



### CHAPTER clxxix.

An Act for enabling the Caledonian Railway Company to widen the Dalmarnock Branch Railway across the River Clyde to acquire lands in Glasgow and to abandon the Mid-Calder Branch Railway for amalgamating the Greenock and Wemyss Bay Railway Company with the Caledonian Railway Company for extending and reviving the time for the purchase of lands for and for the completion of certain railways and works for sanctioning the Earnock Branch Railway for stopping up the Forth and Cart Junction Canal for extending the time for the sale of superfluous lands of the Caledonian and Solway Junction Railway Companies for enabling the Caledonian Railway Company to raise additional money and for conferring further powers on them with respect to their undertaking and for other purposes.

A.D. 1893.

[27th July 1893.]

**W**HEREAS it is expedient that the Caledonian Railway Company (in this Act called "the Company") should be authorised to widen the Dalmarnock Branch Railway across the River Clyde to acquire certain lands in Glasgow herein-after described and to abandon the construction of the branch railway to Mid-Calder authorised by the Caledonian Railway Act 1887 (in this Act called "the Act of 1887") and therein called Railway No. 4:

50 & 51 Vict.  
c. cliv.

And whereas under and by virtue of the Greenock and Wemyss Bay Railway Act 1862 (in this Act called "the Wemyss Bay Act of 1862") and of the agreement scheduled to and confirmed by that Act the Company were authorised and required to subscribe to and take and hold shares in the undertaking of the Greenock and Wemyss Bay Railway Company (in this Act called "the Wemyss Bay Company") to the amount of thirty thousand pounds and to raise additional capital for the purposes of such subscription and the

25 & 26 Vict.  
c. clx.

A.D. 1893. Company were also empowered to work in perpetuity the undertaking of the Wemyss Bay Company when completed:

26 Vict.  
c. xlvii.

And whereas by the Greenock and Wemyss Bay Railway Extension Act 1863 (in this Act called "the Wemyss Bay Act of 1863") the Company were authorised and required to subscribe and take and hold shares in the undertaking of that Company to the further amount of five thousand pounds and to raise additional capital for the purposes of such further subscription:

And whereas the capital of the Wemyss Bay Company consists of one hundred and twenty thousand pounds divided into twelve thousand ordinary shares of ten pounds each issued under the Wemyss Bay Act of 1862 and thirty thousand pounds divided into three thousand five per cent. preference shares of ten pounds each issued under the Wemyss Bay Act of 1863:

And whereas the Company duly subscribed the said sums of thirty thousand pounds and five thousand pounds (making together thirty-five thousand pounds) to the undertaking of the Wemyss Bay Company and hold ordinary shares in the capital of that Company for that amount in pursuance of the said Acts:

And whereas the sum of ten thousand one hundred and seventy pounds secured by debenture stock of the Wemyss Bay Company is the only loan or mortgage debt now charged on their undertaking:

And whereas it is expedient that the undertaking of the Wemyss Bay Company should be amalgamated with the undertaking of the Company on the terms of this Act:

And whereas the Company have expended on the undertaking of the Wemyss Bay Company sums amounting to fifteen thousand four hundred and eighty-two pounds for works and improvements in connexion with such undertaking:

54 & 55 Vict.  
c. cxiii.

And whereas it is expedient that the period limited by the Caledonian Railway (Additional Powers) Act 1891 (in this Act called "the Act of 1891") for the compulsory purchase of lands for the purpose of the railway authorised by the Caledonian Railway (No. 1) Act 1884 (in this Act called "the No. 1 Act of 1884") and therein called Railway No. 2 and the works connected therewith and the period limited by the same Act for the completion of that railway should be respectively extended:

47 & 48 Vict.  
c. cxxix.

53 & 54 Vict.  
c. cxxxii.

And whereas it is expedient that the period limited by the Caledonian Railway (Additional Powers) Act 1890 (in this Act called "the Act of 1890") for the compulsory purchase of lands for the purposes of the railways authorised by that Act and therein called Railways No. 1 No. 2 No. 3 No. 4 No. 5 and No. 6 and the works connected with such railways respectively and of the lands referred to in section eleven of that Act should be also extended:

[56 & 57 VICT.] *Caledonian Railway Act, 1893.* [Ch. clxxix.]

