



CHAPTER cxviii.

An Act to enable the Caledonian Railway Company to
construct new Dock Works at Grangemouth and new
Railways in the Counties of Lanark and Stirling to
confer further powers on them in respect to the
acquisition of lands and other matters connected with
their undertaking and for other purposes.

A.D. 1897.

[15th July 1897.]

WHEREAS the existing docks of the Caledonian Railway Company (herein-after called "the Company") at Grangemouth with the entrance from the River Carron have become insufficient for the accommodation of the trade thereof and the vessels resorting thereto and it is expedient that the Company should be authorised to construct and maintain a new dock and other works at Grangemouth with an entrance from the Firth of Forth and that the powers herein-after contained should be conferred on the Company in reference thereto :

And whereas it is expedient that the Company should be authorised to make and maintain the railways in the counties of Lanark and Stirling herein-after described and to acquire and hold the lands in the counties of Dumfries and Lanark herein-after mentioned :

And whereas it is expedient that the Company should be authorised to abandon the railway authorised by the Caledonian Railway Act 1896 and therein called Railway No. 7 for which Railway No. 1 herein-after described is intended to be substituted and that they should be enabled to stop up and discontinue the level crossing and footbridge over their railway at Mossend Station herein-after referred to :

59 & 60 Vict.
cap. clx.

And whereas it is expedient that the powers granted to the Company by the Caledonian Railway (Additional Powers) Act 1890 as extended by the Caledonian Railway Act 1893 for the compulsory purchase of the properties specified in the Schedule

53 & 54 Vict.
cap. cxxxii.
56 & 57 Vict.
cap. cixxix.

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to this Act for the purposes of the railways authorised by the first-named Act and therein called Railways Nos. 1 and 2 and for the works connected with such railways respectively and of the lands referred to in section 11 of that Act should be revived and extended :

And whereas it is expedient that the Company should be authorised to raise additional money for the purposes of this Act :

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 whereas plans and sections showing the lines and levels of the works 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 clerks of the counties of Stirling Lanark and Dumfries respectively and are herein-after respectively referred to as the deposited plans sections and books of reference :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short title.

1. This Act may be cited for all purposes as the Caledonian Railway Act 1897.

Incorporation of Acts.

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

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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 and the Harbours Docks and Piers Clauses Act 1847 (except the provisions thereof with respect to lifeboats and keeping a tide and weather gauge unless the Board of Trade shall otherwise require and except section 50 of that Act) are except 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.

3. In this Act unless there be something in the subject or context repugnant to such construction—

Interpretation.

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings ;

The expression "the Company" means the Caledonian Railway Company ;

The expression "the dock works" means and includes the sea wall or embankment entrance channel dock junction cut and jetties by this Act authorised or any of those works :

In the Railways Clauses Consolidation (Scotland) Act 1845 and the provisions of Part I. of the Railways Clauses Act 1863 incorporated with this Act—

The expressions "the railway" and "the undertaking" and other like expressions mean the railways by this Act authorised or any of them and in regard to the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the construction of the railway and works connected therewith and with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to mines lying under or near the railway such expression shall also include the dock works and the diversion of Grange Burn by this Act authorised or any of them :

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In the Lands Clauses Acts—

The expressions “the works” and “the undertaking” mean and include the dock works railways and the diversion of Grange Burn by this Act authorised or any of them :

In the Harbours Docks and Piers Clauses Act 1847.—

The expression “the harbour dock or pier” means the dock works by this Act authorised or any of them :

And in all the Acts wholly or partially incorporated with this Act—

The expressions “the Company” “the undertakers” and “the promoters of the undertaking” mean the Company ;

The word “schoolmasters” means clerks of parish councils ;

The expression “the special Act” means this Act.

Power to
make works
and take
lands for
purposes
thereof.

4. Subject to the provisions of this Act the Company make make and maintain in the lines and according to the levels shown on the deposited plans and sections the dock works diversion of Grange Burn and railways herein-after described with all proper graving docks slipways pontoons shipping places timber ponds basins locks quays culverts wharves warehouses sheds staiths stations sidings junctions roads approaches bridges cranes hoists machinery buoys beacons and lights and other works conveniences and appliances 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) :—

(1) A sea wall or embankment commencing at the lighthouse at the eastern end of the southern embankment of the River Carron at or near its junction with the Firth of Forth and running thence in an easterly direction to a point on the foreshore of the Firth of Forth nine hundred yards or thereabouts from the said lighthouse and running thence in a south-westerly direction and terminating at a point on the said foreshore on or near the line of high water three hundred and thirty yards or thereabouts measured in a north-easterly direction from the Powdrake Farmhouse with an opening through such sea wall or embankment for the entrance channel herein-after described :

