



## CHAPTER clxxv.

An Act to authorise the construction of Railways in the County of Renfrew. A.D. 1897.  
[6th August 1897.]

**W**HEREAS the making and maintaining of the railways and works in connexion therewith in the county of Renfrew herein-after described would be of public and local advantage and the persons herein-after named with others are willing at their own expense to construct the same and it is expedient that they should be incorporated for the purpose of carrying the undertaking into effect :

And whereas it is expedient that the further powers herein-after contained with reference to the undertaking should be conferred on the Caledonian Railway Company (herein-after called "the Caledonian Company") and that the agreement contained in the Second Schedule to this Act between the Company and the Caledonian Company should be confirmed :

And whereas plans and sections showing the lines and levels of the railways authorised by 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 lands required or which may be taken for the purposes or under the powers of this Act were duly deposited in the offices at Paisley and Greenock of the principal sheriff clerk for the county of Renfrew 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 :—

1. This Act may be cited as the Paisley and Barrhead District Railway Act 1897. Short title.

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Incorporation of Acts.

2. The Companies Clauses Consolidation (Scotland) Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Railway Companies (Scotland) Act 1867 the Lands Clauses Acts the Railways Clauses Consolidation (Scotland) Act 1845 and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 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. The expression "the Company" means the Company incorporated by this Act the expressions "the railways" "the railway" and "the undertaking" mean respectively the railways and works by this Act authorised and the undertaking of the Company as the case may be.

Company incorporated.

4. Zechariah John Heys James Brownlie Kenneth Clark William Shanks James Russell Brownlie John Pasley Matthew Locke Thomas Grier Alexander McLellan Matthew Sproul William Caldwell James Pollock Daniel Keith John Shanks James Archibald Brownlie Zechariah Pollard John McCready Zechariah George Heys Thomas Ferguson Zechariah Henry Heys Hugh Leggat Robert Brown and John McCubbin and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the railways and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of the Paisley and Barrhead District Railway Company and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Power to make railways.

5. 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 railways herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose.

The railways herein-before referred to and authorised by this Act are— A.D. 1897.

A railway (No. 1) 5 miles 3 furlongs 5·5 chains in length commencing in the parish of Paisley by a junction with the Greenock section of the Caledonian Company at a point thereon six hundred and thirty-two yards or thereabouts measuring in a north-westward direction along that railway from the centre of the bridge carrying that railway over Underwood Street and terminating in the parish of Paisley at a point two hundred yards or thereabouts measuring in a north-westward direction from the southmost corner of Blackbyres farm buildings :

A railway (No. 2) 2 miles 6 furlongs 1·7 chains in length commencing in the parish of Paisley at the point before described as the termination of Railway No. 1 and terminating in the parish of Neilston at a point three hundred and eighty-seven yards or thereabouts measuring in a south-eastward direction from the eastmost corner of Auchenback farm buildings :

A railway (No. 3) 2 miles 7 furlongs 7·6 chains in length wholly situate in the parish of Paisley commencing at the point before described as the termination of Railway No. 1 and terminating by a junction with the Glasgow and Paisley Joint Railway (herein-after called "the joint line") of the Caledonian Company and of the Glasgow and South Western Railway Company at a point thereon four hundred and thirty yards or thereabouts measured along that railway in a north-eastward direction from the centre of the bridge carrying that railway over Walneuk Street :

A railway (No. 4) 2 furlongs 7·50 chains in length wholly situate in the parish of Paisley commencing by a junction with Railway No. 3 at a point seven hundred and forty-five yards or thereabouts measured in an eastward direction from the centre of the said bridge over Walneuk Street and terminating by a junction with the joint line at a point thereon one thousand one hundred yards or thereabouts measured along that railway in a north-eastward direction from the centre of the said bridge over Walneuk Street :

A railway (No. 5) 3 furlongs 7·4 chains in length wholly situate in the parish of Paisley commencing by a junction with Railway No. 3 at a point five hundred and seventy yards or thereabouts measured in a westward direction from the centre of the Hawkhead Mill Bridge across the White Cart Water and terminating at a point three hundred and seven yards or

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thereabouts measured in a northward direction from the northmost corner of Blackhall farm buildings :

A railway (No. 6) 6 furlongs 2·1 chains in length wholly situate in the parish of Paisley commencing by a junction with Railway No. 1 at a point eighty-three yards or thereabouts measured in a south-westward direction from the south-west corner of North Brediland farm buildings and terminating at a point sixty yards or thereabouts measured in a south-westward direction from the centre of the bridge carrying the Glasgow and South Western Railway Company's Potterhill Branch over the road leading from Paisley to Lounsdale Bleach Works by way of Meikleriggs.

For protec-  
tion of Glas-  
gow and  
South Wes-  
tern Com-  
pany.

6. For the protection of the Glasgow and South Western Railway Company (in this section called "the South Western Company") the following provisions shall have effect (that is to say) :—

(1) The Company shall not enter upon or interfere with any of the railways of the South Western Company or any of the lands or works of that company or execute any works whatever under over or affecting the same until the Company shall have delivered to the South Western Company plans sections working drawings and specifications of such intended works and those plans sections working drawings and specifications shall have been approved in writing by the principal engineer of the South Western Company or in the event of his failure for twenty-eight days after delivery of such plans sections working drawings and specifications until the same shall have been approved by an engineer to be appointed on the application of the Company by the Board of Trade and all the intended works shall be executed by the Company at their sole expense in all things according to such approved plans sections working drawings and specifications and to the reasonable satisfaction of the said engineer of the South Western Company or in case of difference of an engineer to be appointed by the Board of Trade and the South Western Company shall afford the Company all reasonable facilities in the execution of such works :

(2) In constructing the Railway No. 3 by this Act authorised over the railway of the South Western Company it shall be carried over that railway by means of a bridge of one span not less than fifty feet on the square and a headway of not less than fourteen feet above the level of the rails and such crossing of the railway shall be effected in such manner as not to injure

the stability of the railway and works of the South Western Company in any way whatever :

