



CHAPTER CXXV.

An Act for conferring further powers on the Glasgow and South Western Railway Company for the construction of works the acquisition of lands and the raising of money and for other purposes. [6th July 1895.] A.D. 1895.

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 railway the widenings of an existing railway 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 railway widenings 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 Ayr and Renfrew and with the clerk of the peace for the county of Cumberland 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 it is expedient that the time limited for the sale of certain superfluous lands of the Company should be extended :

And whereas it is expedient that the agreement between the Company and the Maryport and Carlisle Railway Company as set forth in the schedule to this Act should be sanctioned and confirmed :

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 :

[Price 1s. 6d.]

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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 1895.

Incorporation of
general
Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation 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 nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of the shares into stock;

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

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested:

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

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 the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or

partially incorporated with this Act shall so far as this Act relates to England be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

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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 and the widenings of their existing railway next 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 railway and widenings herein-before referred to and authorised by this Act are—

Power to
make rail-
way and
widenings.

- (1) A railway on the deposited plans referred to as railway No. 3 three furlongs three chains and sixteen yards in length situate in the parish of Saint Cuthbert Without and in the city of Carlisle in the county of Cumberland commencing by a junction with the Maryport and Carlisle Railway and terminating in the field called "Redbank Field" at a point three hundred and eighty-five yards or thereabouts measured in a north-easterly direction from Currock Junction signal cabin:
- (2) A widening No. 1 of the Company's Glasgow Paisley Kilmarnock and Ayr Railway three furlongs one chain and eighteen yards in length wholly situate in the Abbey parish of Paisley in the county of Renfrew between a point thereon one hundred and thirty-five yards or thereabouts measured along the said railway in a south-westerly direction from the booking office at Milliken Park Station and a point thereon five hundred and sixty-five yards or thereabouts measured along the said railway in a north-easterly direction from the said booking office:
- (3) A widening No. 2 of the Company's said Glasgow Paisley Kilmarnock and Ayr Railway three furlongs two chains and one yard in length wholly situate in the parish of Beith in the county of Ayr between a point thereon five hundred and thirty-five yards or thereabouts measured along the said railway in a south-westerly direction from the signal cabin at Beith Station and a point thereon one hundred and seventy yards or thereabouts measured along the said railway in a north-easterly direction from the said signal cabin.

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Railway and
widening to
form part of
Company's
undertaking.

5. The railway and widenings 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.

Width of
roadway.

6. The Company may make the roadway over the bridge by which the following road will be carried over the widening of such width between the fences thereof as the Company think fit not being less than the width herein-after mentioned in connexion therewith (that is to say):—

Number on deposited Plan.	Parish.	Description of Road.	Width of Roadway.
	Widening No. 1.		
3	Abbey parish of Paisley	Public carriage road -	25 feet 9 inches

Imposing
penalty
unless rail-
way opened
within time
limited.

7. If the Company fail within the period limited by this Act to complete the railway 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 the railway is completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the railway 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 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 into the Law Courts Branch of the Bank of England to the account of the Paymaster-General for and on behalf of the Supreme Court 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

railway 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. A.D. 1895.
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8. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or 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 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 High Court 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 railway has 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.

9. If the railway is 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 making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for
completion
of railway.

10. Subject to the provisions of this Act the Company may in the lines and according to the levels shown on the deposited plans and sections relating thereto make the new roads or street hereinafter described with all proper works and conveniences connected therewith and may exercise the powers herein-after mentioned and may enter upon take and use such of the lands delineated on those plans and described in the deposited books of reference relating thereto as may be required for those purposes (that is to say) :— Power to
make new
roads or
street.

The Company may make a new road in the parish of Newton-upon-Ayr in the county of Ayr commencing by a junction with the road lying immediately to the west of the Company's

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Glasgow Paisley Kilmarnock and Ayr Railway near Falkland Junction at a point thereon two hundred and ninety-five yards or thereabouts measured in a southerly direction from Falkland Junction signal cabin and extending thence for a distance of one hundred and forty-five yards or thereabouts in a westerly direction and thence in a northerly direction to and terminating by a junction with the road leading to the foreshore of the Firth of Clyde at a point thereon one hundred and eighty-five yards or thereabouts measured in a westerly direction from the bridge carrying the last-mentioned road over the said railway which bridge is situate immediately to the north of Falkland Junction :

And when the Company have made the said new road they may stop up in the said parish and county and discontinue as a public thoroughfare and appropriate to the purposes of their undertaking so much of the said road first herein-before referred to as lies between the commencement of the said new road and its junction with the road leading to the foreshore as aforesaid and is bounded on both sides by lands of the Company and thereupon all rights of way over the portion of the said road so stopped up shall be and the same are hereby extinguished :

