RAILWAY No. 1.				
15	Kilbirnie - -	Public highway -	16 feet	30 feet
21 21	Kilbirnie - -	Public highway -	15 feet	25 feet
61 61 61 61	Lochwinnoch - -	Public highway -	15 feet	25 feet
69 69	Lochwinnoch - -	Public highway -	15 feet	25 feet
RAILWAY No. 2.				
33	Kilbarchan - -	Public highway -	15 feet	25 feet
RAILWAY No. 4.				
26	Kilmarnock - -	Public highway -	15 feet	25 feet
RAILWAY No. 6.				
30	Holywood - -	Public highway -	15 feet	25 feet
67	Holywood - -	Public highway -	15 feet	25 feet
93A	Holywood - -	Public highway -	15 feet	25 feet
19	Glencairn - -	Public highway -	15 feet	25 feet

8. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not being

Widths of certain roadways.

A.D. 1897. less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say):—

No. on deposited Plan.	Parish.	Description of Road.	Width of Roadway.
RAILWAY NO. 1.			
16	Lochwinnoch -	Public highway -	25 feet.
21 21	Lochwinnoch -	Public highway -	25 feet.
54	Lochwinnoch -	Public highway -	25 feet.
RAILWAY NO. 2.			
35 35 35	Lochwinnoch -	Public highway -	25 feet.
30	Kilbarchan -	Public highway -	25 feet.
RAILWAY NO. 4.			
13	Kilmarnock -	Public highway -	25 feet.
50	Riccarton -	Public highway -	25 feet.
61	Riccarton -	Public highway -	25 feet.
RAILWAY NO. 6.			
15	Holywood -	Public highway -	25 feet.
16A	Holywood -	Public highway -	25 feet.
43	Holywood -	Public highway -	25 feet.
56	Holywood -	Public highway -	25 feet.
78	Holywood -	Public highway -	25 feet.
5	Glencairn -	Public highway -	25 feet.
31	Glencairn -	Public highway -	25 feet.
42	Glencairn -	Public highway -	25 feet.
45	Glencairn -	Public highway -	25 feet.
61	Glencairn -	Public highway -	25 feet.
66	Glencairn -	Public highway -	25 feet.

Power to
divert roads
as shown on
deposited
plans.

9. The Company may divert the 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 the sheriff 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. on deposited Plan.
Railway No. 4 -	Kilmarnock -	13
Railway No. 6 -	Holywood -	84
Railway No. 6 -	Glencairn -	42 42 42

And when and so soon as the said road 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 railway appropriate and use for the purposes of their undertaking the site of the road stopped up as far as the same is bounded on both sides by lands of the Company. A.D. 1897.

10. Notwithstanding anything contained in section 39 of the Railways Clauses Consolidation (Scotland) Act 1845 the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over the railways by this Act authorised or any of them by a bridge or bridges or the immediate approaches thereto except so far as the line of such road is materially deviated or the level of such road or highway or approaches is permanently altered. Company
not liable
to repair
surface of
road level
of which
is not
permanently
altered.

11. In constructing Railway No. 1 where the same is intended to pass over the Kilbirnie branch of the Lanarkshire and Ayrshire Railway Company (herein-after called "the Lanarkshire and Ayrshire Company") the following provisions shall apply and have effect (that is to say):— For pro-
tection of
Lanarkshire
and Ayrshire
Railway
Company.

- (1) The bridge by which Railway No. 1 is carried over the said branch shall have a clear span of not less than twenty-eight feet measured on the square and the said bridge shall have a clear headway throughout of not less than fourteen feet above the upper surface of the rails of the said Kilbirnie branch at the point of crossing :
- (2) All the works and operations of the Company shall be carried on at a time or times to be reasonably approved of by the engineer of the Lanarkshire and Ayrshire Company or in the event of difference by an engineer to be agreed on or appointed in manner herein-after provided and so as in no way to obstruct impede or interfere with the free and uninterrupted and safe use of the said Kilbirnie branch or with the traffic thereon and if any such obstruction or interference shall be caused or take place the Company shall pay to the Lanarkshire and Ayrshire Company full compensation in respect thereof to be recovered with full costs in any court of competent jurisdiction :
- (3) All the said works of the Company shall be executed in a substantial and workmanlike manner so as not to affect the stability of the said Kilbirnie branch :
- (4) During the execution of the said works the line level and surface of the said branch shall be maintained in a good and substantial condition and if any loss or damage shall be sustained