And whereas it is expedient that the period limited by the Glasgow Central Railway Act 1888 (in this Act called "the Central Act of 1888") for the compulsory purchase of the properties specified in the First Schedule to this Act for the purposes of the railways and road authorised by that Act and the works connected therewith should be revived and extended and that the period limited by the same Act for the completion of the said railways so far as not heretofore required to be abandoned should likewise be extended :

A.D. 1893.  
51 & 52 Vict.  
c. cxciv.

And whereas the Company have constructed in the parish of Hamilton in the county of Lanark on lands acquired by them for the purpose a branch railway now in use from the Company's Clydesdale Junction Railway to Earnock Colliery and it is expedient that the same should be sanctioned as part of the undertaking of the Company :

And whereas the Forth and Cart Junction Canal belonging to the Company has become unnecessary for the purposes of public navigation and it is expedient that the Company should be authorised to stop up and discontinue the same and to sell or appropriate the site thereof for the purposes of their undertaking :

And whereas it is expedient to extend the time for the sale of the superfluous lands of the Company and of the Solway Junction Railway Company (in this Act called "the Solway Company") respectively :

And whereas it is expedient that the other powers and provisions in this Act contained should be conferred on or made in relation to the Company and their undertaking and that the Company should be authorised to raise additional money for the purposes of this Act and for meeting the expenditure on works for which sufficient capital has not been provided and other purposes :

And whereas plans and sections showing the line and levels of the railway or widening authorised by this Act and the lands which may be taken for the purposes of this Act and books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the principal sheriff clerk of the county of Lanark and are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal

[Ch. clxxix.] *Caledonian Railway Act, 1893.* [56 & 57 VICT.]

A.D. 1893. 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 Caledonian Railway Act 1893.

Incorporation of Acts. **2.** The Lands Clauses Acts the Railways Clauses Consolidation (Scotland) Act 1845 Part I. (relating to construction of a railway) Part II. (relating to extension of time) and Part V. (relating to amalgamation) 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 and the giving of notices and 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 the Railway Companies (Scotland) Act 1867 are (except where and as expressly varied by this Act) incorporated with and form part of this Act and all the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 so incorporated with this Act which relate to stock into which shares in the capital of the Company have been converted or consolidated shall apply to the stock which the Company are by this Act authorised to issue and to the holders thereof and the provisions of the Caledonian Railway (Conversion of Stock) Act 1890 shall apply to any ordinary stock created and issued under the authority of this Act.

Interpretation.

**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 And in the Acts wholly or partially incorporated herewith the expression "the Company" means the Caledonian Railway Company the expression "the Special Act" means this Act the word "schoolmasters" means session clerks and the expression "the railway" means the railway or widening by this Act authorised or any part thereof.

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 railway or widening herein-after described with all proper stations sidings junctions roads approaches and other works and conveniences in connexion 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 those purposes (that is to say) :—

A.D. 1893.

Power to make railway or widening and take lands for purposes thereof.

A railway being a widening of a portion of the Company's Dalmarnock Branch authorised by the Caledonian Railway (Dalmarnock Branch) Act 1858 commencing by a junction with that branch at a point about two hundred yards northward from the northern end of the viaduct by which the said branch is carried across the River Clyde and terminating by a junction with the said branch at a point about two hundred and twenty yards southward from the southern end of the said viaduct.

5. The quantity of land to be acquired by agreement by the Company for the extraordinary purposes mentioned in the Railways Clauses Consolidation (Scotland) Act 1845 in connexion with the railway or widening authorised by this Act shall not exceed two acres in addition to the lands which they are authorised by this Act to take compulsorily but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken by them under the powers of this section.

Lands for extraordinary purposes.

6. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the Secretaries or Assistant Secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid And where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such

Works below high-water mark not to be commenced without consent of Board of Trade.

A.D. 1893. costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

Saving rights of the Crown in the fore-shore.

7. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Period for completion of railway or widening.

8. If the railway or widening by this Act authorised is not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the said railway or widening or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Penalty imposed unless the railway or widening is opened within the time limited.