The Company may make a new road or street at Saltcoats in the parish of Ardrossan and county of Ayr commencing by a junction with the road or street known as Chapel Brae near its junction with Manse street and terminating at the north end of the bridge carrying the road or street leading past the gas-works over the Company's Ardrossan Branch Railway and they may widen the said bridge on the west side thereof :

And when the Company have made the said new road or street they may in the said parish and county stop up and discontinue as public thoroughfares and appropriate to the purposes of their undertaking the existing two roads or streets leading from the south end of the said bridge into Manse Street and Chapel Brae and into Vernon Street respectively when they become owners in possession of all property on both sides thereof and thereupon all rights of way over the said existing two roads or streets so stopped up shall be and the same are hereby extinguished.

Power to deviate in construction of new roads or street.

II. Subject to the provisions of this Act the Company may in constructing the new roads or street by this Act authorised deviate laterally to any extent not exceeding the limits of deviation marked on the deposited plans and vertically to any extent not exceeding

five feet but not so as to increase the inclinations of the said roads or street as shown upon the deposited sections.

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12. 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 re-flows 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 costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

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

13. The new roads or street by this Act authorised (except the stone iron or other structure carrying the same over the railway which structure shall be repaired and maintained in all time by and at the expense of the Company) shall when made and completed be upheld and maintained for one year thereafter by the Company and shall afterwards from time to time respectively be repaired and maintained by and at the expense of the same parties in the same manner and to the same extent as other roads and streets within the parish within which such new roads or street are respectively situate are from time to time liable to be repaired or maintained :

Provision as to repair of new roads or street.

If any question shall arise between the Company and such parties as to the due completion of any new road or street such question shall from time to time be determined by the sheriff of the county in which such new road or street is situate on the application of either of the parties in difference and after not less than seven days' notice to both parties of the sitting of such sheriff for the purpose and the certificate of such sheriff of the due completion of such new road or street shall be conclusive evidence of the fact so certified.

14. 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

Power to the Company to acquire additional lands.

A.D. 1895. and appropriate for the purpose of extending their station siding and other accommodation and for other purposes connected with 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) :—

Certain lands in or ex adverso of the parish of Newton-upon-Ayr in the county of Ayr situate near Falkland Junction on the Company's Glasgow Paisley Kilmarnock and Ayr Railway between the said railway and the Firth of Clyde :

Certain lands in the Abbey parish of Paisley and in the parish of Eastwood both in the county of Renfrew lying on the south side of and adjoining the Company's Paisley Canal Line at Corkerhill :

Certain lands houses and buildings at Saltcoats in the parish of Ardrossan in the county of Ayr lying on the south side of and adjoining the Company's Ardrossan Branch Railway and north of and adjoining Vernon Street and Manse Street :

Certain lands at Carlisle in the parish of Saint Cuthbert Without and in the city of Carlisle in the county of Cumberland lying on the east or south-east side of and adjoining the Maryport and Carlisle Railway from Citadel Station to Maryport at or near Currock Junction on that railway.

For the
protection
of the cor-
poration of
Ayr.

15. For the protection of the provost magistrates and town council of the burgh of Ayr (herein-after in this section called "the corporation") the following provisions shall unless otherwise agreed between the corporation and the Company apply and have effect (that is to say) :—

(1) The Company shall notwithstanding anything in this Act contained or shown on the deposited plans make the new road in the parish of Newton-upon-Ayr by this Act authorised (herein-after in this section called "the new road") and the sea wall herein-after mentioned in the line delineated and coloured red on the plan (herein-after in this section called "the new plan") signed in duplicate by Sir John Henry Kennaway Baronet the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and one duplicate of which has been deposited in the Private Bill Office of the House of Commons :

(2) The Company shall construct and maintain a sea wall on the seaward side of the new road between the points marked A and B on the new plan having four accesses to the beach and foreshore for foot passengers at points to be fixed by the

corporation Such sea wall shall thereafter be maintained at the joint expense of the Company and the corporation : A.D. 1895.