(2) An entrance channel (with locks) leading to the dock herein-after described commencing at the said opening in the sea wall or embankment at a point five hundred yards or thereabouts east of the said lighthouse and terminating at the eastern end of the said dock at a point six hundred yards or thereabouts measured in a westerly direction from the said Powdrake Farmhouse :

- (3) A dock commencing at the point of termination of the said entrance channel and extending thence in a westerly direction and terminating at a point one hundred and thirty yards or thereabouts measured in a south-easterly direction from the south-eastern corner of the existing dock of the Company at Grangemouth authorised by the Caledonian Railway (Grangemouth Harbour) Act 1876 :
- (4) A junction cut between the said dock and the said existing dock of the Company commencing at or near the north-western corner of the dock by this Act authorised at a point seventy yards or thereabouts measured in an easterly direction from the south-eastern corner of the said existing dock and terminating at the said south-eastern corner of such last-mentioned dock :
- (5) A jetty (No. 1) on the northern side of the entrance channel commencing at a point on the sea wall or embankment four hundred and eighty yards or thereabouts measured in an easterly direction from the said lighthouse and running thence in a northerly direction to and terminating at a point one hundred yards or thereabouts from the point of commencement :
- (6) A jetty (No. 2) on the southern side of the entrance channel commencing at a point on the sea wall or embankment five hundred and twenty yards or thereabouts measured in an easterly direction from the said lighthouse and running thence in an easterly direction to and terminating at a point one hundred and seventy yards or thereabouts from the point of commencement :
- (7) A diversion of the stream called the Grange Burn commencing at a point one hundred yards or thereabouts measured in a northerly direction from the point on the road leading from Grangemouth to Borrowstounness where such road crosses the said stream and terminating at a point on the foreshore of the Firth of Forth at or near low-water mark nine hundred yards or thereabouts measured in an easterly direction from the said lighthouse :

Which works numbered one to seven will be situate at Grangemouth in or ex adverso of the parishes of Polmont and Bothkennar or one of them in the county of Stirling :

- (8) A railway (herein-after called Railway No. 1) four miles two furlongs 1.70 chains in length commencing in the parish of Dalserf and county of Lanark by a junction with the Company's Lesmahagow Branch Railway at a point about ten yards eastwards from the centre of the bridge carrying the road from Hamilton to Lanark across that branch railway and terminating

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- in the parish of Stonehouse and county of Lanark by a junction with the Company's Stonehouse Branch Railway at a point about seventeen yards south-westwards from the centre of the bridge carrying the said branch railway over the public road called Lawrie Street at Stonehouse Station :
- (9) A railway (herein-after called Railway No. 2) one mile two furlongs five chains in length commencing in the parish of Stonehouse and county of Lanark by a junction with Railway No. 1 at a point about three hundred and ninety-three yards north-eastwards from the north-east corner of the farmhouse of Corslet and terminating in the parish of Hamilton and county of Lanark at a point about one hundred and forty-three yards westwards from the intersection of the cross roads at Plotcock Cottages :
- (10) A railway (herein-after called Railway No. 3) five furlongs five chains in length wholly in the parish of Stonehouse in the county of Lanark commencing by a junction with Railway No. 1 at a point about four hundred and seventy-one yards westwards from the west corner of the farmhouse of Kitty-muirhill and terminating at a point about seven hundred yards south-eastwards from the south corner of the said farmhouse :
- (11) A railway (herein-after called Railway No. 4) four furlongs 2.55 chains in length wholly in the parish of Stonehouse in the county of Lanark commencing by a junction with the Company's Stonehouse Branch Railway at a point about four hundred and twenty-seven yards south-westwards from the centre of the bridge carrying the said branch railway over the public road called Lawrie Street at Stonehouse Station and terminating by a junction with Railway No. 4 authorised by the Caledonian Railway Act 1896 at a point about three hundred yards north-eastwards of the north-east corner of the farmhouse of Newfield :
- (12) A railway (herein-after called Railway No. 5) three furlongs three chains in length wholly in the parish of Shotts in the county of Lanark commencing by a junction with the Company's Cleland Branch Extension Railway at a point about one hundred and forty-eight yards eastwards from the south-east corner of the booking office of Cleland Station and terminating by a junction with the Company's Drumbowie Branch Railway at a point about thirty-three yards southwards from the centre of the bridge carrying the Company's Cleland and Mid-Calder Branch Railway over the said Drumbowie Branch :

(13) A railway (herein-after called Railway No. 6) three furlongs six chains in length wholly in the parish of Falkirk and county of Stirling commencing by a junction with the Company's railway at a point about six hundred yards westwards from the centre of the bridge carrying the public road over the railway at Greenhill Station and terminating by a junction with the Company's Bonnybridge Branch Railway at a point about one hundred and ten yards eastwards from the centre of the said bridge.

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5. For the protection of the commissioners of the burgh of Grangemouth (in this section called "the commissioners") the following provisions shall have effect (that is to say) :—

For the protection of the burgh commissioners of Grangemouth.