- (3) In the event of the Company in the construction of Railway No. 6 by this Act authorised crossing the Canal Line of the South Western Company such crossing shall be effected by means of a bridge of a clear height throughout of not less than fourteen feet above the level of the rails and of such span as will admit of the South Western Company doubling the said Canal Line Such bridge shall be constructed according to plans sections and specifications to be agreed upon between the respective engineers of the Company and the South Western Company or failing agreement to be approved by an engineer to be appointed on the application of either party by the Board of Trade :
- (4) In constructing Railway No. 1 the Company shall not make any alteration in the lines or levels of that railway which would prejudicially affect the construction of Railway No. 7 authorised by the Glasgow and South Western Railway Act 1897 within the limits of deviation on the deposited plans of the said Railway No. 7 and before commencing the construction of Railway No. 1 the Company shall submit the working plans and sections so far as they may in any way interfere with or affect the said Railway No. 7 and works of the South Western Company for the approval of the engineer of that company :
- (5) Should it be necessary in consequence of the construction of any of the works of the Company for the South Western Company permanently or at the request of the Company's engineer temporarily to alter or to remove the signalling apparatus telegraph posts and wires or any of them on or connected with their said railway at or near to the said crossings the Company shall bear and on demand pay to the South Western Company the expenses of and connected with such alterations and removals and of restoring the same or of substituting other signalling apparatus telegraph posts and wires therefor :
- (6) The Company shall bear and on demand pay to the South Western Company the reasonable expense of any special employment by them of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching their railways and works and the conduct of the traffic thereon with reference to and during the execution of the intended works so far as interfering with their railways and works and for preventing as far as may be all interference obstruction

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danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Company with reference thereto or otherwise and any difference between the Company and the South Western Company as to the reasonableness of such special employment shall be determined by the arbiter as herein-after provided :

- (7) In constructing the railways by this Act authorised the Company shall not unnecessarily obstruct or interfere with the traffic passing along the railways of the South Western Company and if by reason of any works or proceedings of the Company there shall be any unnecessary obstruction or interference with the said railways of the South Western Company so as to impede or prevent the convenient passage of engines carriages and waggons along the same the Company shall pay to the South Western Company all loss they may sustain thereby :
- (8) During the execution of the said works the line level and surface of the railways of the South Western Company shall be maintained in a good and substantial condition and if any loss or damage shall be sustained by the South Western Company by reason of the failure of any of the works of the Company or of any act default or omission of the Company or of any persons in their employ or of their contractors or otherwise the Company shall pay to the South Western Company full compensation in respect thereof to be recovered with full costs in any court of competent jurisdiction :
- (9) All the aforesaid works of the Company shall be executed or as the case may be maintained by and in all things at the expense of the Company :
- (10) The Company shall not (except with the previous consent of the South Western Company under their common seal) acquire any absolute property in any lands of the South Western Company occupied by the railways and works of that company but only the right servitude or privilege of making the railways and works by this Act authorised under over or through so much of the said lands as may be required therefor :
- (11) If any difference shall arise between the South Western Company and the Company respecting the matters and provisions aforesaid or any of them such difference shall except as herein-before otherwise provided for be settled by an arbiter to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the Board of Trade.

7. In constructing Railway No. 1 by this Act authorised and under the powers thereof where the same passes through the Ferguslie estate the following provisions shall apply:—

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 For protection of Ferguslie estate.

(1) The Company shall deviate the centre line of said railway as shown upon the deposited plans as far as possible within the limits of deviation shown on those plans towards the north-westerly limits of deviation so that the railway shall be constructed at the greatest possible distance within those limits from the mansion of Ferguslie Park:

(2) The embankment on which Railway No. 1 is to be carried shall not be raised beyond the level shown on the deposited plans except so far as it may be necessary to raise it for the purpose of crossing Blackstoun Road:

(3) The Company shall properly soil and plant to the reasonable satisfaction of the owner of said estate the south-east side of the embankment of said railway from the point where it enters the estate to the point one mile three furlongs on the deposited plans with evergreen shrubs and suitable forest trees and they shall further if required plant a belt of suitable trees at the foot of the said embankment within the said limits and shall maintain the said trees and shrubs so planted and from time to time as occasion may require replace the same:

(4) The provisions in this section contained shall not in any way limit or affect any rights or remedies to which the owner of said estate may be entitled by this Act or by any of the incorporated Acts but are in addition thereto.

8. For the protection of J. and P. Coats Limited or other the proprietors for the time being of the works now carried on by them at Ferguslie and Nethercraigs (in this section called "the proprietors") and for the protection of James Coats or other proprietor for the time being of the estate of Nethercraigs the following provisions shall have effect (that is to say):—

For protection of J. and P. Coats Limited and James Coats.

In constructing Railway No. 1 where it passes the said works at Nethercraigs the Company shall deviate the centre line of that railway as shown on the deposited plans so that the railway shall be constructed at the greatest distance reasonably practicable within the limits of deviation shown on the deposited plans from the said works.

9. For the purpose of constructing Railway No. 6 the Company shall not otherwise than by agreement take any of the lands belonging or reputed to belong to Messrs. J. and P. Coats Limited numbered on the deposited plans 476 and 477 in the parish of Paisley.

For further protection of J. and P. Coats Limited.

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For protec-  
tion of H. B.  
Dunlop.

**10.** For the protection of Henry Barclay Dunlop or other the owner for the time being of the Arthurlie estate the following provisions shall have effect (that is to say):--

The Company shall not in the construction of Railway No. 2 by this Act authorised where it passes through the property numbered on the deposited plans 248 in the parish of Neilston deviate northwards from the centre line thereof as shown on the deposited plans and the Company shall not construct any siding on any part of the said property numbered 248.

Capital.

**11.** The capital of the Company shall be one hundred and ninety-eight thousand pounds in nineteen thousand eight hundred shares of ten pounds each.

Shares not  
to be issued  
until one  
fifth paid.

**12.** The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

**13.** One fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in  
case of  
persons not  
sui juris.

**14.** If any money is payable to a shareholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate or of his tutor or curator or curator bonis shall be a sufficient discharge to the Company.