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by the Lanarkshire and Ayrshire Company by reason of the failure of any of the works the Company shall pay to the Lanarkshire and Ayrshire Company full compensation in respect thereof to be recovered as aforesaid :

- (5) All the aforesaid works of the Company shall be executed or as the case may be maintained by and in all things at the expense of the Company :
- (6) The Company shall not (except with the previous consent of the Lanarkshire and Ayrshire Company under their common seal) acquire any absolute property in any lands of the Lanarkshire and Ayrshire Company but only the right servitude or privilege of making the bridges and works aforesaid under over or through so much of the lands of the latter company as may be necessary therefor :
- (7) If any difference shall arise between the Company and the Lanarkshire and Ayrshire Company or their respective engineers as to anything to be done or not to be done under the provisions of this section the same shall be referred to and determined by an engineer to be agreed upon between the parties or if they cannot agree to be appointed on the application of either of the parties in difference by the Board of Trade and the award of the engineer so appointed shall be final and binding on both parties and the costs of the arbitration shall be in the discretion of the arbitrator.

For protec-
tion of
Renfrew
County
Council.

12. For the protection of the county council of the county of Renfrew and the district committee of the first or upper district of that county who are hereafter included in the expression "the county council" the following provisions shall notwithstanding anything shown on the deposited plans and sections have effect and be binding on the Company with respect to the Caplethill Road No. 21 on the deposited plans of the parish of Paisley in the county of Renfrew (that is to say) :—

- (1) The bridge to carry the Railway (No. 7) over the road shall be made fifty feet in width and the bridge shall have a clear headway of sixteen feet throughout above the finished surface of the road :
- (2) The Company shall make and thereafter maintain the said bridge so as to prevent as far as practicable the dripping of water on the roadway and footpath underneath and shall take such means as shall be considered necessary by the engineer of the Company by fixing such sheeting or otherwise as will prevent water from dripping on the footpath :

(3) The Company shall construct the said bridge and relative works to the reasonable satisfaction of the county council and in accordance with working plans and specifications to be approved of by the county council or if desired by them of an engineer to be mutually appointed or failing agreement by an engineer to be appointed by the sheriff of Renfrewshire or any of his substitutes and the fee of such engineer shall be paid by the Company :

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(4) The Company shall make adequate provision to the satisfaction of the county council for the traffic on the said road during the period of interference before any interference takes place.

13. For the protection of the Kilmarnock District Committee of the county council of Ayrshire (in this section called "the committee") the following provisions shall unless otherwise agreed between the committee and the Company be observed and have effect (that is to say) :—

For protec-
tion of
Kilmarnock
District
Committee.

(1) Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not in constructing Railway No. 4 and the works connected therewith interfere in any way whatever with the portion marked C E F on the deposited plans of the highway leading from Gatehead to Kilmarnock without the consent in writing of the committee :

(2) The Company shall construct a subway for foot passengers under Railway No. 4 where the same intersects the public footpath numbered on the deposited plans 20 in the parish of Kilmarnock and such subway shall be not less than seven feet in height and six feet in width and the Company shall properly drain and metal the same and shall at all times thereafter maintain and uphold the said subway :

(3) Railway No. 4 shall be constructed on a bridge over the public footpath along the north-western side of the River Irvine so as to leave a free passage not less than seven feet high and six feet wide and the Company shall at all times maintain the same :

(4) Notwithstanding anything shown on the deposited plans and sections the gradient of the approach to the bridge for carrying the road numbered on the deposited plans 83 in the parish of Riccarton over Railway No. 4 which is delineated on the left hand side of the cross section No. 7 shall not be steeper than 1 in 40 and the Company shall raise the altered road to a uniform curvature to the extent of forty feet on each side of the point where the gradient of 1 in 40 strikes the existing highway to the satisfaction of the engineers of the committee

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and the Company or an engineer to be appointed by them in the event of their differing in opinion:

- (5) If the Company in carrying out operations under this Act interfere with the free passage over the said public rights of way and highway mentioned in the last preceding sub-section they shall make sufficient temporary provision for the accommodation of the traffic upon the same to the satisfaction of the surveyor of the committee.

