



ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

Cap. lvi.iii.

An Act for amending an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, for making and maintaining a Railway from the Lands of *Polloc* and *Govan* to the River *Clyde*; and to alter and extend the Powers of the Company of Proprietors of the said Railway. [23d *August* 1831.]

WHEREAS an Act was passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Railway from the Lands of Polloc and Govan to the River Clyde, at the Harbour of Broomielaw, in the County of Lanark, with a Branch to communicate therefrom*, by which recited Act certain Persons were incorporated by the Name and Style of the *Polloc and Govan Railway Company*, and were authorized to make and maintain a Railway for the Passage of Waggons and other Carriages, from certain Parts of the Lands and Estate of *Polloc*, and certain Parts of the Lands of *Prettythree*, to the River *Clyde* at the Harbour of *Broomielaw*, with a Branch to connect the said Railway with the *Glasgow, Paisley, and Ardrossan Canal*, and with Wharfs, Depots, and other Conveniences for loading and unloading, shipping and unshipping Goods; and the said Company have made considerable Progress in the Formation of the said Railway and other Works: And whereas the Object of the Formation of the said

[*Local.*] 12 B Railway

11 G. 4. c. 62.

Power to
extend the
Railway.

Railway will be more effectually attained, and the local and public Utility thereof, as a cheap and expeditious Means of Conveyance of Coal, Freestone, and other Minerals from the Lands lying to the South of *Glasgow* to the said River and Harbour and to the said Canal, will be greatly enhanced if a Railway, with proper Works and Conveniences attached thereto or connected therewith, were made and maintained, in continuation of the foresaid *Polloc* and *Govan* Railway to the Lands of *Horsecroft* in the Parish of *Rutherglen*; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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, That it shall be lawful for the Proprietors of the said *Polloc* and *Govan* Railway Company, and they are hereby authorized and empowered, under the Provisions and Conditions enacted, to make and maintain a Railway, in continuation of the said *Polloc* and *Govan* Railway, from a Point at or near the *Glasgow*, *Paisley*, and *Ardrossan* Canal, by or through the Lands of *Tradeston*, and the Grounds belonging to the City of *Glasgow* and to the Preceptor and Patrons of *Hutcheson's* Hospital, and by or through the Lands of *Little Govan*, *Polmadie*, *Blackfaulds*, *Shawfield*, and *Rutherglen Green*, to *Horsecroft* in the Parish of *Rutherglen*, with a Branch from the said Continuation of the said Railway to the aforesaid *Glasgow*, *Paisley*, and *Ardrossan* Canal; and, with the Exceptions and under the Limitations after mentioned, to construct, erect, make, alter, re-erect, maintain, and use such Wharfs, Depots, Bridges, Tunnels, Engines, Machinery, and other Works and Conveniences attached to or connected therewith, as may be deemed and considered by the said Company to be convenient and necessary for the Purposes of making, maintaining, and using the said Railway and Branch hereby authorized to be made.

Recited Act
extended to
this Act.

II. And be it further enacted, That the said recited Act, and all and every the Powers, Provisions, Authorities, Penalties, Forfeitures, Matters, and Things therein contained, (save and except such as are or is hereby varied, altered, enlarged, or repealed,) shall be and hereby are extended to this Act, and shall be as good, valid, and effectual to the said Company, in the Execution of the Powers of this Act, and to all others interested, as if the same were repeated, embodied, and re-enacted in this Act.

Line to
Prettythree
to be exe-
cuted in
Terms of last
Act, and on
an improved
Level.