Power to  
divide shares.

**15.** Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half shares of which one shall be called preferred half share and the other shall be called deferred half share but the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon) and the residue to the credit of the preferred half share.

Dividends on  
half shares.

**16.** The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) First in payment of dividend after such



rate not exceeding six pounds per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder if any in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have been from time to time payable on the entire share if the same had not been divided. A.D. 1897.

17. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number but if in any year ending the thirty-first day of January there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year 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. Priority of dividends on preferred half shares.

18. Forthwith after the creation of any half shares the same shall be registered by the directors and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued and the directors shall issue certificates of the half shares accordingly and shall cause an entry to be made in the register of the entire shares of the conversion thereof but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled unless it be shown to their satisfaction that such certificate is destroyed or lost and on any certificate being so delivered up the directors shall cancel it. Registration of half shares.

19. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share. Terms of issue to be stated in certificate.

20. The provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the forfeiture of shares for non-payment of calls shall apply to all preferred half shares created under the authority of this Act and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest. Forfeiture of preferred half shares.

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Preferred half  
shares not to be  
cancelled.

Rights of  
holders of  
half shares.

Power to  
borrow.

For appoint-  
ment of a  
judicial  
factor.

Debenture  
stock.

**21.** No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

**22.** The several half shares under this Act shall be half shares in the capital of the Company and every two half shares (whether preferred or deferred or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights qualifications privileges liabilities and incidents as attach and are incident to an entire share.

**23.** The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole sixty-six thousand pounds but no part thereof shall be borrowed until shares for the whole capital of one hundred and ninety-eight thousand pounds are issued and accepted and one half thereof 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 thereof 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 that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and 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.

**24.** The mortgagees of the undertaking 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 five thousand pounds in the whole.

**25.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 as amended by subsequent Acts but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted

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by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

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

Application of moneys.

**27.** The first ordinary meeting of the Company shall be held within six months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held twice in every year in the months of March or April and September or October or in such other months as the directors may from time to time appoint and all meetings of the Company whether ordinary or extraordinary shall be held in Glasgow or in such other place as the directors may from time to time appoint.

First and subsequent ordinary meetings.

**28.** The quorum of every general meeting of the Company shall be ten shareholders present personally or by proxy holding in the aggregate not less than ten thousand pounds in the capital of the Company.

Quorum of meetings.

**29.** The number of directors shall be seven but the Company may from time to time reduce the number provided that the reduced number be not less than five.

Number of directors.

**30.** The qualification of a director shall be the possession in his own right of not less than fifty shares.

Qualification of directors.

**31.** The quorum of a meeting of directors shall be three.

Quorum of directors.

**32.** Zechariah John Heys William Shanks Matthew Locke and Robert Brown and three persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the powers herein-before contained for reducing the number of directors)

First directors.

A.D. 1897. — elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by that Act.

Domicile of the Company.

**33.** The domicile of the Company with reference to all judicial proceedings or actions at law shall be and be deemed to be in Glasgow.

Power to take easements &c. by agreement.

**34.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges or feu-duties 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.

Lands for extraordinary purposes.

**35.** The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation (Scotland) Act 1845 shall not exceed ten acres 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.

Period for compulsory purchase of lands.

**36.** 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.

Inclination of roads.

**37.** In altering for the purposes of this Act the roads next herein-after mentioned the Company 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.			
162	Paisley	Public carriage road -	1 in 20
194	Paisley	Public carriage road -	1 in 20
212	Paisley	Public carriage road -	1 in 30
240	Paisley	Public carriage road -	1 in 20 and 1 in 30

38. The Company may make the arches of the bridges for carrying the railways over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say) :—

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 Height and span of bridges.

No. on deposited Plans.	Parish.	Description of Road.	Height.		Span.
			Ft.	ins.	
RAILWAY NO. 1.					
13	Paisley - - -	Public - - -	10	6	30
31	Paisley - - -	Public - - -	14	0	30
RAILWAY NO. 2.					
104	Neilston - - -	Public - - -	15	0	32
205	Neilston - - -	Public - - -	15	0	40
RAILWAY NO. 3.					
410	Paisley - - -	Public - - -	15	0	60
429	Paisley - - -	Public - - -	14	0	40

In this section the word height means clear height above the centre of the roadway.

39. The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of two justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road (that is to say) :—

Power to divert roads as shown on deposited plans.

Railway.	Parish.	No. on deposited Plans.
No. 1	Paisley - - - - -	75
No. 1	Paisley - - - - -	87
No. 1	Paisley - - - - -	212
No. 3	Paisley - - - - -	243

And when and so soon as such portion of each of the said roads is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to mines lying under or near to the railways appropriate and use for the purposes of their

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

40. Where any new portion of road authorised by this Act to be formed in lieu of existing roads altered or diverted under the powers of this 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 any land 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 land 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.

For protection of commissioners of burgh of Paisley &c.

41. For the protection of the commissioners of the burgh of Paisley herein-after called "the burgh commissioners" the Paisley Water Commissioners acting under the Paisley Waterworks Acts 1854 1866 1876 and 1881 herein-after called "the water commissioners" the Paisley Gas Corporation acting under the Paisley Corporation Gas Act 1870 herein-after called "the gas corporation" and the Paisley Burgh Road Trustees acting under the Paisley Improvement Act 1877 and the Roads and Bridges (Scotland) Act 1878 herein-after called "the road trustees" the following provisions shall (unless otherwise agreed upon) have effect and be binding on the Company (that is to say) :—