9. If the Company fail within the period limited by this Act to complete the railway or widening by this Act authorised 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 such railway or widening is completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per cent. on the estimated cost of such railway or widening and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Queen's and Lord Treasurer's Remembrancer on behalf of the Court of Exchequer in Scotland in the bank 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 were prevented from completing or opening such railway or widening by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

10. 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 may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the said railway or widening or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property for the said railway or widening conferred upon the Company by this Act 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 and 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 shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a judicial factor has been appointed or the Company is insolvent or the railway or widening in respect of which the penalty has been incurred or any part thereof has been abandoned be paid to such judicial factor or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the Company.

A.D. 1893.  
Application  
of penalties.

11. The railway or widening by this Act authorised shall for all purposes including the demanding and recovering of tolls rates and charges be deemed to be part of the Company's Dalrnarnock Branch Railway authorised by the Caledonian Railway (Dalrnarnock Branch) Act 1858.

Tolls and  
charges.

12. 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 and use for the purposes of the Central Act of 1888 and of the railway authorised by the Act of 1890 and therein called Railway No. 1 or other purposes of their undertaking all or any of the lands following delineated on the deposited plans and described in the deposited books of reference relating thereto (that is to say):—

Power to  
acquire cer-  
tain lands  
in Glasgow.

(A.) Certain lands in the city parish of Glasgow and city and Royal burgh of Glasgow in the county of Lanark situate on the south side of Argyle Street between Dunlop Street and Stockwell Street;

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(B) Certain lands in the parish of Calton in the city and Royal burgh of Glasgow in the county of Lanark situate on the south side of London Road between Summer Street and William Street.

Power to take servitudes by agreement.

**13.** 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 of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and feu duties or 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.

Period for compulsory purchase of lands.

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

Restrictions on displacing persons of labouring class.

**15.—(1)** The Company shall not under the powers of this Act or under the powers of any former Act revived or extended by this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which after the passing of this Act have been or on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised as the case may be were 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 respective fifteenth day of December aforesaid 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. A.D. 1893.

(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 of any such purchase section ninety of the Public Health (Scotland) Act 1867 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of that Act and the scheme were one of the purposes of that Act.

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

A.D. 1893. — 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 the period of twenty-five years from the date of the scheme be appropriated solely for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings by the Company shall contain proper covenants to secure during such period of twenty-five years the exclusive use of the buildings on such lands for the purpose of such dwellings and shall be endorsed with the notice of this enactment :

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

(8) The Secretary for Scotland may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and he and any person appointed by him to hold inquiry shall have and may exercise for any purpose in 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.

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

Company to  
abandon the  
Mid-Calder  
Branch.

16. The Company shall abandon the construction of the railway authorised by the Act of 1887 and therein called Railway No. 4 and section forty-five of that Act so far as relating to the railway so required to be abandoned is hereby repealed.

17. The abandonment by the Company under the authority of this Act of the said railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation (Scotland) Act 1845 or the Act of 1887.

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 Compensation for damage to land by entry &c. for purposes of railway abandoned.

18. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the railway authorised to be abandoned by this Act the Company shall be released from all liability to purchase or to complete the purchase of any such lands but notwithstanding full compensation shall be made by the Company to the owners and occupiers of or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation (Scotland) Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensation to be made in respect of railway abandoned.

19. As from and after the first day of August one thousand eight hundred and ninety-three (which date is in this Act referred to as "the date of amalgamation") and subject to the provisions of this Act the Wemyss Bay Company shall be and is hereby dissolved except for the purpose of winding up their affairs and the undertaking of the Wemyss Bay Company subject to the contracts obligations debts and liabilities affecting the same except so far as otherwise provided by this Act shall be and is hereby as from and after that date amalgamated with the undertaking of the Company and shall form part of that undertaking Provided always that within three months from the date of amalgamation the Company shall produce to the Commissioners of Inland Revenue a copy of this Act printed by Her Majesty's printers and duly stamped with ad valorem stamp duty to the same amount as would have been payable if the undertaking of the Wemyss Bay Company had been transferred to the Company by a deed of conveyance in consideration of the issue of debenture stock

Amalgamation of undertaking of Wemyss Bay Company.