III. And be it further enacted, That the said Company of Proprietors shall, out of the first of the Sums to be raised, borrowed, or subscribed by virtue of the said recited Act and this Act, purchase and acquire the Land requisite for making and executing those Parts and Portions of the Railway and Branch Railway, and other Works described in the said recited Act, which lie between the Point in the Lands of *Prettythree* on the North-east Side of the private Railway of *William Dixon* Esquire, mentioned in the said recited Act, and the Archway under the *Paisley* and *Ardrossan* Canal, which Parts and Portions of the said Railway and Branch Railway and other Works shall be executed by the said Railway Company according

to the same Width, Dimensions, and Specifications in all respects as those Parts of the Railway and other Works which have been already executed, and that immediately on being required so to do by the Preceptor and Patrons of *Hutcheson's Hospital*, or Royal Incorporation of *Hutcheson's Hospital*: Provided always, that if it shall be required by the said Hospital or Incorporation, the said Railway Company shall execute the Line of the said Railway from *Prettythree* to the Point of Junction near the Archway under the Canal so as to pass under the Street called *Eglinton Street*, and without any Acclivity, or with such diminished Acclivity as to approach as near as possible to a dead Level or horizontal Plane, as may be consistent with the Levels of the Branch to the *Paisley Canal*, and which Operations shall be completed under the Directions of Two competent Persons, one to be chosen by the said Railway Company, and the other by the said Hospital, who in case of Difference of Opinion shall have Power to choose a third Person as Umpire between them; but provided further, that in such Case the said Hospital shall be obliged to advance and pay to the said Railway Company, as the Work proceeds, whatever Sums of Money shall be found by such Engineers to be necessary for defraying the Expence of the additional cutting and Mason-work occasioned by such lower Level: Provided always, that such Alteration shall not be made without the Consent of the Board of Ordnance.

IV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to hinder or prevent the said City or Incorporation of *Glasgow*, and of the said Preceptor and Patrons of *Hutcheson's Hospital*, or of any Person or Persons deriving Right from them or either of them, after Fifteen Days Notice in Writing given to the said Railway Company, from laying down a Branch or Branches to communicate with the said Railway from their or either of their Lands through which the said Railway is authorized to be formed, by an Archway or Tunnel, as before provided, or any Part thereof; nor to make, at their or either of their Expence, such Crossings of and Openings into the Archway, Tunnel, Ledges, or Flanches, or other Parts of the said Railway, not injuring the same, as may be necessary or convenient for effecting such Communication or Crossing, without the said Company being entitled to receive Rates for the passing of Minerals, Goods, or other Things along such Branch or Branches, but without Prejudice nevertheless to their receiving the Rates hereby authorized for the Passage of such Minerals, Goods, or other Things along the said Railway, belonging to the said Company of Proprietors: Provided always, that such Openings and Junctions shall be made and maintained at the Sight and to the Satisfaction of the said Company, or in the Event of Difference of Opinion, at the Sight and to the Satisfaction of Two competent Persons and an Oversman, to be named in manner immediately before provided.

The City of Glasgow and Hutcheson's Hospital may lay down a Branch to communicate with the Railway.

V. Provided always, and be it further enacted, That such Wharfs, Depots, Engines, or other Works as may be deemed necessary for loading or unloading Goods at the said *Glasgow*, *Paisley*, and *Ardrossan*

Wharfs, &c. at the Paisley Canal, to be constructed

to the Satisfaction of the Proprietors of the said Canal.

Ardrossan Canal shall be constructed, erected, and maintained at the Sight and to the Satisfaction of the Company of Proprietors of the said Canal, or an Engineer or Surveyor appointed by them: Provided also, that nothing herein contained shall entitle the said Company of Proprietors of the said Railway, or any others, to use the said Wharfs or Canal, or to load or unload Goods thereat, except upon Payment of the Wharfage and other Dues due to and exigible by the Company of Proprietors of the said Canal: Provided always, that nothing herein contained shall authorize or empower the said Company of Proprietors of the said Railway to appropriate, use, or occupy, for the Purposes of this Act, any Part of the Lands or other Property belonging to the Company of Proprietors of the said Canal, without the Consent in Writing of the said Company of Proprietors or of their Committee of Management.