- (1) At least twenty-one days before the Company commence any works the execution of which would in any way interfere with or affect any of the roads streets lanes footways or public places in the burgh of Paisley or which would interfere with or affect the sewers drains or outfalls of sewers or drains or other works belonging to the burgh commissioners or which

they have the right of using or pipes belonging to the water commissioners or gas corporation the Company shall give to the burgh commissioners water commissioners gas corporation and road trustees notice thereof in writing accompanied by plans sections and specifications and also working drawings where required by the burgh commissioners water commissioners gas corporation or road trustees showing the manner in which the railways and works connected therewith within the burgh are to be executed and also showing any vertical deviations from the levels of the railways and works made under the powers conferred by this Act and also the means to be employed by the Company not only for protecting the said roads streets lanes footways public places sewers drains and outfalls of sewers drains or works during the operations of the Company but for making good any injury or damage to or interference with the said roads streets lanes footways public places sewers drains and outfalls of sewers drains or works and for providing new or substituted sewers or drains including outfall sewers drains or works if necessary which plans sections and specifications shall be subject to the approval of the burgh commissioners water commissioners gas corporation or road trustees previously to the works of the Company affecting the said roads streets lanes footways public places sewers drains or outfalls of sewers drains or new sewers drains or works being commenced and such works shall be carried out in conformity with the plans as approved or settled Provided always that if the burgh commissioners water commissioners gas corporation or road trustees do not within fourteen days after service of such notice on them intimate to the Company their approval or disapproval of the said plans sections and specifications the Company may thereupon proceed to execute the said works:

- (2) Where any of the works to be done under or by virtue of this Act or by any vertical deviations thereunder shall or may pass over under through or by the side of or so as to interfere with any sewer drain watercourse pipe or work within the jurisdiction or under the control of the burgh commissioners water commissioners or gas corporation or shall or may in any way affect the sewerage or drainage of the district or pipes under their control the Company shall make good any damage which may be done by their operations to any of the said sewers drains watercourses pipes or works and they shall clean out the said sewers drains watercourses or works should they

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get silted up in consequence of any of the operations of the Company during or after the construction of the Company's works and shall provide new altered or substituted pipes and works including intercepting and outfall sewers or drains in such manner as the Company and the burgh commissioners water commissioners or gas corporation may agree and failing agreement as may be decided by arbitration in manner hereinafter provided and for the construction of which the burgh commissioners water commissioners or gas corporation shall afford all reasonable facilities and communicate their powers so far as necessary and competent and shall save harmless the burgh commissioners water commissioners and gas corporation against all and every the expense to be occasioned thereby and all such works may in the option of the burgh commissioners water commissioners or gas corporation be done by them or by the Company under the direction superintendence and control of the burgh commissioners water commissioners or gas corporation at the costs charges and expenses in all respects of the Company and if done by the burgh commissioners water commissioners or gas corporation all reasonable costs charges and expenses thereby occasioned shall be paid by the Company on demand and if any difference shall arise as to the amount of such costs charges and expenses the same shall be settled by arbitration as herein-after provided and when any new altered or substituted works as aforesaid or any works connected therewith shall be completed by or at the costs charges and expenses of the Company under the provisions of this section the same shall thereafter be as fully and completely under the direction jurisdiction and control of the burgh commissioners water commissioners or gas corporation as any sewers drains pipes or works now or hereafter may be and nothing in this Act shall except as herein-before provided extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the burgh commissioners water commissioners gas corporation and road trustees but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed The Company shall during the construction of the railways be at the expense of forming making and maintaining wherever required by the burgh commissioners water commissioners or gas corporation provision for sewers drains or pipes over under or along the railways and works of the materials dimensions and depths and in the situations to be fixed by the burgh commissioners water



commissioners or gas corporation so as to accommodate the future sewerage or drainage of the burgh and laying water and gas pipes therein Provided always that the burgh commissioners water commissioners and gas corporation shall within six months from the commencement of the construction of the railways intimate to the Company the place or places where they require the Company to make provision in constructing the railways for the said sewers drains or pipes over or under the railways :

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- (3) The burgh commissioners water commissioners and gas corporation shall at all times have the right and privilege of constructing sewers and drains and laying pipes across or underneath and where necessary for convenient crossing along the railways and that free of all charges and expenses for wayleave or otherwise provided always that before the burgh commissioners water commissioners or gas corporation shall commence any such operations they shall give reasonable notice to the Company of their intention so to do and along with such notice submit plans sections and specifications of the works proposed to be constructed for the approval of the engineer of the Company and in the event of difference of opinion arising with reference to such works or the plans sections and specifications thereof the same shall be settled by arbitration in manner herein-after provided Such operations of the burgh commissioners water commissioners and gas corporation shall also as far as practicable be carried out in such manner as shall not interfere with the working of the traffic or endanger the railways and such works shall also be executed and maintained at the expense and on the responsibility of the burgh commissioners water commissioners or gas corporation and at the sight and to the satisfaction of the engineer of the Company Provided always that the burgh commissioners water commissioners and gas corporation shall not be liable for any loss or damage which may happen to the railways or works connected therewith or rolling stock thereon by reason of any accident which may at any time happen to the said sewers drains or pipes at or near any of the points where the said sewers drains or pipes are constructed and laid underneath or over the railways nor for any loss or damage to the Company arising from the stoppage or loss of traffic on the railways during the execution of such works which may be necessary in consequence of such accident unless such loss or damage has been occasioned by the default or neglect of the burgh commissioners water commissioners or gas corporation or of their agents workmen or servants :

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(4) In every case in which the Company interfere with or shut up temporarily any road street lane pavement or footway the Company shall to the satisfaction of the burgh commissioners and road trustees—

(i.) Restore the road street lane pavement or footway so interfered with by the said works or by subsidence occasioned thereby to its original level unless where such level is specially authorised to be altered by the provisions of this Act;

(ii.) Cause the road street lane pavement or footway to be maintained till properly consolidated;

(iii.) Make good the paving and metalling of the road street lane pavement or footway and whenever necessary cause the road street lane pavement or footway to be repaved or re-metalled over its entire width;

(iv.) Provide and maintain all requisite communications and accesses for foot passengers to and from the houses and other buildings in the streets roads or lanes so interfered with:

(5) Where any property to be acquired by the Company under the powers of this Act adjoins or fronts any street road lane or footway the Company shall after the acquisition of such property be under all the statutory obligations of an owner fronting or abutting on any such street road lane or footway so far as not inconsistent with the powers conferred upon the Company for the use of such property for railway purposes:

(6) In the event of the burgh commissioners water commissioners gas corporation or road trustees exercising the powers conferred by this Act they may if necessary borrow any sums that may be required for the purposes herein expressed under the Burgh Police (Scotland) Act 1892 or the Roads and Bridges (Scotland) Act 1878 and any amending Act and the other Acts before specified under which they respectively act:

(7) The special provisions in this Act contained for the protection of the burgh commissioners water commissioners gas corporation and road trustees shall not be deemed to supersede or dispense with the provisions of the Lands Clauses Acts or of the Railways Clauses Consolidation (Scotland) Act 1845 but those provisions except in so far as they may be inconsistent with any of the special provisions of this Act shall be and remain in full force and effect:

(8) The Company shall pay to the burgh commissioners [water commissioners gas corporation and road trustees the costs and expenses they may reasonably incur or be put to in superin-

tending the works by this Act authorised or with reference to any of the matters aforesaid: A.D. 1897.

- (9) If the burgh commissioners water commissioners gas corporation and road trustees or any of them and the Company shall differ upon or with reference to any plans elevations sections or other particulars which under the provisions herein-before contained are to be delivered by the Company to the burgh commissioners water commissioners gas corporation and road trustees or any of them or by them to the Company or as to the mode of carrying out any of the works herein-before provided for or as to any other matter arising out of the said plans elevations sections or particulars or any of the provisions of this Act every such difference shall except as herein-after mentioned on the application of the Company or of the burgh commissioners water commissioners gas corporation or road trustees or any of them be referred to the determination of an arbiter to be mutually agreed upon by them and the Company before the construction of the works by this Act authorised are commenced and failing such agreement as may be appointed on the requisition of either party by the Board of Trade and the costs of and incidental to the reference shall be paid by the Company Provided nevertheless that should any such difference relate to the legal construction to be placed upon any of the provisions of this Act the same shall be referred to the determination of an arbiter to be mutually agreed upon and failing such agreement as may be appointed on the requisition of either party by the sheriff of the county of Renfrew and the costs of and incidental to the reference shall be paid by the Company except where the Company shall be successful in their contention in which case the burgh commissioners water commissioners gas corporation or road trustees shall pay their own costs In the event of the death incapacity or failure to act of either of the arbiters so appointed and the burgh commissioners water commissioners gas corporation or road trustees and the Company failing to agree as to another arbiter the Board of Trade or the said sheriff as the case may be shall as often as occasion requires appoint another arbiter in room and place of the arbiter previously appointed as aforesaid.

**42.** For the protection of the county council of the county of Renfrew (herein-after called "the county council") and of the district committee of the first or upper district of that county (herein-after called "the district committee") the following provisions in relation to roads in the said first or upper district shall (unless otherwise agreed between the district committee and the

For protection of county council of Renfrew.

[Ch. clxxv.] Paisley and Barrhead District [60 & 61 VICT.]  
Railway Act, 1897.

A.D. 1897. 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 such railways over the roads herein-after mentioned respectively of not less than the following dimensions (that is to say) :—

Description of Road.	No. on deposited Plans.	Parish.	Height of Bridge.	Span of Bridge and Width of Approach.
RAILWAY NO. 1.				
Beith Road - - -	75	Paisley	15 ft. 4 in.	50 feet
RAILWAYS NOS. 1 and 6.				
Fulbar Road - - -	87	Paisley	14 feet	30 feet
RAILWAY NO. 1.				
Brediland Road - - -	123	Paisley	16 feet	30 feet
RAILWAY NO. 3.				
Hurlet Road - - -	317	Paisley	15 feet	46 feet
Branch to Tillysow - - -	331	Paisley	16 feet	31 feet

(2) In constructing the following railways by this Act authorised the Company shall make the approaches to and bridges for carrying the roads herein-after mentioned over such railways respectively of the following clear widths between the parapets thereof (that is to say) :—

Description of Road.	No. on deposited Plans.	Parish.	Clear Width within the Fences and Parapets.
RAILWAY NO. 1.			
Gleniffer Road - - -	162	Paisley	31 feet
Braehead Road - - -	181	Ditto	30 feet 6 inches
Glenfield Road - - -	194	Ditto	34 feet
Caplethill Road - - -	212	Ditto	46 feet
Grahamston Road - - -	240	Ditto	35 feet
RAILWAY NO. 2.			
Springhill Road - - -	251	Neilston	29 feet
Springfield Road - - -	270A	Ditto	30 feet
RAILWAY NO. 3.			
Blackbyre Road - - -	243	Paisley	31 feet

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- (3) In constructing the bridges and approaches for carrying the Road No. 75 on the deposited plans in the parish of Paisley and the Road No. 317 on the deposited plans in the same parish under Railways No. 1 and No. 3 respectively the foundations of those bridges shall be carried down to a sufficient depth to admit of those roads being lowered so as to give sixteen feet of clear headway and the south corner at the west end of the diverted Road No. 243 on the deposited plans in the parish of Paisley crossed by Railway No. 3 shall be rounded off to the satisfaction of the county council or district committee :
- (4) The Company shall provide and properly construct and fence a metal magazine equal in size and as conveniently situated as the existing metal magazine superseded in the construction of Railway No. 1 Caplethill Road No. 212 on the deposited plans in the parish of Paisley :
- (5) The Company shall in all cases where roads are carried over or under railways in so far as the dimensions are not particularly above specified construct the bridges therefor respectively of the full width of the existing roads and in the case of roads carried over railways in the event of the said roads generally referred to or particularly above specified being afterwards widened shall widen the bridges in terms of the Railways Clauses Consolidation (Scotland) Act 1845 :
- (6) The Company shall in all cases where the levels of roads are altered in so far as the gradients are not particularly above specified make the gradients to the satisfaction of the district committee provided no objection to the lessening of or improving the gradient is offered by the proprietors of the adjoining ground and on the condition that the Company shall not be liable to provide bottoming or metalling for constructing or to maintain any increased length of the immediate approaches to the bridge over those shown on the deposited plans :
- (7) The Company shall in all cases where bridges are carried over roads take effective means to prevent and if necessary by sheets of corrugated iron to intercept all water drip from the bridge on the footpaths underneath :
- (8) The Company shall in all cases when roads are diverted or altered make the diversion or alteration so as to run easily as regards line and level into the existing roads :
- (9) Except as otherwise provided by this Act all crossings or interference with any roads under the jurisdiction of the county council or district committee and all works for the drainage of

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such roads shall be carried out in accordance with the provisions of the Railways Clauses Consolidation (Scotland) Act 1845:

- (10) All works of the Company so far as they interfere with roads under the jurisdiction of the county council or district committee shall be executed to the reasonable satisfaction of the 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 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 county council or district committee and the costs of such reference shall be borne and paid as the referee shall direct.