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of the Company of the nominal amount of ten thousand one hundred and seventy pounds to the several holders of debenture stock of the Wemyss Bay Company as herein-after provided and if the Company shall not within the said period of three months produce to the said Commissioners such copy of this Act duly stamped as aforesaid the ad valorem stamp duty shall be recoverable from the Company with full costs of suit and all costs and charges attending the same.

Working agreement to cease.

**20.** As from and after the date of amalgamation the agreement scheduled to and confirmed by the Wemyss Bay Act of 1862 shall cease to have effect.

Wemyss Bay Company to receive revenues and pay debts up to amalgamation.

**21.** The Wemyss Bay Company shall be entitled to all their revenues up to the date of amalgamation and shall discharge and relieve the Company from all contracts obligations debts and liabilities (not chargeable to capital account) which shall be liable to be performed or accrue up to that date.

Shares of Company in Wemyss Bay Company cancelled.

**22.** As from and after the date of amalgamation the shares of the Wemyss Bay Company held by the Company under the powers of the Wemyss Bay Acts of 1862 and 1863 shall be and the same are hereby cancelled.

Shares of Wemyss Bay Company exchanged for ordinary stock of Company.

**23.** As from and after the date of amalgamation the several holders of the preference shares and of the ordinary shares of the Wemyss Bay Company (other than the Company) shall in lieu of and in substitution for such shares become and be entitled to fully paid ordinary stock of the Company to be created and issued under the powers of this Act of the same nominal amount as the nominal amount of such shares held by them respectively and as from the date of amalgamation the shares of the Wemyss Bay Company for which such ordinary stock of the Company is substituted shall be cancelled.

Debenture stock of Wemyss Bay Company exchanged for debenture stock of Company.

**24.** As from and after the date of amalgamation the several holders of debenture stock of the Wemyss Bay Company shall in lieu of and in substitution for such debenture stock become and be entitled to fully paid debenture stock of the Company to be created and issued under the powers of this Act of the same nominal amount as the nominal amount of the debenture stock held by them respectively and bearing interest as from the date of amalgamation and as from such date the debenture stock of the Wemyss Bay Company held by such holders respectively shall be cancelled. The money secured by such debenture stock of the Company shall be deemed to be money borrowed under the powers of this Act.

Certificates of stock to be issued by Company.

**25.** The Company shall create fully paid ordinary and debenture stock and issue certificates thereof to the persons severally entitled

thereto as aforesaid upon delivering up to the Company for cancellation or upon proof to the satisfaction of the Company of the loss or destruction of the certificates of the shares or debenture stock of the Wemyss Bay Company for which such ordinary or debenture stock of the Company is substituted.

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**26.** Trustees executors and all other holders in any representative or fiduciary capacity of any shares or debenture stock of the Wemyss Bay Company may and shall accept the ordinary and debenture stock of the Company to be issued in substitution therefor under the powers of this Act and may hold dispose of or otherwise deal with the stock so issued in all respects as they might have held disposed of or otherwise dealt with the stock for which it is substituted.

Trustees &c.  
to accept  
substituted  
stocks.

**27.** All ordinary and debenture stock of the Company issued to the several holders of shares and debenture stock of the Wemyss Bay Company as aforesaid shall be held by such persons subject to the same trusts and obligations as those upon or to which the shares or debenture stock of the Wemyss Bay Company for which the same is substituted were at the time of such substitution held or subject and so as to give effect to and not revoke any deed agreement or other instrument or any testamentary disposition of or affecting any such shares or stock and every such deed agreement or other instrument or testamentary disposition shall take effect with reference to the whole or a proportionate part of the stock so substituted as the case may be.

Substituted  
stocks to be  
held on same  
trusts.

**28.** All unexercised powers of borrowing money conferred on the Wemyss Bay Company by the Wemyss Bay Acts of 1862 and 1863 or either of them are hereby repealed.

Borrowing  
powers of  
Wemyss Bay  
Company  
repealed.

**29.** The powers for the compulsory purchase and taking of lands granted by the No. 1 Act of 1884 as revived and extended by the Act of 1891 in respect of the construction of the railway authorised by the No. 1 Act of 1884 and therein called Railway No. 2 and those granted by the Act of 1890 in respect of the construction of the railways authorised by that Act and therein called Railways No. 1 No. 2 No. 3 No. 4 No. 5 and No. 6 and for the purchase and taking of the lands referred to in section eleven of the Act of 1890 and in respect of the subsidiary works connected with such respective railways are hereby extended and may be exercised by the Company at any time within but shall cease after the expiration of two years from the passing of this Act.