Before the Company shall commence to construct any part of the dock works authorised by this Act which would in any way affect or interfere with the existing main sewer of the commissioners running alongside the Grange Burn and discharging into the River Carron or interrupt the discharge of the sewage of the burgh the Company shall make construct and complete and to the extent herein-after mentioned maintain the works herein-after described (that is to say) :—

- (A) The Company may divert any portion of the said main sewer within four hundred yards on either side of the intended passage between the dock by this Act authorised and the existing dock of the Company as shown on the deposited plans and shall construct the said diverted portion of sewer together with all necessary manholes of a size and dimension not less than the size and dimension of the existing sewer and shall connect the same at both ends with the existing main sewer and shall carry the said diverted portion of sewer by means of a syphon which the Company shall construct under the said works authorised by this Act :
- (B) The said syphon shall be of the dimension of at least two feet six inches diameter and shall be constructed with bellmouth at either end with a sufficient grating and access to the said syphon and sewer :
- (C) If the commissioners should so desire the Company shall at the expense of the commissioners construct an additional syphon alongside or in proximity to the syphon to be constructed by the Company with which the commissioners may connect any additional drainage provided that the commissioners shall give notice of such desire within one month of the submission by the Company to the

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commissioners of the plans of the proposed diversion of the sewer referred to in sub-sections (A) and (G) :

- (D) In the event of the commissioners at any time constructing an additional sewer parallel and near to the course of the existing or diverted sewer and joining the same to the additional syphon which may be constructed as aforesaid the commissioners shall so far as any such additional sewer passes through any lands or property of the Company be entitled to a wayleave for the same free of any charge or compensation therefor and the commissioners shall further be entitled if they shall think fit to join or connect the syphon which they may require to be constructed as aforesaid to such additional sewer or to the existing main sewer and from time to time to repair and renew the same but so as not to interrupt or unduly interfere with the traffic of the Company :
- (E) The Company shall in all time coming cleanse the syphon to be constructed by the Company and keep the same free from silting or stoppage and effectually flush the same periodically all to the reasonable satisfaction of the commissioners or of their burgh surveyor and the Company shall afford all reasonable facilities to the commissioners together with a reasonable supply of water from the dock for their cleansing the additional syphon if constructed :
- (F) The Company shall maintain the whole of the said diverted portion of the sewer referred to in sub-section (A) for twelve months from the completion of the said works authorised by this Act and the Company shall in all time coming maintain the said syphon to be constructed by the Company in a good and sufficient condition and capable of discharging the sewage from the said main sewer but the Company shall not be liable for the maintenance of the additional syphon which the commissioners may in their option require to be constructed as hereinbefore provided :
- (G) The Company shall give to the commissioners one month's notice in writing accompanied with plans sections working drawings and specifications of the said diversion of the said main sewer and of the syphon to be constructed by the Company and in the event of the commissioners exercising the option of requiring an additional syphon to be constructed by the Company or in the event of their at any time desiring to construct an additional sewer as provided for in sub-section (D) the commissioners shall

submit to the Company plans and sections working drawings and specifications of such additional syphon and sewer and the said plans and others so to be submitted by the Company to the commissioners shall be subject to the reasonable approval of the commissioners and the plans and others so to be submitted by the commissioners to the Company in the event aforesaid shall in like manner be subject to the reasonable approval of the Company :

- (H) The said works herein authorised and required to be made by the Company for the protection of the commissioners shall be made constructed and maintained as herein-before provided at the sight and to the reasonable satisfaction of the commissioners or their burgh surveyor :
- (I) The special provisions herein contained for the protection of the commissioners shall not be deemed to supersede or dispense with the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 but these provisions except in so far as they may be inconsistent with the special provisions herein contained shall remain in force and effect :
- (J) Any difference between the commissioners and the Company or between their respective engineers which may at any time arise in carrying out the powers of this section or in relation to any plans sections working drawings and specifications or to any matter or thing required to be done by or at the expense of the Company or in relation to the sufficiency of the works which the Company are required to make for the protection of the commissioners or in relation to any works which may be executed by or for the commissioners shall failing agreement be referred to the decision of an engineer to be appointed by the Board of Trade on the application of either the Company or the commissioners and all costs charges and expenses connected with such arbitration and the proceedings therein shall be paid by the Company.

6. Subject to the provisions of this Act the Company may reclaim and may enter on hold appropriate and use for the purposes of the dock works and other purposes of or connected with their undertaking the whole or any part of the foreshore of the Firth of Forth and lands which may be enclosed within or by the sea wall or embankment by this Act authorised.

Power to
reclaim land.

7. Subject to the provisions of this Act the Company may with the consent of the Board of Trade but not otherwise deepen dredge scour and improve and remove shingle rocks and shoals from the foreshore

Power to
dredge.