Breadth of Ground to be taken, and Limitation of the Power to form Depôts.

VI. And be it further enacted, That the Lands and Grounds to be taken or used for the Purposes of this Act shall not exceed Twenty Yards in Breadth, except in Places where it shall be judged necessary for Waggons or other Carriages to turn, lie, or pass each other, or where any Warehouses, Cranes, or Weighbeams may be erected, or where any Places may be set out or appropriated for the Reception or Delivery of Minerals, Goods, and Commodities which shall be conveyed on the said Railway, and not above Seventy-five Yards in Breadth in any Place, without the Consent in Writing of the Owners of the Lands or Heritages that may be required to be taken for such additional Width: Provided always, that no Part of the Grounds or other Heritages in the Barony of *Gorbals*, belonging to the City of *Glasgow* and the Preceptor and Patrons of *Hutcheson's* Hospital respectively, shall be taken or occupied by the said Company, for the Purpose of Wharfs or Depôts, without the Consent in Writing of the Magistrates and Town Council of the said City and the said Preceptor and Patrons, to whom such Grounds respectively belong.

Map or Plan to remain at the Office of Clerk of the Peace, for public Inspection.

VII. And whereas a Map or Plan showing the Line of the said Railway and Branch Railway hereby authorized to be made, with a Book of Reference thereto, containing Lists of the Names of the Owners or reputed Owners and Occupiers of the Lands through which the same is to be carried, has been deposited at the Office of the Clerk of the Peace for the County of *Lanark* at *Glasgow*, and the Office of the Clerk of the Peace for the County of *Renfrew* at *Paisley*; be it further enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the said Clerks of the Peace for the said Counties respectively, to the end that all Persons shall have Liberty, at all reasonable Times, to resort to and examine and make Extracts from or Copies of the same, as Occasion shall require, paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and for Copies or Extracts from the said Books of Reference at the Rate of Sixpence for every One hundred Words; and the said Company in making the said intended Railway and Branch shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Maps or Plans, and set forth in the said Books of Reference.

Company not to deviate more than 100 Yards from Plan.

VIII. Pro-

VIII. Provided always, and be it further enacted, That the said Company may make the said Railway or Branch, Wharfs, Depots, and other Works, into, through, or across or over the Lands or Grounds of any Person or Persons who is or are or may be the Owner or Owners of Land over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be erroneously set forth, mis-stated, or omitted in the said Book of Reference, in case it shall appear to any Two or more of the Justices of the Peace for the said County of *Lanark*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Lands of
Persons
omitted in
Book of Re-
ference may
be taken, if
the Omissions
proceeded
from Mistake.

IX. Provided always, and be it further enacted, That nothing herein contained shall authorize and empower the said Company, or any Person or Persons acting by or under their Authority, to take or use, for the Purpose of the said Railway, Branch, and other Works hereby authorized to be made, any House or other Building, or any Garden or Shrubbery, which was erected, built, or formed at or before the passing of this Act, without the Consent in Writing of the Owners and Occupiers of such House or Building, other than and except those specified in the Schedule hereunto annexed.

No House,
Garden, &c.
to be injured,
except those
mentioned in
the Schedule.

X. Provided always, and be it further enacted, That where the said Railway shall cross or pass along any Street, Turnpike Road, or any public Highway, private Road, or Avenue, such Road shall be constructed so as that the Ledge or Flanch of such Railway shall not project above the Surface of such Turnpike Road or Highway or other Road, and so as that such Ledge or Flanch shall not be more than Three Quarters of an Inch below the Surface of such Turnpike Road or public Highway or other Road.

Provisions
for crossing
Roads.

XI. And be it further enacted, That the Distance between the inside Edges of the Rails of the said Railway shall not be less than Four Feet Six Inches, and the Distance between the outside Edges of the said Railway shall not be more than Five Feet One Inch.

Breadth
between
Rails.