For protection of
Paisley and
Barrhead
District
Railway.

14.—(1.) In constructing Railway No. 7 the Company shall deviate the centre line thereof between points marked four furlongs and five furlongs on the deposited plans towards the eastward limit of deviation on those plans so that the nearest point of the railway and works of the Company shall be at a distance of not less than ninety yards from the centre line shown on the deposited plans at the point of crossing of road number 21 on those plans.

(2.) In constructing Railway No. 7 the Company shall carry the same over the road numbered 21 on the deposited plans in the parish of Paisley without altering the existing level of the road.

(3.) In constructing Railway No. 7 the Company shall not make any alteration in the lines or levels of that railway which would prejudicially affect the construction of Railway No. 1 of the Paisley and Barrhead District Railway Company within the limits of deviation on the deposited plans of the said Railway No. 1 and before commencing the construction of Railway No. 7 the Company shall submit the working plans and sections so far as they may in any way interfere with or affect the said Railway No. 1 and works of the Paisley and Barrhead District Railway Company for the approval of the engineer of that company and in the event of any difference arising between the engineers of the respective companies such difference shall be referred to a neutral engineer failing agreement to be appointed by the Board of Trade.

Imposing
penalty
unless
railways
opened
within time
limited.

15. 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 Railways Nos. 1 2 3 4 6 and 7 are completed and opened for the public conveyance of passengers and until Railway No. 5 is completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the uncompleted railways or railway and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in respect of the uncompleted railways or railway in accordance with the provisions of the next following section of this Act and in the same manner as

the penalty provided in the third section of the Railway and Canal Traffic Act 1854 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 and to the credit specified in such 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 was prevented from completing or opening the uncompleted railway or railways by unforeseen accident or circumstances beyond their control Provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

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16. 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 railway in respect of which the penalty has been incurred or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act for the purposes of the said railways or railway and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit If no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid 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 receiver has been appointed or if the Company is insolvent or the railways or railway in respect of which the penalty has been incurred has or have been abandoned be paid to such receiver 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 to the Company.

Application
of penalty
towards
compensa-
tion of
parties
injured.

17. If the railways are not completed within the period of 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

Period for
completion
of railways.

A.D. 1897. — making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Power to
Company to
acquire
additional
lands.

18. Subject to the provisions of this Act and in addition to the other lands which the Company are by this Act authorised to acquire the Company may from time to time enter upon take use and appropriate for the purpose of extending their station siding and other accommodation and for other purposes connected with their undertaking all or any parts of the lands following delineated on the deposited plans and described in the deposited books of reference relating thereto (that is to say):—

Certain lands in the royal burgh and parish of Renfrew in the county of Renfrew lying on both sides of and adjoining the Company's Paisley and Renfrew Railway at and near Porterfield.

Period for
compulsory
purchase of
lands by the
Company.

19. 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.

Power to
owners to
grant servi-
tudes &c.

20. 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 others 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.

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

21. And whereas in the construction of the railways and works 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 greater or less portion thereof 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 sheriff jury arbiters or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by the tribunal 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 greater or less portion thereof (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed :
- (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 such owner incident to the arbitration or inquiry shall be borne and paid by such 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

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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 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.

Power to
certain
limited
owners to
convey lands
free of
charge.

22. It shall be lawful for any limited owner named in the Second Schedule to this Act of any land shown on the deposited plans and described in the deposited books of reference required by the Company for any part of Railway No. 6 to accept as compensation in whole or in part for such land and for any permanent damage or injury to any such land the making by the Company of said railway and the opening of the same for traffic and to convey to the Company the said land so required accordingly.

Restrictions
on displacing
persons of
labouring
class.

23.—(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—

(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 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 purpose

A.D. 1897. 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 the Company were a local authority within the meaning of that Act and the scheme were one of the purposes of that Act.

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

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

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

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

(9.) The Company shall pay to the Secretary for Scotland a sum to be fixed by him in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the person appointed to hold any such inquiry and a sum to be fixed by the

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

(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 artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

24. The Company may by agreement purchase or take on lease upon such terms and conditions and for such periods as may be agreed upon all or any lands upon which any of the private railways sidings or tramways and the works and conveniences in connexion therewith which the Company were by section 32 of the Glasgow and South Western Railway Act 1896 authorised to acquire are situate. Power to purchase or lease lands forming sites of private railways.