A.D. 1897. or bed of the Firth of Forth around and near the entrance channel and jetties by this Act authorised so as to provide and maintain good and sufficient access to the dock works.

Powers of lateral and vertical deviation for dock works &c.

8. The Company may notwithstanding the provisions of any Act incorporated herewith deviate from the lines of the dock works and the diversion of Grange Burn authorised by this Act as delineated on the deposited plans to any extent within the limits of deviation shown on such plans and may deviate from the levels of any of such works as shown on the deposited sections to an extent of ten feet Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Power to alter roads &c.

9. Subject to the provisions of this Act the Company may in the construction of the dock works and the diversion of Grange Burn by this Act authorised from time to time alter divert or stop up the streets roads or passages shown on the deposited plans and specified in the deposited books of reference and any sewers drains gas pipes water pipes and electric or other mains cables or apparatus in or under any such streets roads or passages doing as little damage as may be and providing substitutes for any sewers drains gas pipes or water pipes or electric or other mains cables or apparatus so interfered with and making full compensation to all persons injuriously affected by the exercise of the powers of this section Provided that the Company shall not alter divert or in any way interfere with any electric mains cables or apparatus belonging to or used by the Postmaster General except in accordance with the provisions of the Telegraph Act 1878 and that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply.

Period for completion of dock works &c.

10. If the dock works by this Act authorised are not completed within seven 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 is then completed.

Rates &c. at docks.

11. The provisions of the Acts relating to the levying and recovering of rates dues and charges for the use of the existing docks basins cuts works conveniences and appliances of the Company at Grangemouth including the river dues and all other rights powers authorities privileges immunities and jurisdictions of the Company in connexion with such docks basins cuts works conveniences and appliances of the Company shall subject to the provisions of this Act extend and apply to the dock works and works connected therewith by this Act:

authorised or any part thereof provided that the river dues authorised by the Caledonian Railway (Grangemouth Harbour) Act 1876 shall be chargeable by the Company in respect of the use by any vessel of the entrance channel by this Act authorised for the purpose of passing to or from the docks of the Company when and so long as such channel shall be made and maintained of a depth of not less than twenty-five feet at high water of spring tides. A.D. 1897.

12. Whereas by the Borrowstounness Town Improvement and Harbour Act 1897 certain running powers and other rights are conferred on the Company in connexion with the railways of the North British Railway Company to the harbour and docks of Borrowstounness including the branch to Bridgeness as therein mentioned Therefore the North British Railway Company shall have right in perpetuity to run over and use all lines of rails and sidings which may hereafter be constructed by the Company for connecting the Company's Grangemouth Branch Railway with the dock works and may use all turntables and other appliances at the dock works (all which works and conveniences shall be maintained by the Company) upon payment to the Company in each year of a proportion of the interest upon the cost of such works (including the cost of land) calculated at the rate and in the manner provided by section 25 of the Caledonian Railway (Grangemouth Harbour) Act 1876 with reference to the payment by the North British Railway Company to the Company thereby required to be made in respect of the use by the North British Railway Company of all lines of rails sidings and other conveniences formed by the Company after the passing of that Act for connecting the Grangemouth Branch Railway with the then existing and authorised harbour docks timber basins and quays at Grangemouth. Power to North British Railway Company to use sidings and works in connexion with dock works.

13. The provisions of the agreement between the Company and the North British Railway Company set forth in Schedule B. to the Caledonian Railway and Forth and Clyde Navigation Companies Act 1867 which as modified by the Caledonian Railway (Grangemouth Harbour) Act 1876 and by a subsequent agreement between the said parties set forth in Schedule D. to and confirmed by the Caledonian Railway (No. 1) Act 1884 are applicable to the existing harbour docks basins and quays at Grangemouth shall except as regards tolls extend and apply to the dock works by this Act authorised. Agreement with North British Railway Company to apply with certain exceptions to dock works.

14. Except as in the two immediately preceding sections provided nothing in this Act contained shall alter diminish extend or affect the said two agreements between the Company and the North British Railway Company or the Caledonian Railway (Grangemouth Harbour) Act 1876. Agreements to remain in force.

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Rates to be payable although whole of dock works not completed.

15. So soon as any of the dock works by this Act authorised shall be certified in writing under the hand of any officer to be appointed by the Board of Trade for the purpose to be fit for use the Company may notwithstanding anything in the twenty-fifth and twenty-sixth sections of the Harbours Docks and Piers Clauses Act 1847 to the contrary and although the whole of the dock works by this Act authorised shall not then have been completed demand levy and recover the rates dues and charges which they are by this Act authorised to levy in respect of such dock works.

Harbour-master's limits.