- (3) The Company shall make the new road and sea wall within twenty-four months from the passing of this Act :
- (4) The Company shall at least one month before commencing to make the new road and sea wall give the corporation notice thereof in writing and submit with such notice plans sections and specifications showing the manner in which the new road and sea wall are to be made and no works in connexion therewith shall be commenced until such plans sections and specifications shall have been approved of by the corporation Provided always that if the corporation do not within twenty-one days after such plans sections and specifications have been submitted to them intimate their approval or disapproval thereof the Company may proceed to make the new road and sea wall :
- (5) The Company shall form the new road in accordance with the provisions of the Burgh Police (Scotland) Act 1892 with respect to new streets but with a carriageway not less than twenty-four feet wide and a tar macadam foot pavement along the seaward side of the new road between the points marked A and B on the new plan not less than twelve feet wide and if and when required by the corporation footpaths on both sides of the remaining portion of the new road with such material and in such manner and form and of such breadth as the Corporation shall direct :
- (6) The Company shall widen and form the portion of Woodfield Road running seaward from the existing railway of the Company coloured blue on the new plan in accordance with the provisions of the Burgh Police (Scotland) Act 1892 with respect to new streets and shall if and when required by the corporation construct footpaths on both sides thereof with such material and in such manner and form and of such breadth as the corporation shall direct :
- (7) The Company shall not acquire any portion of the foreshore or bed of the sea in or ex adverso of the parish of Newton-upon-Ayr or erect any works buildings or fence to the west of the sea wall except such as may be required for its protection and any land not being foreshore acquired or to be acquired by the Company under the powers of this Act or otherwise on the west of the sea wall shall be held by the Company subject to the use thereof by the public :

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(8) If any difference shall arise between the corporation and the Company or between their respective engineers as to any plans sections or specifications or as to the mode of executing any works referred to in this section or the sufficiency thereof such difference shall be determined by an engineer to be appointed by the sheriff of Ayrshire on the application of either the corporation or the Company and the costs of any such reference shall be borne and paid by the Company.

For the
protection
of the cor-
poration of
Carlisle.

16. The following provisions for the protection of the mayor aldermen and citizens of the city of Carlisle (in this section referred to as "the corporation") shall apply and have effect (that is to say) :—

(1) Nothing this Act contained shall prejudice take away alter or affect any of the rights powers authorities or privileges vested in or reserved to the corporation or the Company (with reference to certain existing lines of sewer pipes or the substitution therefor of any other lines of sewer pipes) under or by virtue of the deed of conveyance dated the twenty-seventh day of July one thousand eight hundred and ninety-four and made between the corporation of the one part and the Company of the other part nor lessen alter or affect any of the duties or obligations of the Company or the corporation under or by virtue of the said deed :

(2) The Company shall not under the powers of this Act stop up divert or interfere with the footpath leading from Maryport Cottages to Blackwell in the parish of Saint Outhbert without first substituting some other equally convenient footpath therefor to be approved of in the event of any difference arising between the corporation and the Company by an arbitrator to be appointed by the Board of Trade on the application of either party whose decision shall be final and binding on both parties.

Period for
compulsory
purchase of
lands by the
Company.

17. 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 ease-
ments.

18. 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 easement servitude right or privilege (not being an easement servitude right or privilege of water in which others than the parties to the agreement 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 rentcharges or feu duties so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements or servitudes rights and privileges as aforesaid respectively. A.D. 1895.

19. (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 occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or which have been since that day or shall be hereafter so occupied unless and until—

Restrictions
on displacing
persons of
labouring
class
[Scotland].

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

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

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

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

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

(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-

A.D. 1895. 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 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 :

(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.

20. The Company shall not under the powers of this Act purchase or acquire in the city of Carlisle or in the parish of Saint Cuthbert Without ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or without the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction
on displacing
persons of
labouring
class
[England].

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Defining
labouring
class.

21. For the purposes of the two last preceding sections of this Act 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.

Extending
time for sale
of certain
superfluous
lands.

22. The Company may notwithstanding anything to the contrary in the Lands Clauses Consolidation (Scotland) Act 1845 or in any Act relating to the Company with which that Act is incorporated retain and hold for the period of ten years from the passing of this Act any lands acquired by them under the powers of the Glasgow and South Western Railway Act 1881 which have not yet been applied to the purposes of the Company or sold or disposed of by them:

But the Company shall at the expiration of such period sell and dispose of all such parts of those lands as shall not then have been applied to or are not then required for the purposes of their undertaking as superfluous lands.

Confirming
agreement
with the
Maryport
and Carlisle
Railway
Company.

23. The agreement between the Company and the Maryport and Carlisle Railway Company as set forth in the schedule to this Act is hereby sanctioned and confirmed and shall be binding on the said companies respectively:

A Queen's printers' copy of this Act stamped with the proper duty payable in respect of the said agreement shall within six months from the passing of this Act be produced to the Commissioners of Inland Revenue and in default of such production the stamp duty with interest thereon at the rate of five pounds per centum per annum from the passing of this Act to the day of payment shall be recoverable from the Company with full costs of suit and all costs and charges attending the same.