25. The several facilities running powers and privileges which were by sections 28 to 35 and sections 37 and 38 of the Caledonian Railway Act 1896 granted secured and provided in respect of Caledonian traffic as defined by section 26 of that Act shall extend and apply to Railways Nos. 4 and 5 by this Act authorised and from and after the completion and opening of Railway No. 4 such facilities running powers and privileges shall be exerciseable by the Caledonian Railway Company by way of Railway No. 4 instead of Extending running powers and facilities for Caledonian Railway Company over Railways Nos. 4 and 5.

A.D. 1897. — by way of the existing lines of the Company viâ Kilmarnock and St. Marnocks.

Confirming
agreement
with Duke
of Portland.

26. The agreement between the Company and His Grace the Duke of Portland as set forth in the Third Schedule to this Act is hereby confirmed and made binding upon the parties thereto.

Directors
may prepare
scheme
for
conversion
and con-
solidation of
capital.

27.—(1.) The directors of the Company may prepare a scheme for the conversion and consolidation of the several classes of preference stocks of the Company mentioned in the Fourth Schedule to this Act (herein-after referred to as "the existing stocks") into one preference stock of one class and bearing a uniform rate of interest. Provided always that the amount of dividend payable to the holders of each class of the existing stocks shall not be diminished or increased by such scheme.

(2.) The directors shall send a copy of such scheme at the same time to every holder of the existing stocks with a notice that the scheme will be submitted to the consideration of separate meetings of the holders of the different classes of the existing stocks and thereafter if or in so far as approved of at such meetings to the consideration of a meeting of the shareholders of the Company.

(3.) Such separate meetings shall be called by the directors in like manner (as far as may be) as extraordinary meetings of the shareholders and shall be held not sooner than one month nor later than two months after the copies of the scheme shall have been sent to the holders of the existing stocks as aforesaid and the directors shall submit the scheme to the consideration of each of such meetings and they or any of them may be present at any such meeting but shall not be entitled to vote thereat unless and except in so far as they are holders of the class of the existing stocks represented at such meeting.

(4.) The holders of each class of the existing stocks shall be entitled to vote in person or by proxy at the separate meeting of the holders of such class whether they are or are not entitled to vote at meetings of the shareholders of the Company.

(5.) The scheme shall not be held to be approved of by any such separate meeting unless it be approved of by the holders present in person or by proxy of at least three-fourths of the paid-up capital represented at such meeting.

(6.) It shall not be competent to any holder in any class of the existing stocks to object to the scheme on the ground of any alteration therein proposed in the priority of any stock which at the time is entitled to priority over such class.

(7.) If the scheme shall be approved of at such separate meetings or any of them the directors shall submit the same to the consideration

A.D. 1897.

of an extraordinary meeting of the shareholders of the Company to be held within one month after the last of such separate meetings and if such extraordinary meeting think fit they may by a majority of the votes (according to the scale of voting prescribed by the Company's Acts) of the shareholders present in person or by proxy and entitled to vote at such meeting sanction the entire scheme if it shall have been approved of at all of such separate meetings or so much of the scheme as can be carried out without interfering with the priority of any class of existing stock the holders of which shall not have approved of the scheme in manner aforesaid and the scheme in so far as thus approved of and sanctioned but not otherwise shall be carried into effect.

(8.) In the event of the failure from any cause either wholly or in part of any scheme prepared by the directors as aforesaid other than and except the same not being sanctioned at the extraordinary meeting of the shareholders of the Company to be held as herein-before provided the directors may if and as often as they think fit prepare a new scheme in lieu of any previous scheme or portion of a scheme which may not have been approved of as aforesaid and such new scheme shall be dealt with and shall have effect in all respects as is herein-before provided with respect to the original scheme.

(9.) Any such scheme may provide that any other preference stock to be created by the Company either before or after the date when such scheme comes into operation and whether under the powers of any Act already passed or of this Act shall rank *pari passu* with and form part of the preference stock to be created under such scheme.