16. The limits within which the powers of any harbour-master appointed by the Company may be exercised shall comprise the existing docks basins cuts and works of the Company at Grangemouth including the portion of the River Carron specified in the Caledonian Railway (Grangemouth Harbour) Act 1876 in respect of which the Company are by that Act authorised to levy river dues and the dock works by this Act authorised together with any part of the Firth of Forth within a distance of five hundred yards from any part of the sea wall or embankment or jetties by this Act authorised and the expressions "the prescribed limits" and "the limits of the harbour dock or pier" in the Harbours Docks and Piers Clauses Act 1847 as incorporated with this Act shall mean the limits in this section defined.

New works to be deemed within pilotage limits.

17. The limits for which the Company were by the Caledonian Railway Act 1886 constituted the pilotage authority as defined by section 25 and Schedule A. of that Act shall be deemed to include the dock works by this Act authorised and the provisions of that Act relating to pilotage shall extend and apply to the dock works accordingly.

Explosives &c. not to be brought into docks without consent &c.

18. No explosives or petroleum shall be brought into or be shipped unshipped or transhipped at the docks of the Company at Grangemouth or at any jetty quay or wharf thereat without the consent of the Company or otherwise than in accordance with the byelaws and regulations of the Company and any statute for the time being in force relating to explosives and petroleum respectively.

Control of the loading of coal.

19. The Company shall have and may exercise exclusive control of the loading and trimming of coal into vessels at the coal hoists or coal cranes of the Company and may employ a sufficient staff of men for such loading and trimming and make reasonable charges therefor and may make byelaws and regulations in reference thereto.

Weights.

20. In calculating the rates dues and charges which the Company may make at their docks at Grangemouth forty cubic feet of oak mahogany teak beech greenheart ash elm hickory ironwood baywood or other heavy timber fifty cubic feet of poplar larch fir

deals battens boards or other light timber and twenty hundredweight (avoirdupois) of any other goods may respectively be charged for as one ton. A.D. 1897.

21. If the Board of Trade at any time hereafter after a survey at the expense of the Company of the intention to make which due notice shall be given to the Company find after hearing the Company that any part of the present low water navigable channel of the Firth of Forth within a distance of five hundred yards of the dock works has become silted up in consequence of the operations of the Company under the powers of this Act the Company shall at their own expense and to the satisfaction of the Board of Trade restore the depth of such low water navigable channel to its present depth at low water of ordinary spring tides and for the purposes of this section such low water channel shall be taken to be of the depth defined by the Admiralty survey of the Firth of Forth now in progress. Company to remove silting in navigable channel of Forth caused by their operations.

22. Any materials excavated or dredged by the Company shall if deposited below high-water mark be deposited only in such places and subject to such regulations as may be prescribed by the Board of Trade. Deposit of dredgings.

23. 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 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.

24. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Company under the powers of this Act on in over through or across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expense of the Survey of works by Board of Trade.

A.D. 1897. — survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Abatement of work abandoned or decayed.

25. If any work constructed by the Company under the powers of this Act on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Lights on works during construction.

26. The Company shall on or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve.

If the Company fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Company to exhibit lights after completion.

27. The Company shall at their works in or over tidal water after the completion of the works exhibit and keep burning from sunset to sunrise such lights (if any) as the Commissioners of Northern Lighthouses shall from time to time direct.

If the Company fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

For protection of Crown salmon fishings.

28. It shall not be lawful for the Company to construct any work on any land over which a right of salmon fishing belongs to Her Majesty without having previously paid to the Commissioners of Woods such compensation as may be agreed upon for any injury which the works by this Act authorised may be reasonably expected to occasion to any such right of salmon fishing as in this section mentioned And in case the amount of such compensation as aforesaid shall not be agreed upon the same shall be settled by two referees one being appointed by the said Commissioners and one being appointed by the Company or by an umpire to be appointed by the said referees.

Compensation for damage to

29. The Company shall make compensation for the damage or injury (if any) which may be sustained by Her Majesty or Her

tenants in respect of any right of salmon fishing through the exercise of the powers of this Act although the works causing such injury or damage may be constructed elsewhere than on any land over which a right of salmon fishing belongs to Her Majesty The amount of such compensation shall failing agreement be settled in manner provided by the last preceding section.

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Crown salmon fishings.

30. 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.

Saving rights of the Crown in the foreshore.

31. In case of injury to or destruction or decay of the dock works or any part thereof the Company shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to those Commissioners for directions as to the means to be taken and the Company shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Provision against danger to navigation.

32. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty.

Saving rights of Crown under Crown Lands Act.

33. The Company may notwithstanding the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 or any other Act deviate from the lines of the several railways authorised by this Act as delineated on the deposited plans to any extent within the limits of deviation shown on such plans and may deviate from the levels of any railways as shown on the deposited sections to an extent of five feet.

Powers of lateral and vertical deviation for railways.

34. The Company may make the arch of the bridge for carrying the following railway over the road herein-after mentioned of any

Height and span of bridge.