XII. And be it further enacted, That in all Places where it may be necessary to erect or build any Bridge or Bridges to communicate with any public Carriage Road, the Ascent to every such Bridge for the Purpose of such Road shall not be more than One Foot in Thirteen Feet, and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Ascent to
Bridges.

XIII. And whereas, by reason of taking down Houses and Buildings and making Alterations, in pursuance of this Act, there may be Deficiencies in the Assessments for Land Tax in the several and respective Parishes, Townships, Precincts, or Places herein described; be it therefore further enacted, That for preventing the same the said Company shall, from and after the said Company shall become seised or possessed of the Premises charged with the Land

For supply-
ing Defi-
ciencies in
the Land
Tax.

Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, (unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax,) be subject and liable from Time to Time to pay and make good, to or in aid of the said Parish or Parishes, Township or Townships, Precincts or Places, out of the Monies to arise by virtue of this Act, all such Sum and Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said Parish or Parishes, Township or Townships, Precincts or Places, by reason or means of taking down or using for the Purposes of this Act any Houses, Buildings, and Premises liable to such Assessments, according to the Rental at which the same are valued or rated at the Time of passing this Act; and the Treasurer, Collector, or Receiver to be appointed under this Act shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Land Tax Assessments for such Parishes or Townships.

Period for
completing
Railway
extended to
Seven Years.

XIV. And whereas by the said recited Act it is enacted that the Powers and Authorities thereby given for the Purpose of purchasing Houses, Buildings, Lands, Tenements, and Hereditaments shall, unless with the Consent in Writing of the Owners and Occupiers of the same, cease and determine if such Houses, Buildings, Lands, Tenements, and Hereditaments shall not have been purchased and paid for within the Space of Two Years from the Time of passing the said recited Act; and it is thereby further enacted, that if the Railway, Branch, and other Works thereby authorized to be made shall not have been completed so as to answer the Objects of the said recited Act within Five Years after the Date of passing the same, the Powers of the said recited Act should cease and become void; be it therefore further enacted, That the said respective Periods within which the said Company may take, purchase, acquire, and pay for Houses, Buildings, Lands, Tenements, and Hereditaments, and may complete the said Railway, Branch, and other Works authorized by the said recited Act, and the Railway, Branch, and other Works hereby authorized to be made, shall be extended to the Space of Seven Years from and after the passing of this Act: Provided also, that if the said Railway, Branch, and other Works by the said recited Act and this Act authorized to be made shall not have been completed so as to answer the Objects of the said recited Act and this Act within the said Space, all the Powers thereby and hereby given shall from thenceforth cease and become void, save only as to so much of the said Railway, Branch, and other Works as shall have been completed within the said Space of Seven Years after the passing hereof, and saving and except the Powers, Authorities, or Provisions of the said recited Act and this Act for maintaining, upholding, repairing, and using the said Railway, Branch, and other Works, or any Part thereof.

Act may be
put in force
when whole
Sum is sub-
scribed.

XV. And whereas the probable Expence of forming the said Railway and Branch hereby authorized to be made will, according to an Estimate thereof, amount to the Sum of Thirty-six thousand four hundred and fifty Pounds Seven Shillings, of which Sum
Thirty-

Thirty-one thousand five hundred Pounds has been subscribed, under a Contract binding the Subscribers, their Heirs, Executors, Administrators, or Assigns, for Payment of the several Sums of Money so subscribed by them respectively; be it further enacted, That the whole of the said Sum of Thirty-six thousand four hundred and fifty Pounds Seven Shillings shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

XVI. And whereas by the said recited Act the Capital Stock of the said Company is restricted to the Sum of Ten thousand Pounds; be it enacted, That it shall be lawful to the said Company to raise and contribute, amongst themselves and such other Persons as have subscribed or may subscribe to the said Undertaking, a farther Sum not exceeding Thirty-six thousand Pounds, which shall be divided, held, and paid in the same Manner and on the same Conditions as are provided by the said recited Act with regard to the said Capital Stock of Ten thousand Pounds thereby authorized to be raised and contributed. Capital Stock increased.