Rights of
the Company
in relation to
Carlisle
Station and
goods lines
not to be
extended.

24. Nothing in this Act shall authorise the Company to use the Carlisle Citadel Station or any railways or works connected therewith under the management of the Citadel Station Committee or to use the goods traffic lines and works connected therewith under the management of the Carlisle Goods Traffic Committee otherwise than for the purposes and in the manner for and in which they are entitled to use the same under the existing agreements between the Company and the Caledonian Railway Company and the London and North Western Railway Company or their predecessors.

A.D. 1895.

in relation thereto or in anywise extend or enlarge the rights or powers of the Company in connexion with such station railways lines and works all of which rights and powers are hereby reserved to the Company.

25. 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 one hundred 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 addi-
tional
capital.

26. The Company shall not issue any share under the authority of this Act nor shall any share or stock 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 or the whole of such stock shall have been paid in respect thereof.

Shares not
to be issued
until one-
fifth paid.

27. At all general meetings of the Company every holder of shares or stock of the Company created under this Act shall have the right of voting in respect thereof on the principle of having one vote for every sum of one hundred pounds actually paid up in respect of the whole of such shares or stock for the time being held by him up to one thousand pounds and he shall have an additional vote for every sum of five hundred pounds actually paid up on such shares or stock beyond the first one thousand pounds up to ten thousand pounds and an additional vote for every sum of one thousand pounds actually paid up on such shares or stock beyond the first ten thousand pounds Provided that no person shall be entitled to vote in respect of any less amount than one hundred pounds paid up Provided also that (unless otherwise specified in any resolution of the Company) no person shall be entitled to vote in respect of any share or stock created or issued under this Act to which a preferential dividend shall be assigned Provided always that nothing in this section shall be deemed to empower the Company to issue stock to be paid up by instalments.

Scale of
voting in
respect of
new shares
or stock.

28. 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 or Acts passed in the present session of Parliament whether before or after the passing of this Act by which the Company may be authorised to

Power to
Company to
raise capital
authorised
by any other
Act and this
Act by new

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shares or
stock of one
class.

raise capital by new shares or stock the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act or Acts and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power to
Company to
borrow.

29. The Company may in respect of the additional capital of one hundred 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 thirty-three 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 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
appointment
of a judicial
factor.

30. 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.

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

A.D. 1895.

For appointment of a judicial factor.

32. 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.

Former mortgages to have priority.

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

34. 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 Company.

35. 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.

36. 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 not to be paid on calls paid up.

A.D. 1895. interest on money advanced by him beyond the amount of the call 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.

37. 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.

Saving
rights of the
Crown in the
foreshore.

38. 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 exercisable by the Queen's Majesty Her heirs or successors.

Provision as
to general
railway
Acts.

39. 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.

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

SCHEDULE referred to in the foregoing Act.

A.D. 1895

AGREEMENT between the Maryport and Carlisle Railway Company (herein-after called "the Maryport Company") of the first part and the Glasgow and South Western Railway Company (herein-after called "the South Western Railway Company") of the second part.

THE parties hereto have agreed and do hereby agree and bind themselves to each other as follows viz :—

First.—The Maryport Company at the expense of the South Western Company shall make any enlargement of the Currock Junction signal box belonging to the Maryport Company that may be required by the South Western Company as shown on a plan annexed and subscribed as relative hereto and construct all signals interlocking levers and relative works and shall also at the like expense construct the connexions or junctions between the railway and sidings and works and conveniences constructed or about to be constructed by the South Western Company on land belonging to them at or near Red Bank Carlisle and the railways of the Maryport Company at or near that company's said Currock Junction signal box in the manner shown on the said plan and thereon coloured red and the said connexions or junctions when formed shall thereafter be efficiently worked and maintained by and at the expense of the Maryport Company for the accommodation as herein-after defined of the South Western Company and the said Currock Junction signal box when enlarged shall be worked and maintained permanently by and at the expense of the Maryport Company.

Second.—The South Western Company for the purpose only of obtaining access to and egress from the land belonging to them at Red Bank aforesaid and the railway sidings works and conveniences thereon or to be erected thereon as aforesaid shall further be entitled to run over and use permanently with their engines carriages and wagons and officers and servants whether in charge of engines and trains or otherwise so much of the railways of the Maryport Company as extends from Rome Street Junction and Crown Street Junction also shown on the said plan and thereon coloured blue to and (so far as may be necessary for the purposes aforesaid) beyond the connexions or junctions of the railway and sidings of the South Western Company before referred to with the foresaid railways of the Maryport Company together with all points signals and junctions belonging to the Maryport Company connected therewith and the Maryport Company shall when called upon by the South Western Company work and maintain permanently at the expense of the Maryport Company for the purposes aforesaid the Forks and Currock Junction signal boxes also shown on the said plan and relative works. The South Western Company shall run over and use permanently the said portions of the railways of the Maryport

A.D. 1895.