(10.) For the purpose of carrying any scheme or portion of a scheme so approved of and sanctioned into effect the directors may and shall create and issue new stock with such name and of such nominal amount and with the priority specified in such scheme or portion of a scheme in lieu of the existing stocks to be converted and consolidated as therein mentioned and shall furnish to every holder of such existing stocks free of charge a certificate for the amount of new stock to which he is entitled and after the creation and issue of such new stock the existing stock in lieu of which such new stock is issued and the certificates of such existing stock shall be deemed to be cancelled.

(11.) The holders of new stock shall not be entitled to vote in respect thereof at meetings of the Company.

28. On the thirty-first day of January one thousand eight hundred and ninety-eight or on such other day either before or after

Conversion
of ordinary
stock into

A.D. 1897.

preferred
and
deferred
stock.

that day as the directors shall prescribe all the existing consolidated ordinary stock of the Company shall be by virtue of this Act converted into preferred ordinary stock and deferred ordinary stock subject to the following provisions and incidents :—

- (1) Every holder of the existing consolidated ordinary stock shall be entitled to and shall receive in substitution for every one hundred pounds held by him of that stock one hundred pounds preferred ordinary stock and one hundred pounds deferred ordinary stock and so in proportion for every fraction of one hundred pounds and the Company shall furnish to every holder of such existing stock free of charge a certificate for the amounts of preferred ordinary stock and deferred ordinary stock to which he is entitled in exchange for the certificate of the existing ordinary stock held by him unless it shall be proved to the satisfaction of the directors of the Company that such certificate has been lost or destroyed and thereupon the certificates for the said existing stock shall be deemed to be cancelled :
- (2) The preferred ordinary stock and the deferred ordinary stock shall together be entitled in each half year to the same dividend as that to which the consolidated ordinary stock in substitution for which such preferred ordinary stock and deferred ordinary stock were issued would but for the conversion have been entitled and such dividend shall be apportioned between the preferred ordinary stock and the deferred ordinary stock in the following manner in so far as the same [is sufficient for that purpose (that is to say) first in payment of a dividend at the rate of two and a half per centum per annum to the holders of preferred ordinary stock and secondly in payment of any balance to the holders of deferred ordinary stock according to the amount of their respective holdings :
- (3) Preferred ordinary stock and deferred ordinary stock shall respectively confer such right of voting at meetings of the Company and shall confer and have all such other rights qualifications privileges liabilities and incidents (except so far as regards the right to dividend which shall be as herein-before provided) as would have attached and been incident to the existing consolidated ordinary stock for which it is substituted if the substitution had not taken place with this qualification that the number of votes to which [any holder of preferred ordinary stock or of deferred ordinary stock shall be in respect thereof entitled shall be one-half only of the number of votes to which he would have been entitled in respect of an equal

amount of existing consolidated ordinary stock the true intent and meaning of this qualification being that the aggregate number of votes to be given in respect of preferred ordinary stock and deferred ordinary stock shall be the number of votes to which the holder of the existing consolidated ordinary stock for which the same are substituted would have been entitled if the substitution had not taken place and no greater number:

A.D. 1897.

- (4) The provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the transfer and transmission of shares shall apply mutatis mutandis to and in the case of preferred ordinary stock and deferred ordinary stock.

29. Notwithstanding the conversion of the existing consolidated ordinary stock of the Company under the powers of this Act the forms of accounts and of returns prescribed by and referred to in the Regulation of Railways Act 1868 and in the Railways Regulation Amendment Act 1871 or in any Act amending the same shall from time to time continue to be made up so as to show the amount of ordinary capital authorised created and received as if such conversion had not taken place but the statement of capital account shall set forth in addition to the particulars required by the First Schedule to the said first-mentioned Act the amounts of preferred ordinary stock and deferred ordinary stock respectively.

As to
statements
of accounts
under the
Regulation
of Railways
Acts.

30. Any increase in the nominal amount of the ordinary capital of the Company by virtue of this Act shall not increase the amount which under any Act or Acts the Company are authorised to borrow upon mortgage or by the creation and issue of debenture stock and for the purpose of any such Act or Acts the amount of capital in respect of which the borrowing powers of the Company may be exercised shall be taken to be the amount of which the capital of the Company would have consisted if the ordinary stock had not been converted under this Act.

Conversion
not to
increase
borrowing
powers.