A.D. 1897. height and span not less than the height and span herein-after mentioned in connexion therewith (that is to say) :—

No. on deposited Plans.	Parish.	Description of Road.	Height.	Span.
	RAILWAY NO. 4.			
69	Stonehouse	Public	Feet 12	Feet 23

Inclination of roads.

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

No. on deposited Plans.	Parish.	Description of Road.	Intended Inclination.
	RAILWAY NO. 1.		
3	Stonehouse (at 2 miles 13 chains from commencement of railway)	Public	1 in 11
3	Stonehouse (at 2 miles 47 chains from commencement of railway)	Public	1 in 17

As to high-ways in the middle ward district of the county of Lanark.

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

- (1) In constructing the following railways by this Act authorised the Company shall make the bridges for carrying the highways herein-after mentioned over such railways respectively of the following clear widths between the parapets thereof and shall make the approaches to such bridges respectively of inclinations

not less than those herein-after specified in relation thereto A.D. 1897.
 (that is to say) :—

Description of Highway.	No. on deposited Plans.	Parish.	Clear Width between the Parapets.	Inclination of Approaches to Bridges.
RAILWAY NO. 1.				
Merryton Highway	6A	Dalserf - -	Same as present width of highway at point of crossing.	Levels of highway unaltered.
Merryton Braes Highway.	15A	} Dalserf	} Same as present width of Merryton Braes and Glasgow and Carlisle Highways at points of crossing.	Levels of highways unaltered.
Glasgow and Carlisle Highway.	18A			
Millheugh and Highless Highway (Raplock Street Larkhall).	50	Dalserf -	Same as present width of highway at point of crossing.	Levels of highway unaltered.
M'Neill Street Larkhall.	81	Dalserf - -	Same as present width of highway at point of crossing.	Levels of highway unaltered.
RAILWAY NO. 4.				
East and West Highway.	78	Stonehouse -	Same as present width of highway between the fences at point of crossing.	Levels of highway unaltered.

(2) The Company shall in constructing Railway No. 1 make the diversion of Millheugh Highway numbered on the deposited plans 3 in the parish of Stonehouse partly on the north side and partly on the south of the railway at a point two miles one furlong and two and a half chains on the centre line of the railway instead of as shown on the deposited plans and the same shall be of not less width than the existing highway and shall make the gradients of the diversion not steeper than one in eleven :

(3) The Company shall in constructing Railway No. 2 divert Plotcock Highway No. 7 and Broomelton Highway No. 15 on the deposited plans in the parish of Hamilton and make the width between the parapets of the bridge not less than twenty-five feet and shall make the gradients not steeper than one in twenty-seven on the south side and one in twenty on the north side of the railway :

A.D. 1897.

(4) All works of the Company so far as they interfere with highways under the jurisdiction of the said county council or district committee shall be executed to the reasonable satisfaction of the said county council or district committee and according to plans to be approved by their road surveyor or in case of difference between the Company and the said county council or district committee or their said surveyor as to any such plans or the mode of executing any works then to the satisfaction of and according to plans to be approved by an engineer to be agreed on or failing agreement to be appointed by the Board of Trade on the application of the Company or the said county council or district committee and the costs of such reference shall be borne and paid as the referee shall direct.

Power to stop up portions of existing roads where roads altered.

37. Where any new portion of road authorised by the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 as incorporated with this Act to be formed in lieu of existing roads altered or diverted under the powers of such Act is completed to the satisfaction of the sheriff of the county in which the same is situate and opened to the public the Company may stop up and cause to be discontinued as a road the portion of existing road for which such new portion of road is substituted and all rights of way over the same shall cease and the site of any portion of road so stopped up when and so far as the same shall be bounded on both sides by property of the Company shall subject to the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to mines lying under or near the railway belong to and be vested in the Company and any such new portion of road shall as respects management and maintenance and in all other respects be held as part of and be subject to the same provisions as the existing road for which the same is substituted Provided that where any such new portion of road is formed through or along lands belonging wholly or partly to any person through or along whose lands the superseded portion of existing road for which such new portion of road is substituted passes the value of the site of so much of the said superseded portion of road as passes through or along the lands of such owner and is given up to him shall be taken into account in estimating the compensation payable to him for the land taken from him for such new portion of road.

Period for completion of railways.

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

39. For the purposes of maximum rates and charges for A.D. 1897.
merchandise traffic including perishable merchandise by passenger Rates and
train the Company may charge and take in respect of the railways charges.
by this Act authorised the rates and charges authorised by the
Railway Rates and Charges No. 19 (Caledonian Railway &c.) Order
Confirmation Act 1892 and for the purposes of all other traffic
the tolls rates and charges authorised by the Caledonian Railway
(Lanarkshire and Midlothian Branches) Act 1866.