For protection of mains and pipes of Glasgow Corporation water undertaking.

43. Whereas the mains or pipes of the corporation of the city of Glasgow acting under the Glasgow Corporation Waterworks Acts 1855 to 1895 (herein-after called "the corporation") will at certain points be crossed or otherwise affected by the railways or some of them Therefore for the protection of the corporation the following provisions shall be binding on the Company and have full effect viz. :—

- (1) Should it be necessary for the Company to interfere with or alter any road or street in which any water mains or pipes of the corporation are or may be laid or to interfere with any of the said mains or pipes the Company shall wherever it is practicable to do so leave not less than three feet of covering from the surface of the road or street over every main or pipe so altered or interfered with And in any case where such three feet of covering or more cannot be given the Company shall in every such case be bound to provide at their own expense special works for carrying the said mains or pipes across the railways with special protection from injury for such mains or pipes all to the reasonable satisfaction of the water engineer of the corporation The Company shall also provide at their own expense and to the reasonable satisfaction as aforesaid all stop-cocks scour-pipes and air-valves in connexion with said mains or pipes that may be rendered necessary through their operations Provided always that in all cases where such special works as aforesaid have to be constructed by the Company for the said mains or pipes they shall duplicate the works so necessary in order to provide for the laying down of future mains or pipes :

(2) In the event of any of the railways authorised by this Act necessitating the construction of a bridge or bridges for the purpose of carrying over the said railways any road or street in which the corporation have power either under the special Acts relating to their water undertaking or under any Act incorporated therewith to lay and maintain water mains or pipes or in the event of the Company at any time after the construction of the railways by themselves or in conjunction with any other company or person constructing any bridge or bridges for the purpose of carrying any such road or street as aforesaid over any of the railways then and in either of these events such bridge or bridges shall be constructed of such materials and in such manner as to admit of the corporation laying and maintaining and when so laid of altering or enlarging such mains or pipes as the water engineer of the corporation may before the construction of such bridge or bridges is commenced determine to be necessary for adequately supplying with water the inhabitants of the district within which such bridge or bridges are to be constructed : A.D. 1897.

(3) If at any time any accident shall occur to any main or pipe at or near any point where such main or pipe is crossed or otherwise affected by the Company and in respect of which accident it may be necessary to interfere with any of the works of the Company it shall be lawful for the corporation immediately to repair such main or pipe in such manner as to occasion as little delay and inconvenience as may be to the traffic of the railways of the Company Provided always that the corporation shall either before or as soon as practicable after the commencement of such repair give notice thereof to the Company Provided also that it shall be lawful for the Company on the occurrence of any such accident to repair any damage that may be thereby caused to the railways so far as the same can be repaired without interrupting the repair of any such main or pipe :

(4) Whereas the Railway No. 2 authorised by this Act or the works connected therewith will be formed over or through a piece of ground situated in the parish of Neilston and numbered 278 on the deposited plans And whereas the corporation in virtue of a servitude or wayleave over the said piece of ground granted to them by the Earl of Glasgow have laid a pipe leading out of their Balgray Reservoir through the said piece of ground for the supply of water to the inhabitants of the district of Barrhead Therefore in forming

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the said railway or any works connected therewith the Company shall at their own cost construct and thereafter maintain a culvert in such manner and of such dimensions over the said pipe as shall enable the corporation at all times to have free access thereto and to any additional pipes which may from time to time be laid by them in said culvert for the purpose of inspecting altering or renewing the same all to the reasonable satisfaction of the water engineer of the corporation :

- (5) The plans of all works required in constructing the railways so far as interfering with or intended to protect the said mains or pipes and also the plans of all special works (including bridges) to be provided or constructed by the Company as aforesaid shall be submitted to the water engineer of the corporation for his approval at least twenty-one days before such works are commenced and the said engineer shall be bound within the said period of twenty-one days to intimate to the Company or their engineer his approval or disapproval thereof :
- (6) Where any such works involve an alteration in respect of any of the said mains or pipes the corporation shall have the option themselves of executing the works necessary for such alterations at the expense of the Company and the Company shall be liable for any injury or loss sustained by the corporation by reason of such alterations except where the same may be caused by the fault or neglect of the corporation :
- (7) The special provisions herein contained for the protection of the corporation shall not be deemed to supersede or dispense with the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 sections 18 to 23 both inclusive But those provisions respectively (except in so far as they may be inconsistent with any of the special provisions herein contained) shall be and remain in full force and effect :
- (8) All disputes and differences between the corporation and the Company or between the water engineer of the corporation and the engineer of the Company with regard to any of the provisions of this section shall be referred to the decision of an arbiter to be appointed by the Board of Trade on the application of either party and the decision of such arbiter shall be final.

For the protection of the Secretary of State for War.

**44.**—(1) The Railways Nos. 3 and 4 shall not be carried east of the continuous red line shown on a plan signed by Henry Hobhouse the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred a copy whereof is deposited in the Private Bill Office of the House of Commons.



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(2) Any land necessarily taken from the enclosure of the Militia Barracks in the parish of Paisley shall be purchased by the Company and the boundary wall made good at the expense of the Company to the satisfaction of the Secretary of State for War.

The land so taken shall not exceed that necessarily required for the construction of the railway in accordance with the continuous red line shown on the plan above referred to.