Company for the purposes aforesaid so and in such manner as not to delay and impede the general traffic of the Maryport Company and shall observe the regulations and byelaws of the Maryport Company so far as they are applicable to the said portions of the railways of the Maryport Company so run over and used and the Maryport Company shall afford all usual and necessary facilities for the exercise of the powers hereby conferred upon the South Western Company.

Third.—The South Western Company shall pay to the Maryport Company the sum of sixpence for each engine twopence for each carriage or other coaching vehicle and one penny per ton for coals or other stores passing over the foresaid railways of the Maryport Company to or from the foresaid railway sidings works and conveniences of the South Western Company Providing always that if in any year the total of such payments as aforesaid shall not amount to seven hundred and fifty pounds per annum then the South Western Company shall pay to the Maryport Company in each such year in which the total of the said payments shall fall short of the said sum of seven hundred and fifty pounds the difference between the total amount of the said payments and the said sum of seven hundred and fifty pounds per annum it being the intent and meaning of the parties that the Maryport Company shall not in any year be paid by the South Western Company for the rights and powers aforesaid a less sum than seven hundred and fifty pounds per annum Providing further that the said total amount of the said payments or the said sum of seven hundred and fifty pounds per annum shall be payable half-yearly in the proportions applicable for such period and the first payment of said proportion shall be made payable on the expiry of six months from the date of the first exercise of the running powers hereby conferred upon the South Western Company and the said payments shall be in full of all tolls rates and charges and other payments or considerations payable by the South Western Company to the Maryport Company for and in respect of the rights and powers conferred upon the South Western Company or the obligations undertaken by the Maryport Company under these presents except as herein otherwise provided.

Fourth.—Should any difference hereafter arise between the parties as to the true intent and meaning or the due and proper fulfilment of the provisions of this agreement the same shall unless otherwise agreed be referred to the determination of an arbitrator to be appointed by the Board of Trade on the application of either of the parties hereto.

Fifth.—This agreement shall be subject to such alterations as Parliament may think fit to make therein and shall be scheduled to the Bill which the South Western Company have introduced into Parliament in the present session and the South Western Company and the Maryport Company shall at the expense of the South Western Company use their utmost endeavours to get the same confirmed by Parliament.

In witness whereof these presents written upon this and the two preceding pages of stamped paper by David Walker Watt clerk at Glasgow to the said Glasgow and South Western Railway Company are together with the foresaid plan annexed hereto executed in duplicate by the parties as follows videlicet They are sealed with the common or corporate seal of the said Maryport and

[58. & 59 VICT.]

*Glasgow and South Western
Railway Act, 1895.*

[Ch. cxxv.]

A.D. 1895.

Carlisle Railway Company and subscribed by Humphrey Pocklington Senhouse and John Addison two of the directors and Hugh Carr secretary of and for and on behalf of the said Maryport and Carlisle Railway Company all at Maryport on the eighteenth day of March eighteen hundred and ninety-five before these witnesses George Twynham footman to the said Humphrey Pocklington Senhouse at Netherhall Maryport and Thomas Blain chief clerk in the secretary's office of the said Maryport and Carlisle Railway Company and they are also sealed with the common or corporate seal of the said Glasgow and South Western Railway Company and subscribed by Robert Barclay Merchant Glasgow and Benjamin Nicholson merchant Annan two of the directors and Frank Heys Gillies secretary of and for and on behalf of the said Glasgow and South Western Railway Company all at Glasgow on the ninth day of April eighteen hundred and ninety-five before these witnesses John Anderson Mackenzie writer Glasgow and John M'Kerrow Hair clerk at Glasgow to the said Glasgow and South Western Railway Company.

Seal of
the Maryport and
Carlisle Railway
Company.

(Signed)
(Signed)
(Signed)

H. P. SENHOUSE Director
JOHN ADDISON Director.
HUGH CARR Secretary.

(Signed) G. TWYNHAM Witness.
(Signed) THOMAS BLAIN Railway
Secretary's Chief Clerk
Witness.

Seal of the
Glasgow and South
Western Railway
Company.

(Signed)
(Signed)
(Signed)

ROBT. BARCLAY Director.
BEN. NICHOLSON Director.
F. H. GILLIES Secy.

(Signed) J. A. MACKENZIE Witness.
(Signed) J. M. HAIR Witness.

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