XVII. And be it further enacted, That it shall be lawful to the said Company to borrow and take up at Interest in manner provided by the said recited Act a Sum or Sums of Money not exceeding Fifteen thousand Pounds, in addition to the Sum of Five thousand Pounds authorized to be borrowed by the said recited Act. Power to borrow Money.

XVIII. And whereas by the said recited Act it is provided that the Bonds or Securities and Assignments for any Sum or Sums of Money to be borrowed or taken up at Interest shall be granted by and under the Hands of any Three of the Directors of the said Company; be it further enacted, That such Bonds, Securities, and Assignments may be executed and granted under the Common Seal of the said Company of Proprietors at any General or Special General Meeting assembled. How Bonds to be granted.

XIX. Provided always, and be it further enacted, That it shall and may be lawful for the said Company of Proprietors, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, for and in respect of all Goods, Wares, Merchandize, and other Things which shall be carried and conveyed upon the said Railway by the said recited Act and this Act authorized to be made from the Lands of *Gallaknowe* belonging to *William Dixon Esquire* to the Termination thereof at the Harbour of *Broomielaw*, or upon the Branch by the said recited Act and this Act authorized to be made, or upon any Part of the said Portion of the said Railway and Branch, the Rates granted by the said recited Act. Rates.

XX. And in consideration of the great Charge and Expence which the said Company of Proprietors must incur and sustain in making and maintaining the said Railway and other Works hereby authorized to be made and maintained, be it further enacted, That it shall and may be lawful for the said Company of Proprietors, in addition to Additional Rates.

to and besides the Rates authorized to be levied by the said recited Act, from Time to Time and at all Times hereafter to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company of Proprietors, for all Goods, Wares, and Merchandize and other Things which shall be carried and conveyed upon any Part of the said Railway hereby authorized to be made in continuation of the said *Polloc* and *Govan* Railway, between the Lands of *Gallaknowe* aforesaid and the Eastern Termination of the same, the Rates, Tolls, and Duties herein-after mentioned; (that is to say,)

For all Limestone, Dung, Compost, and all Sorts of Manure, and all Materials for making or repairing public Highways, such Sum or Sums as the said Company shall from Time to Time direct and appoint, not exceeding Sixpence *per* Ton, and so in proportion for any greater or lesser Quantity:

For all Coal, Coke, Kennel, or Gas Coal, Culm, Charcoal, Cinders, Stone, Sand, Bricks, Slates, Lime, Earth, Iron, Pig Iron, Lead, or other Metals or Minerals unmanufactured, such Sums as the said Company shall from Time to Time appoint, not exceeding Sevenpence *per* Ton, and so in proportion for any greater or lesser Quantity:

For all other Wares, Merchandize, Matters, or Things such Sum as the said Company shall from Time to Time direct and appoint, not exceeding Twelve-pence *per* Ton, and so in proportion for any greater or lesser Weight than a Ton:

And for the Use of any Waggon, Machinery, Engine or Power belonging to the said Company, such Sum or Sums in addition to the said Rates as the said Company shall from Time to Time direct and appoint.

Fractional
Parts in
Rates.

XXI. And be it further enacted, That in all Cases where there shall be a Fraction of a Ton on the Gross Weight of the Loading in or upon any Waggon, Cart, or other Carriage, or Train of Waggons, Carts, or other Carriages, a Proportion of the same Rates shall be demanded and taken for such Fraction according to the Number of Quarters of a Ton contained in such Fraction; and when there shall be a Fraction of a Quarter of a Ton such Fraction shall be deemed and considered as a whole Quarter; and in all Cases where there shall be a Fraction of a Halfpenny in the Amount of the said Rates, Tolls, and Duties, or any of them, such Fraction shall be deemed and considered as a whole Halfpenny.