(3) The hospital in the barracks shall not be interfered with by the Company until another hospital shall have been constructed on another site to be approved by the Secretary of State for War. The new hospital shall be built by the War Department on such plan as the Secretary of State may approve and the Company shall pay the whole cost of demolition and building but if the hospital be constructed for more than six beds the cost beyond the necessary charge for a hospital of the same character for six beds shall not be charged to the Company.

(4) Until the hospital to be built on the new site under the terms of subsection 3 hereof be considered by the Secretary of State for War to be fit for the reception of patients no work under this Act shall take place within a radius of two hundred feet from the north-west corner of the infantry barracks enclosure which in the opinion of the general officer commanding would be prejudicial to the health of the patients in the old hospital. The decision of the general officer commanding in this matter shall be final.

(5) The War Department shall within six months of receipt of notice from the Company of their intention to proceed with their works such notice being accompanied or preceded by a deposit of such sum of money as may be agreed upon by the Secretary of State for War and the Company as covering the cost referred to in subsection 3 hereof begin to build the new hospital and shall complete such building with all reasonable despatch.

45. And whereas it is necessary that the lands hereditaments and works belonging to Her Majesty or vested in Her Majesty's Principal Secretary of State for the War Department for the public service should be preserved intact and free from all intrusion or obstruction. Be it therefore enacted that except as provided in the section of this Act whereof the marginal note is "For the protection of the Secretary of State for War" nothing in this Act contained shall authorise the Company to enter upon use or interfere with any land soil or water or any right in respect thereof vested in or exercised by the said Principal Secretary for the time being or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said Principal Secretary

For further  
protection of  
War Office.

A.D. 1897. for the time being without his previous consent signified in writing under his hand and which consent the said Principal Secretary for the time being is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the Company.

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

46. And whereas in the construction of the railways and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbiter or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Company empowered or may be required to underpin or otherwise strengthen houses near railway.

47. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within one hundred feet of the railway it may be necessary to underpin or otherwise strengthen the same Therefore the Company at their own costs and charges may and if required by the owners and lessees of any such house or building shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

- (1) At least ten days notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:
- (2) Each such notice if given by the Company shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation (Scotland) Act 1845 and if given by the owners and

lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Company : A.D. 1897.

- (3) If any owner lessee or occupier of any such house or building or the Company as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade :
- (4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Company may and shall proceed forthwith so to underpin or strengthen the said house or building :
- (5) The cost of the reference shall be in the discretion of the referee :
- (6) The Company shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :
- (7) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Company such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Company then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Company shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :
- (8) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Company from the liability to compensate under the 68th section of the Lands Clauses Consolidation (Scotland) Act 1845 or under any other Act :

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(9) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts :

(10) Nothing in this section shall repeal or affect the application of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

Deposit  
money not to  
be repaid  
except so far  
as railways  
are opened.

48. Whereas pursuant to the Standing Orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of twelve thousand one hundred and ninety-two pounds fifteen shillings being equal to five per centum upon the amount of the estimate in respect of the railways has been deposited with the Queen's and Lord Treasurer's Remembrancer on behalf of the Court of Exchequer in Scotland in respect of the application to Parliament for this Act (which sum is referred to in this Act as "the deposit fund") Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the railways open the same for public conveyance of passengers and if the Company shall make default in so opening the railways the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the railways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railways opened as aforesaid and the proportion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railways the court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or re-transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application  
of deposit.

49. If the Company do not previously to the expiration of the period limited for the completion of the railways complete the same and open them for the public conveyance of passengers then and in

every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the Edinburgh Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railways or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a judicial factor has been appointed or the Company is insolvent or the undertaking 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 or re-transferred to the depositors Provided that until the deposit fund has been repaid or re-transferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

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**50.** If the railways 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 railways or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for completion of works.

**51.—(1)** The Company shall not under the powers of this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

Restrictions on displacing persons of labouring class.

(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

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fifteenth day of December last or for such number of persons as the Secretary for Scotland shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the other circumstances of the case ; and

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

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

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

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

(4) Any provisions of any scheme under this section or any conditions subject to which the Secretary for Scotland may have approved of any such scheme or of any modifications of any such scheme or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by an order of the Court of Session to be obtained by the Secretary for Scotland.

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may

purchase such further lands as they may require and for the purpose 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. A.D. 1897.

(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 general 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 subsection subject to such conditions (if any) as he may see fit.

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

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

A.D. 1897. — 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.

(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.

Rates for  
merchandise.

**52.** The classification of merchandise traffic including perishable merchandise by passenger train and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the Railway Rates and Charges No. 19 (Caledonian Railway &c.) Order 1892 (which Order is scheduled to and confirmed by the Railway Rates and Charges No. 19 (Caledonian Railway &c.) Order Confirmation Act 1892) shall be applicable and apply to the Company as if it were the Company named in the Order confirmed by the said Act :

Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.



**53.** For the conveyance on the railway of small parcels not exceeding five hundred pounds in weight by passenger trains the Company may demand and take any charges not exceeding the following (that is to say):—

A.D. 1897.  
Charges for  
small parcels.

For any parcel not exceeding seven pounds in weight threepence ;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence ;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence ;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence ;

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum they think fit :

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

**54.** The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railways including every expense incidental to such conveyance shall not exceed the following (that is to say):

Maximum  
rates for  
passengers.

For every passenger conveyed in a first-class carriage threepence per mile ;

For every passenger conveyed in a second-class carriage twopence per mile ;

For every passenger conveyed in a third-class carriage one penny per mile ;

For every passenger conveyed on the railways for a less distance than three miles the Company may charge as for three miles and every fraction of a mile beyond three miles or any greater number of miles shall be deemed a mile.

**55.** Every passenger travelling upon the railways may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first-class passengers one hundred pounds in weight for second-class passengers and sixty pounds in weight for third-class passengers without any charge being made for the carriage thereof.

Passengers  
luggage.

**56.** The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railways in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains

Foregoing  
charges not  
to apply to  
special  
trains.