Extending  
period for  
purchase of  
lands for  
certain rail-  
ways.

**30.** The powers for the compulsory purchase and taking of the properties specified in the First Schedule to this Act granted by the Central Act of 1888 in respect of the construction of the

Reviving  
and extend-  
ing period  
for purchase

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of properties  
for Glasgow  
Central  
Railway.

railways and road authorised by that Act and the subsidiary works connected therewith are hereby revived and extended and may be exercised by the Company at any time within but shall cease after the expiration of two years from the passing of this Act.

Extending  
periods for  
completion  
of certain  
railways and  
works.

**31.** The periods limited for the completion and opening for public traffic of the railways hereunder respectively mentioned are hereby respectively extended as follows (that is to say):—

(A) The period limited by the Central Act of 1888 for the completion and opening for public traffic of the railways authorised by that Act is extended for three years from the expiration of the said period that is until the tenth day of August one thousand eight hundred and ninety-six except as regards that portion of the railway authorised by that Act and therein called Railway No. 2 which is required to be abandoned by the Act of 1891 ;

(B) The period limited by the Act of 1891 for the completion and opening for public traffic of the railway authorised by the No. 1 Act of 1884 and therein called Railway No. 2 is extended for two years from the expiration of the said period that is until the fourteenth day of July one thousand eight hundred and ninety-six :

And the powers of the Company for making the said respective railways and works connected therewith may be exercised by the Company at any time previously to the said respective dates above mentioned and those sections of the Company's Acts which relate to the periods for the completion of the said several railways and to the penalties exigible from the Company in the event of their failing to complete and open any of the said railways for public traffic within the said respective periods shall be read and construed as if the respective periods for such completion and opening referred to in those sections did not expire until the expiration of the extended periods hereby limited in respect of the said railways respectively.

For the  
protection of  
the Corpo-  
ration of  
Glasgow.

**32.** Notwithstanding anything in the last preceding section the Company shall not without the consent of the Lord Provost magistrates and council of the city and Royal burgh of Glasgow (herein-after called "the Corporation") and the Glasgow Police Commissioners for the purpose of constructing the railways authorised by the Central Act of 1888 whether in tunnel or otherwise temporarily cross alter break open stop up divert use or appropriate the surface of any roads streets lanes footpaths parks gardens or public places in the city and Royal burgh of Glasgow under or along which the portions of railways specified in the Second

Schedule to this Act pass after the respective periods specified in that schedule except for the purpose of executing any works required for ventilating the railways in terms of the Central Act of 1888 or required by the Board of Trade in connexion with the opening of the railways for public traffic or required for the purpose of underpinning or otherwise strengthening houses and buildings within one hundred feet of the railways.

A.D. 1893.

**33.** The branch railway already constructed by the Company and in use situate in the parish of Hamilton in the county of Lanark and commencing by a junction with the Company's Clydesdale Junction Railway at a point about thirty yards westwards from the bridge carrying the road from Burnbank to Whitehill across that railway and terminating at Earnock Colliery at a point about five hundred and fifty yards northwards from the farm stead- ing of Hillhouse and all works and conveniences connected there- with is hereby legalised and may be maintained by the Company as and shall for all purposes be held to be part of the undertaking of the Company and the Company shall in respect thereof and of the traffic thereon be entitled to all the powers including the power of levying tolls rates and charges which the Company have and enjoy in respect of the said Clydesdale Junction Railway and the traffic thereon and the application of the funds which the Company have expended for the purposes of the said railway is hereby sanctioned.

Sanctioning  
Earnock  
Branch  
Railway  
already  
constructed  
as part of  
Company's  
undertaking.