No higher
Rates to be
levied in the
Barony of
Gorbals than
those of last
Act.

XXII. And be it enacted, That nothing herein contained shall entitle the said Railway Company to exact or levy any Rates or Duties, for passing along or using any Part of the said Railway and Branch or Works of the said Company, within any Part of the Barony of *Gorbals* other or greater than the Rates or Duties authorized to be levied by the said recited Act.

Saving the
Rights of the
Barony.

XXIII. And be it further enacted, That nothing herein contained, or contained in the said recited Act, shall limit or affect in any manner of

of way whatever the Rights, Powers, Jurisdictions, and Privileges vested in or belonging to the Magistrates of the Barony of *Gorbals*; or any of them, by any Law, Statute, Charter, Custom, or Usage whatsoever; which Rights, Powers, Jurisdictions, and Privileges shall continue to belong to the said Magistrates as fully and freely in all respects as if the said recited Act or this Act had not passed.

XXIV. And be it further enacted, That the said Railway Company shall be bound to indemnify and make Satisfaction and Compensation to all and every Person whose Lands or Tenements shall be taken or injured by the Execution of the said Railway and Branch and other Works, or in carrying into effect in any manner of way whatsoever the Powers hereby granted, such Damage to be settled and ascertained in the Manner directed by the said recited Act in respect of any other Recompence or Satisfaction to Parties interested in the Works thereby authorized to be made.

Compensation to be made to Persons through whose Lands Railway is intended to be made.

XXV. And be it further enacted, That nothing herein contained shall affect in any manner of way whatever any depending Action in relation to the Execution of the Line of Railway and Branch authorized by the said recited Act, or in relation to the Property through which the same, or the Railway and Branch before mentioned, are authorized to pass, or otherwise, in any manner of way; which Actions, and the Pleas of the Parties under the same, are hereby expressly saved and reserved.

This Act not to affect any Actions now depending.

XXVI. And be it further enacted, That nothing contained in the said recited Act or this Act shall hinder, prevent, or interrupt the free Use by the Public of the Streets in the Barony of *Gorbals*, or any of them, in the same Manner and to as full an Extent in every respect as before the passing of the said Act or this Act, consistent with the Execution of the said Works; provided always, that no Person or Persons (save and except the Proprietors of the said Railway, and the Agents and Servants employed by them, or Persons having Coals, Goods, or other Merchandize hauled or carried along the same, for the *bonâ fide* Purpose of superintending the Carriage and Delivery of such Goods,) shall ride, lead, or drive, or cause to be ridden, led, or driven, on the said Railway, any Horse, Cow, or other Cattle, Sheep, Swine, or other Beast or Animal, except only in directly crossing the same at such suitable Situations as may be fixed by the said Railway Company.

Not to prevent the free Use of the Streets in the Barony of *Gorbals*.

XXVII. And be it further enacted, That the whole Monies raised, contributed, or collected in virtue of the Powers of the said recited Act and this Act shall be applied towards carrying into execution the Purposes of the said recited Act and this Act, as one and the same Act, and to no other Purposes whatever.

Application of Monies.

XXVIII. And be it further enacted, That the Costs and Expences of obtaining this Act, and all Expences incident thereto, shall be defrayed out of the Monies already raised, or that shall be raised by virtue of the said recited Act and this Act.

For paying Expences of this Act.

Public Act.

XXIX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

THE SCHEDULE.

James Oswald	-	-	Cotters Houses and Yard.
James Brown	-	-	Ditto ditto.
John Montgomerie	-	-	Ditto ditto.
William Dixon	-	-	Ditto ditto.
Ditto	-	-	{ Shrubberies and inclosed Ground, with Buildings.
Robert Mungall	-	-	House and Yard.
James Robertson	-	-	Garden Ground.
James Hamilton	-	-	Ditto.

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