40. If within the period limited by this Act for the completion Penalty
thereof any of the railways by this Act authorised shall not be unless rail-
completed the Company shall be liable to a penalty of fifty pounds a ways opened
day for every day after the expiration of the period so limited until within the
such railways with the exception of Railway No. 6 are completed and time limited.
opened for the public conveyance of passengers and in the case of
Railway No. 6 until that railway is completed and opened for public
traffic or in the case of all the said railways until the sum received
in respect of such penalty amounts to five per cent. on the estimated
cost of any railway not so completed 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 3 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 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.

41. Every sum of money so recovered by way of penalty as Application
aforesaid shall be applicable and after due notice in the Edinburgh of penalties.
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 railways respectively or any portion thereof
or who may have been subjected to injury or loss in consequence
of the compulsory powers of taking property conferred by this Act
and for which injury or loss no compensation or inadequate
compensation shall have been paid and shall be distributed in

A.D. 1897.

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 has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a judicial factor has been appointed or the Company are insolvent or the railway in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such judicial factor or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the Company.

For protection of water mains and works of the district committee of the middle ward of the county of Lanark.

42. If in carrying the railways and other works by this Act authorised over or under any of the aqueducts conduits or lines of pipes of the district committee of the middle ward of the county of Lanark (herein-after referred to as "the district committee") it shall be found necessary to alter the existing lines or levels of such aqueducts conduits or lines of pipes or any of them or otherwise interfere with the same such alteration shall be carried out so as not to injuriously affect or interrupt the supply of water conveyed by the same and the Company shall give at least fourteen days' previous notice to the clerk to the district committee before commencing any such works and the construction of the railways and works connected therewith in so far as involving any alteration of or works affecting any aqueduct conduit or line of pipes of the district committee shall be executed at the expense of the Company and at the sight and to the reasonable satisfaction of the engineer of the district committee and according to plans to be submitted to and approved by such engineer or in case of difference to be approved by an engineer to be appointed as herein-after mentioned before any such works are commenced and if the district committee shall incur any expense for works necessary in reference to the crossing of such aqueducts conduits or lines of pipes or any other interference therewith or in reference to accesses thereto the same shall be repaid by the Company and the district committee shall have at all times the right of access to such aqueducts conduits or lines of pipes for the repair enlargement alteration and maintenance of the same and for laying additional pipes alongside of any existing aqueducts conduits or lines of pipes crossed by the railways when they shall see fit and the district committee as regards all such additional pipes shall be subject to the provisions of section 14 of the Lanarkshire (Middle Ward District) Water Act 1896 Provided that the district committee shall as far as possible avoid the causing

of any interruption or obstruction to the traffic of the railways. A.D. 1897.
Provided also that in case any difference shall arise between the
Company and the district committee or their engineers as to any
plans or the mode of executing any works under this section such
difference shall be referred to an engineer to be appointed failing
agreement by the Board of Trade on the application of either the
district committee or the Company.

43. Subject to the provisions of this Act and in addition to the
other lands which they are by this Act authorised to acquire the
Company may from time to time enter upon take and use for the
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
Company
to acquire
additional
lands.

(1) Certain lands in the parish of Gretna in the county of
Dumfries lying on either side of the Company's main line of
railway and lying between the road over that railway leading
from Gretna Green to Chapelknowe and the road which passes
under the said railway at Quintinshill:

(2) Certain lands in the parish of Bothwell in the county of
Lanark lying on either side of the Company's main line of
railway at or near Mossend Station and extending northwards
from the station for a distance of about one thousand six
hundred yards on the east and one thousand two hundred
yards on the west side of the railway.

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

Period for
compulsory
purchase of
lands.

45. 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
works authorised by this Act to be constructed by them shall not
exceed thirty acres and such land shall be in addition to the lands
which the Company 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 or permitted by them upon any
land so taken by them.

Lands for
extraordi-
nary pur-
poses.

46. 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 any servitude right
or privilege (not being a servitude right or privilege of water in
which others than the grantors have an interest) required for the
purposes of this Act in over or affecting any lands and the provisions
of the said Acts with respect to lands and feu duties or ground

Power to
take servi-
tudes &c. by
agreement.

A.D. 1897. — 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.

Restrictions
on displacing
persons of
labouring
class.

47.—(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 on the fifteenth day of December next before the passing of this Act or of the respective former Acts by which such purchase or acquisition was originally authorised as the case may be were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

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

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

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

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

(8) The Secretary for Scotland may direct any inquiries to be held which he may deem necessary in relation to any scheme under

A.D. 1897
—
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 plans deposited with reference to this Act or to any former Act the powers of which are revived or extended by this Act occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act and which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Secretary for Scotland under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Secretary for Scotland is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Secretary for Scotland they might have been sufficient to accommodate.

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

Abandonment of railway.