**34.** The Company may stop up and discontinue for traffic the canal known as the Forth and Cart Junction Canal in the parish of Old Kilpatrick and county of Dumbarton and may sell or dispose of the site thereof or appropriate and use the same for the purposes of their undertaking Provided that in the event of the Company at any time filling up the canal and reclaiming the site thereof up to or within fifty yards of the junction of the said canal with the River Clyde they shall protect any reclamation bank with rough whinstones upwards from the bed of the canal or where such reclamation bank adjoins the river or lines with the river bank above or below then from the bed of the river to the same depth as the stone facing of the river wall adjoining to the surface of the reclaimed ground at the sight and to the reasonable satisfaction of the engineer for the time being of the trustees of the Clyde Navigation and if any difference shall arise between the parties it shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either party.

Power to  
stop up  
Forth and  
Cart Canal.

**35.** Section fifty-four of the Caledonian Railway (No. 2) Act 1884 and section fifty-one of the Act of 1887 shall be extended and read as if the period of ten years therein mentioned or referred to

Extension  
of time  
for sale of  
Company's

A.D. 1893.  
superfluous  
land.

during which the Company may continue to hold lands not immediately required for the purposes of their undertaking were ten years from the passing of this Act Provided that nothing in those sections or herein contained shall be held as requiring the Company to sell or dispose of any lands which they are not required by some existing Act to sell or dispose of nor as requiring the Company to sell or dispose of any lands sooner than they are required to sell or dispose of the same by some existing Act.

Extension  
of time for  
sale of  
Solway  
Company's  
superfluous  
land.

**36.** Section forty-three of the Solway Junction Railway Act 1882 shall be extended and read as if the periods therein mentioned during which the Solway Company may retain and hold any lands acquired by them and which have not yet been applied to the purposes of the Solway Company or sold or disposed of by them were ten years from the passing of this Act.

For pre-  
venting  
trespass on  
Company's  
railways and  
property.

**37.** And whereas great risk to the safety of the traffic on the railways stations works lands and property belonging to or worked by the Company is caused by persons trespassing on such railways stations works lands and property and interfering with the signals and other works and property of the Company and accidents have been occasioned in consequence of such trespassing and persons trespassing have been killed or seriously injured and it is expedient to make more effectual provisions for preventing such trespassing Therefore any person who shall trespass upon any of the railways stations works lands and property belonging to or worked by the Company shall without having received any personal or other warning than herein-after mentioned forfeit and pay by way of penalty any sum not exceeding forty shillings for every such offence Provided that no person shall be subject to any penalty under this enactment unless the Company shall prove to the satisfaction of the sheriff or justices before whom complaint is laid that they have painted or fixed up on boards or printed painted or enamelled on iron or any other material public notice warning persons not to trespass upon their railways stations works lands and property and that one or more of such notices has been affixed at the station on their railway and at the level crossing (if any) nearest to the spot where such trespass is alleged to have been committed and the Company shall renew such notice as often as the same shall be obliterated or destroyed and no penalty shall be recoverable unless such notice is so placed and renewed Provided also that no person lawfully crossing the railway at any level crossing thereof shall be liable to any such penalty as aforesaid And provided further that this enactment shall not interfere with but shall be subject to any future general enactment relating to trespass upon railways.



**38.** The Company shall so far as required for the purposes of the amalgamation of the Wemyss Bay Company and may for any other purposes of this Act and for meeting the expenditure on works for which sufficient capital has not been provided from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 as amended by the Railway Companies (Scotland) Act 1867 raise any additional capital not exceeding in nominal amount nine hundred and fifteen thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof. Provided that if in any year ending on the thirty-first day of January there are not profits available for the payment of the full amount of preferential dividend or interest for that year on any such new preference shares or stock no part of the deficiency shall be made good out of the profits of any subsequent year or out of any other funds of the Company.

A.D. 1893.  
Power for  
Company  
to raise  
additional  
capital.

**39.** Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

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

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

And to form  
part of  
capital of  
Company.  
Dividends on  
new shares  
or stock.

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

**42.** 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 that except as otherwise expressly provided by the resolution creating the same no person shall be

Votes in  
respect of  
new shares  
or stock.

A.D. 1893. — entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

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

**43.** 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 and of any other Act passed in the present session of Parliament whether before or after the passing of this Act by which the Company may be authorised to raise capital by new shares or stock the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Acts and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power for Company to borrow.