31. The Company shall notwithstanding the conversion under the powers of this Act of the ordinary stock continue to ascertain and declare their dividends on the amount of ordinary stock which would have been entitled to dividend if no such conversion had taken place and the dividend so declared shall for all purposes including the Trusts (Scotland) Amendment Act 1884 and the Trustee Act 1893 or any statutory modification of those Acts respectively for the time being be held to be the dividend upon the ordinary stock of the Company.

Dividends to
be declared
on ordinary
stock as if
unconverted.

32. Where the amount of an allotment of consolidated preference stock or preferred or deferred ordinary stock under this Act would

Case of
fractional
allotment.

A.D. 1897. — include a fractional part of a pound no allotment need be made of such fractional part but the Company may at their option either pay the amount of such fractional part in cash or receive the amount thereof in cash from the person entitled to such allotment.

Execution
of Act by
directors.

33. The directors of the Company may and shall close the register of stockholders and the register of transfers of the Company at and for such time and shall make such arrangements for the registration of the new stocks in the names of the several persons entitled thereto and for the issue of new stock certificates in substitution for the existing stock certificates and generally shall do all such acts and things as shall be necessary or proper for carrying into effect the provisions of this Act.

Power of
trustees
executors &c.
to accept
new stock.

34. Trustees executors administrators and all other holders in any representative or fiduciary capacity of the existing preference or consolidated ordinary stocks of the Company are hereby expressly authorised to apply for accept and hold any stock issued in exchange therefor under the powers of this Act and to enter into agreements for the purposes of this Act and are hereby indemnified for all acts bonâ fide done by them in pursuance of the provisions of this Act.

New stock
to be held
on same
trusts &c.
as existing
stock.

35. The stock by this Act substituted for any existing stock shall be held in the same rights on the same trusts and subject to the same powers provisions charges and liabilities as those on or to which such existing stock was held immediately before the substitution and so as to give effect to and not to revoke any deed will or other disposition disposing of or affecting such existing stock and every such deed will or other instrument or testamentary or other disposition shall take effect with reference to the whole or a proportionate part as the case may be of the substituted stock and in the case of ordinary stock with reference to equal proportions of preferred and deferred converted ordinary stock.

As to
creation of
ordinary
shares or
stock under
powers
conferred by
any existing
Act or this
Act.

36. Any ordinary shares or stock which the Company may create under powers contained in any existing Act and still unexercised or under the powers of this Act shall be issued as preferred ordinary shares or stock and deferred ordinary shares or stock in the proportion of one hundred pounds of preferred ordinary shares or stock and one hundred pounds of deferred ordinary shares or stock for every one hundred pounds of ordinary shares or stock so created Provided that the dividend on the preferred ordinary shares or stock shall not exceed two pounds ten shillings per centum per annum and that the Company shall not issue any part of such preferred ordinary stock unless they shall have issued an equal amount of deferred ordinary stock.

37. The qualification of a director shall be the holding in his own right of one thousand pounds of preferred ordinary stock and also of a like amount of deferred ordinary stock.

A.D. 1897.
Qualification
of directors.

38. The Company from time to time may raise for the purposes of this Act by the creation and issue of new shares or stock such additional capital as they think fit not exceeding in the whole the sum of five hundred and ten thousand pounds and they may create and issue such new shares or stock either wholly or partially as ordinary or wholly or partially as preference shares or stock as they may think fit. Provided that any preference shares or stock which may be issued by the Company under this Act shall be entitled to the preferential dividend or interest assigned thereto only out of the profits of each year ending on the thirty-first day of January.

Power to
Company to
raise ad-
ditional
capital.

39. The Company shall not under the authority of this Act 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 part of the amount of such share shall have been paid in respect thereof.

Shares not
to be issued
until one-
fifth paid.

40. Every person who becomes entitled to new shares or stock created under this Act shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Dividends on
new shares
or stock.

41. Each holder of new shares or stock in the capital by this Act authorised to be raised shall be entitled to the same number of votes in respect thereof which the possession of an equal nominal amount of the existing capital stock of the Company would have conferred upon him. Provided always that except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Votes in
respect of
new shares
or stock.

42. 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 or Acts and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power to
Company to
raise capital
authorised by
any other
Act and this
Act by new
shares or
stock of one
class.

A.D. 1897.

Power to
Company to
borrow.