48. The Company shall abandon the construction of the railway authorised by the Caledonian Railway Act 1896 and therein called Railway No. 7 together with the subsidiary works connected with

such railway and section 23 of the Caledonian Railway Act 1896 so far as relating to the railway so to be abandoned is hereby repealed. A.D. 1897.

49. 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 entry 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 Caledonian Railway Act 1896. Compensation for damage to land by entry &c. for purposes of railway abandoned.

50. Where before the passing of this Act any contract has been entered into or notice given for the purchasing of any land for the purposes of or in relation to the said 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 land but notwithstanding full compensation shall be made by the Company to the owners and occupiers of or other persons interested in such land 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 Acts 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.

51. The Company may in connection with the lands at or near Mossend Station which the Company are by this Act authorised to acquire stop up and discontinue the road and footbridge which cross the main line of railway of the Company in the parish of Bothwell in the county of Lanark at a point about one thousand one hundred yards north of Mossend Station so far as such road and footbridge are situate on or over the said railway or are bounded on both sides by property now belonging to the Company or to be acquired by them under the powers of this Act and thereupon all rights of way over and along the said portions of road and footbridge shall be extinguished and the site and soil thereof shall be vested in and belong to the Company. Stopping up road and footbridge at Mossend Station.

52. The powers for the compulsory purchase and taking of the properties specified in the schedule to this Act granted by the Reviving powers and extending

A.D. 1897.
 ———
 period for
 purchase of
 lands for
 railways
 authorised
 by Act of
 1890.

Caledonian Railway (Additional Powers) Act 1890 in respect of Railways No. 1 and No. 2 respectively thereby authorised and the subsidiary works connected with those railways and the powers for the compulsory purchase and taking of the lands referred to in section 11 of the same Act as such powers were extended by the Caledonian Railway Act 1893 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 after the passing of this Act.

Application
 of moneys.

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

Power for
 Company
 to raise
 additional
 capital.

54. The Company may for any of the purposes of this Act 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 seven hundred and twelve thousand five hundred pounds by the creation and 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.

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

55. 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.

And to form part
 of capital of
 Company.

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

57. 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.

A.D. 1897.
Dividends
on new
shares or
stock.

58. 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 entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Votes in
respect of
new shares
or stock.

59. 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.

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

60. The Company may in respect of the additional capital of seven hundred and twelve thousand five hundred pounds which they are herein-before authorised to raise from time to time borrow on mortgage of their undertaking any sums not exceeding in the whole two hundred and thirty-seven thousand five hundred pounds in manner following (that is to say) They may borrow a sum of one hundred and eighteen thousand seven hundred and fifty pounds in respect of each entire sum of three hundred and fifty-six thousand two hundred and fifty pounds of the said additional capital but 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

Power for
Company to
borrow.

A.D. 1897.

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 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 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.

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

61. 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.

Power to create debenture stock.

62. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by the Railway Companies (Scotland) Act 1867 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Existing mortgages to have priority.

63. 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.

Application of moneys.

64. All moneys raised by the Company 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.

65. 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 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.

A.D. 1897.
Interest not to be paid on calls paid up.

66. 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.

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

67. Nothing in this Act shall be deemed either to impose upon the Postmaster General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement between the Postmaster General and the Company made in pursuance thereof any larger number of telegraphic messages of the Company free of charge than he would have been bound to transmit had this Act not become law or to authorise the Postmaster General by himself or his agents to place and maintain without the consent of the Company telegraphic lines in under upon along over or across the railways and works by this Act authorised to any greater extent than the Postmaster General is at present entitled to place and maintain such telegraphic lines in virtue of the said Act or any such agreement or the provisions of the Telegraph Act 1878.

For protection of the Postmaster General.

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

Provision as to general Railway Acts.

69. 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.

Costs of Act.

A.D. 1897.

The SCHEDULE referred to in the foregoing Act.

PROPERTIES IN RESPECT OF WHICH THE POWERS OF COMPULSORY PURCHASE GRANTED BY THE CALEDONIAN RAILWAY (ADDITIONAL POWERS) ACT 1890 AS EXTENDED BY THE CALEDONIAN RAILWAY ACT 1893 ARE REVIVED AND EXTENDED IN RELATION TO RAILWAYS NO. 1 AND NO. 2 RESPECTIVELY AUTHORISED BY THE FIRST-NAMED ACT.

Railways authorised by the Caledonian Railway (Additional Powers) Act 1890.	Parish in which Property situate.	Nos. on Plans deposited in reference to the said Act of 1890.
Railway No. 1 - -	Shettleston - -	22.
„ - -	Old Monkland - -	28 29 and 30.
Railway No. 2 - -	Old Monkland - -	26 29 30 31 32 33 34 35 36 37 and 38.
„ - -	Cambuslang - -	14 15 16 17 18 19 20 21 and 26.

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