**44.** The Company may in respect of the additional capital of nine hundred and fifteen thousand pounds which they are herein-before authorised to raise and shall so far as required for the purposes of the amalgamation of the Wemyss Bay Company from time to time borrow on mortgage of their undertaking any sums not exceeding in the whole three hundred and five thousand pounds in manner following (that is to say) They may borrow a sum of sixty-one thousand pounds in respect of each entire sum of one hundred and eighty-three thousand pounds of the said additional capital but except as regards the debenture stock to be issued as fully paid up in substitution for the debenture stock of the Wemyss Bay Company as herein-before provided no part of any such sum shall be borrowed until shares or stock or shares and stock for the whole of the portion of the said additional capital in respect of which the borrowing powers are to be exercised are issued and accepted and one-half of such portion of capital is paid up and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 before he so certifies that shares or stock or shares and stock for the whole of such portion of capital have been issued and accepted and that one-half of such portion of capital has been paid up and that not less than one-fifth part of the amount of each separate share and the whole amount of the stock in the said portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares or stock or shares and stock as the case may be were issued and accepted and such one-half of the said portion of capital was paid up bonâ fide and that such shares or stock or shares and stock as the case may be are held by the persons or corporations to whom the same were issued or their executors administrators successors or assignees and also in so far as the said portion of additional capital is raised by shares

that such persons or corporations or their executors administrators successors or assignees are legally liable for the same and upon production to such sheriff of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

A.D. 1893.

**45.** The mortgagees of the Company under this or any previous Act 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 be not less than ten thousand pounds in the whole.

Arrears may be enforced by the appointment of a judicial factor.

**46.** The Company may (and shall so far as required as aforesaid) create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Railway Companies (Scotland) Act 1867 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the 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 create debenture stock.

**47.** All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Existing mortgages to have priority.

**48.** All moneys raised under this Act whether by shares or stock or debenture stock or borrowing shall be applied only to those purposes of this Act to which capital is properly applicable.

Application of moneys.

**49.** The Company may apply towards the purposes authorised by this Act or any of them to which capital is properly applicable any capital or funds belonging to or authorised to be raised by them and which may not be required for the purposes for which the same were authorised to be raised or directed to be applied.

Company may apply to purposes of this Act funds not required for other purposes.

**50.** No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act

Interest not to be paid on calls paid up.

[Ch. clxxix.] *Caledonian Railway Act, 1893.* [56 & 57 VICT.]

A.D. 1893. 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.

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

**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 Company to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

**52.** Nothing in this Act contained shall exempt the Company or the railway or widening by this Act authorised from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

Costs of Act.

**53.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULES referred to in the foregoing Act.

A.D. 1893.

**FIRST SCHEDULE.**

PROPERTIES IN RESPECT OF WHICH THE POWERS OF COMPULSORY PURCHASE GRANTED BY THE CENTRAL ACT OF 1888 ARE REVIVED AND EXTENDED.

Railway authorised by the Central Act of 1888.	Parish.	Number on Plans deposited in reference to the Central Act of 1888.
No. 1	Calton	18, 55.
"	City	14, 28, 29, 31.
"	Barony	10, 11, 12, 13, 14, 15.
No. 2	Barony	115.
"	Govan	30, 44.
No. 3 and road	Maryhill	4, 5, 7 to 50 inclusive.
"	Govan	103.

**SECOND SCHEDULE.**

Portions of Railway.	Period.
Dalmarnock Road to Bridgeton Cross - - -	10th August 1894
Bridgeton Cross to Glasgow Green - - -	10th August 1895
Glasgow Green (except so much thereof as is required for temporary railway to spoil bank) - - -	10th August 1893
Glasgow Green to Cross - - -	10th August 1893
Cross Station - - -	10th August 1895
Cross Station to Glassford Street - - -	10th August 1894
Glassford Street to Jamaica Street - - -	10th August 1895
Robertson Street to Anderston Cross - - -	10th August 1894
Anderston Cross to Elliot Street - - -	10th August 1893
Elliot Street to Finnieston Street - - -	10th August 1894
Finnieston Street to Kelvingrove Park - - -	10th August 1894
Kelvingrove Park - - -	10th August 1893
Eldon Street to Botanic Gardens - - -	10th February 1895
Botanic Gardens - - -	10th August 1893
Botanic Gardens Station - - -	10th August 1894

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