43. The Company may in respect of the additional capital of five hundred and ten thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking such sums as they think fit not exceeding in the whole one hundred and seventy thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one-half of such capital is paid up and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies, Clauses Consolidation (Scotland) Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one-half of such capital has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such sheriff as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if the said capital is raised by shares that such persons or corporations 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 shall be sufficient evidence thereof.

Repealing
provisions
of former
Acts with
respect to
appoint-
ment of a
judicial
factor.

44. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a judicial factor for enforcing payment by the Company of arrears of principal money or principal money and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision.

For appoint-
ment of a
judicial
factor.

45. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a 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.

46. 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 which shall be subsisting at the time of the passing thereof shall during the continuance of such mortgages and bonds as regards the undertaking comprised in and assigned by such mortgages and bonds respectively and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages to be granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created by the Company.

A.D. 1897.
Former
mortgages
to have
priority.

47. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages 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.

Power to
Company
to create
debenture
stock.

48. All moneys raised by the Company under the provisions of this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act and to the general purposes of the undertaking of the Company being in each case purposes to which capital is properly applicable.

Application
of moneys
by Com-
pany.

49. The Company may apply to or towards the purposes of this Act to which capital is properly applicable any sums of money which they have already raised or are authorised to raise by any of their Acts and which are not required for the purposes to which they are by those Acts made specially applicable.

Power to
Company
to apply
authorised
capital to
purposes of
Act.

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

Interest not
to be paid
on calls
paid up.

51. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any Standing Order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the

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

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

Provision as
to general
Railway
Acts.

52. Nothing herein contained shall exempt the Company or their railways from the provisions of any general Act relating to railways or to 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 and of the rates for small parcels authorised to be taken by the Company.

Expenses
of Act.

53. All the costs charges and expenses of and incident to the obtaining of this Act and preparatory thereto shall be paid by the Company.

The SCHEDULES referred to in the foregoing Act.

A.D. 1897.

FIRST SCHEDULE.DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY ARE REQUIRED TO BE
TAKEN.

No. on deposited Plan.	Parish.	Description of Property.
RAILWAY NO. 1.		
8 and 10	Kilbirnie - -	Pasture land.
11	Kilbirnie - -	Arable land and footpath.
12	Kilbirnie - -	Arable land.
27	Kilbirnie - -	Horse and cow sheds calf house and pig houses.
28	Kilbirnie - -	Cow shed.
29	Kilbirnie - -	Stack yard and dungstead.
30	Kilbirnie - -	Garden ground and mill rink.
64	Kilbirnie - -	Stack yard.
60	Lochwinnoch - -	Outhouses and waste land.
62	Lochwinnoch - -	Yard waste ground and water pipes.
63	Lochwinnoch - -	Approach road and water pipes.
RAILWAY NO. 2.		
4	Lochwinnoch - -	Garden ground and walks.
5	Lochwinnoch - -	Belting and waste land.
6 and 8	Lochwinnoch - -	Garden ground and footpaths.
7	Lochwinnoch - -	Plantation and waste land.
9 9	Lochwinnoch - -	Pasture land.
30	Lochwinnoch - -	Pasture land and hut.
38	Lochwinnoch - -	Garden green footpath and well.
39	Lochwinnoch - -	Stack yard and waste land.
RAILWAY NO. 3.		
15 and 16	Kilbarchan - -	Approach road gas water and sewer pipes.
34A 37	Kilbarchan - -	Dwelling - houses and weaver's shops.
35A	Kilbarchan - -	Garden ground green hen run privy ashpit and coal cellar.
36	Kilbarchan - -	Garden ground and walk.
38	Kilbarchan - -	Garden ground coal cellars privy and ashpit.
39	Kilbarchan - -	Vacant ground and garden ground.
96	Kilbarchan - -	Garden ground.

A.D. 1897.

No. on deposited Plan.	Parish.	Description of Property.
RAILWAY NO. 4.		
7	Riccarton - - -	Farmsteading (Maxholm) and out-houses.
9	Riccarton - - -	Yard.
6	Galston - - -	Dwelling-house (Purroch cottage) yard garden ground and out-houses.
RAILWAY NO. 6.		
23 24 25	Holywood - - -	Glebe land.
38	Holywood - - -	Garden ground and plantation.
32	Glencairn - - -	Farmhouse (Snade Mill) stables byres garden ground outhouses and yard.
69	Glencairn - - -	Pasture land garden and bleaching green.
89	Glencairn - - -	Farm steading (Gaups Mill) bye wash trail race waste ground corn mill byre stable barn milk house pig house garden ground and yard.

SECOND SCHEDULE.

NAMES OF LIMITED OWNERS.

William Glen Airston.

Joseph Gillan Ferguson.

The trustees of the late Francis Maxwell viz. :—

Patrick Blair.

Adelaide Louisa Hay or Maxwell.

The governors of Wallace Hall Academy Dumfriesshire viz. :—

Reverend David Ogilvy Ramsay.

Reverend David Bain Jardine.

George Champion.

Thomas Morris Brown.

William Sloan.

Sir James David Marwick.

Richard Alexander Oswald.

The governors of the Trust for Education in the Highlands and Islands of Scotland.

THIRD SCHEDULE.

A.D. 1897.

AGREEMENT between His Grace the DUKE OF PORTLAND (herein-after called "the first party") of the one part and the GLASGOW AND SOUTH WESTERN RAILWAY COMPANY (herein-after called "the Company") on the other part.

Whereas the Caledonian Railway Company promoted in the last session of Parliament a Bill for power to make certain railways therein called "Railways numbers 1 2 3 4 5 and 6 in the counties of Lanark and Ayr" which received the Royal Assent on 20th July last And whereas in the negotiations entered into between the first party and the Company during the progress of the said Bill through Parliament it was arranged between the parties as underwritten Therefore the parties have agreed and do hereby agree and bind themselves as follows viz:—

First.—The Company undertake to promote a Bill in the ensuing session of Parliament for powers to make a railway commencing by a junction with the Kilmarnock and Troon Railway near Gatehead in the county of Ayr and terminating with the Company's Galston branch at a point thereon near Hurlford as shown on the deposited plans and the Company further undertake after the said Bill shall have received the Royal Assent to construct the said railway in order that the same may be ready to be opened for goods and mineral traffic simultaneously with the opening for the conveyance of the like traffic of the said Railways Nos. 1 2 3 4 5 and 6 to be formed by the said Caledonian Railway Company.

Second.—The Company undertake to send to Troon Harbour a fair share of all mineral or other traffic under their own control and further to give all reasonable facilities to import traffic coming to Troon Harbour.

Third.—If any question shall arise as to the implement of this Agreement or the rights of parties under the same the same shall be disposed of by an arbitrator to be appointed by the Board of Trade on the application of either party to this Agreement.

Fourth.—This Agreement shall be scheduled to the Bill promoted by the Company and shall be subject to such alterations as Parliament may think fit to make thereon.

In witness whereof these presents written on this and the preceding page of stamped paper by Henry Norman Graham clerk at Glasgow to the said Glasgow and South Western Railway Company are subscribed in duplicate by His Grace the Duke of Portland at Welbeck Abbey in the county of Nottingham on the thirty-first day of December one thousand eight hundred and ninety-six before these witnesses Thomas Warner Turner private secretary to the said Duke of Portland residing at Cuckney Notts and Frederick John Turner land agent to the said Duke of Portland residing at Mansfield-Woodhouse Notts and they are executed by the said Glasgow and South Western Railway Company that is to say they are sealed with the

A.D. 1897. common or corporate seal of the said Company and subscribed by Benjamin Nicholson merchant Annan and the Most Honourable Archibald Kennedy Marquess of Ailsa two of the directors and Frank Heys Gillies secretary all of and for and on behalf of the said Glasgow and South Western Railway Company all at Glasgow on the twelfth day of January one thousand eight hundred and ninety-seven before these witnesses John Anderson Mackenzie writer Glasgow and John McKerrow Hair also clerk at Glasgow to the said Railway Company.

T. WARNER TURNER Witness.

FRED. J. TURNER Witness.

J. A. MACKENZIE Witness.

J. M. HAIR Witness.

PORTLAND.

BEN. NICHOLSON.

AILSA.

F. H. GILLIES Secretary.

Seal of the
Glasgow and South
Western Railway
Company.

FOURTH SCHEDULE.

	£	s.	d.
Preference four per cent. stock No. 2	1,555,940	12	6
Four per cent. preference stock 1888	285,000	0	0
Four per cent. preference stock 1891	543,000	0	0
Four per cent. preference stock 1894	405,000	0	0

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