A.D. 1897. appointed from time to time by the Company for the conveyance of  
passengers upon the railways.

Tolls. 57. The Company may demand and take for the use of the  
railways or any part thereof by any other company or person with  
engines and carriages such reasonable tolls as they think fit.

Reciprocal facilities for forwarding and inter-change of traffic to and from the railways and the railways of the Glasgow and South Western Company.

58. In order to facilitate the interchange and transmission of traffic coming to or from any place or places on or beyond and viâ the railways of the Company from or to any place or places on or beyond and viâ the railways of the Glasgow and South Western Railway Company (herein-after called "the South Western Company") the Company shall for the purposes of all traffic whatever whether passengers cattle goods minerals or other things from time to time and at all times hereafter have the right to book and invoice through or over the railways of the South Western Company all such traffic and the South Western Company shall for and in respect of all such traffic at all times afford to and for the Company all needful accommodations facilities and conveniences at on and over the lines and stations approaches and conveniences of the South Western Company as aforesaid by the trains of that Company and by through booking and invoicing through rates and also (so far as reasonably may be) through waggons and carriages and conveniently timed and arranged trains and shall at all times and in all respects conduct forward and carry on and accommodate all such traffic on equal terms with and as well as if it were their own proper traffic and the charge to the Company shall in no case exceed the mileage proportion of through rate in respect of such traffic after deduction of the charges on goods usually agreed to be allowed between companies using the clearing house and called there terminal charges and the Government duty on passengers Provided always that the Company shall afford to the South Western Company all such and the like facilities in respect of traffic coming from or to the railways of the South Western Company to or from the railways as are by this Act provided and secured to the Company and if any dispute shall at any time arise between the South Western Company and the Company as to the amounts to be allowed or charged by the one to the other for the services and accommodations to be respectively performed and supplied as aforesaid or as to any matter or thing in this enactment mentioned the same shall from time to time be determined by an arbiter to be appointed by the Board of Trade on the application of either of the Companies and the decisions of such arbiter shall be binding and conclusive and the costs and expenses of such arbitration shall be defrayed as the arbiter shall direct and either of

the Companies who shall refuse or neglect to perform or observe and conform to any decision given or regulation made by any such arbiter in the premises shall forfeit and pay to such person or Company as the arbiter shall determine any sum not exceeding fifty pounds for any such offence and twenty pounds for every day during which such offence shall continue.

A.D. 1897.

**59.** The Company on the one hand and the Caledonian Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 from time to time enter into agreements with respect to the following purposes or any of them (that is to say) :—

Working and traffic arrangements with Caledonian Railway Company.

The working use management and maintenance by the Caledonian Company of the undertaking of the Company or any part thereof :

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the undertaking of the contracting Companies or either of them or any part thereof respectively :

The supply and maintenance under and during the continuance of any agreement for the use and working of the undertaking by the Caledonian Company of engines stock plant and machinery necessary for the purposes thereof and the employment of officers and servants for the conduct of traffic :

The fixing subject to the authorised maximum rates collection payment appropriation apportionment and distribution of the tolls rates charges receipts and revenues arising from the respective undertakings of the contracting companies or either of them or any part thereof respectively :

The payments and allowances to be made and the conditions to be performed with respect to the matters aforesaid.

**60.** During the continuance of any agreement entered into or to be entered into under the provisions of this Act for the working or use of the railways or any part thereof by the Caledonian Company the railways of the Company and of the Caledonian Company shall for the purposes of short distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways of the Company and partly on the railways of the Caledonian Company for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges

Tolls on traffic conveyed partly on the railways and partly on railway of Caledonian Company.

A.D. 1897. — as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond three miles tolls and charges as for a quarter of a mile only and no other short distance charge shall be made for the conveyance of passengers animals or goods partly on the railways of the Company and partly on the railways of the Caledonian Company.

Confirmation of scheduled agreement with the Caledonian Railway.

**61.** The agreement between the Company of the first part and the Caledonian Railway Company of the second part as set forth in the Second Schedule to this Act is hereby confirmed and made binding on the Company and the Caledonian Railway Company.

For the protection of Postmaster-General.

**62.** Nothing in this Act relating to the working by the Caledonian Company of the railways by this Act authorised shall extend to impose upon the Postmaster-General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement made in pursuance thereof between the Postmaster-General and the Caledonian Company any larger number of telegraphic messages of that company free of charge than the Postmaster-General would have been bound to transmit had such working not been hereby authorised or to authorise the Postmaster-General by himself or his agents to place and maintain without the consent of the Caledonian 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 would otherwise be entitled without such consent to place and maintain such telegraphic lines in virtue of any existing Act or agreement.

Power to Caledonian Company to subscribe and to apply funds for that purpose.

**63.** The Caledonian Company may with the authority of three-fourths of the votes of their shareholders present in person or by proxy at a general meeting of that company specially convened for the purpose from time to time subscribe the sum of one hundred and thirty-two thousand pounds mentioned in the agreement contained in the Second Schedule to this Act towards the undertaking and they may with the like authority contribute and apply in or towards payment of their said subscription any moneys which they are already authorised to raise and which may not be required by them for the purposes of their undertaking and the Caledonian Company shall in respect of the sum to be subscribed and the corresponding shares in the Company to be held by them have all the powers rights and privileges and be subject to all the obligations and liabilities of proprietors of shares in the Company Provided that the Caledonian Company shall not sell dispose of or transfer any of the shares in the Company for which they may subscribe.

64. Notwithstanding anything in this Act or in any Act or Acts incorporated therewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less periods as the directors may determine but subject always to the conditions herein-after stated (that is to say):—

A.D. 1897.  
Power to  
pay interest  
out of capital  
during con-  
struction.

(A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same:

(B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear:

(C) The aggregate amount to be so paid for interest shall not exceed sixteen thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid:

(D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares:

(E) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section:

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this 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.

65. The Company shall not out of any money which they are by this Act authorised to raise pay or deposit any sum which by any

Deposits for  
future Bills  
not to be

A.D. 1897. Standing Order of either House of Parliament now or hereafter in  
paid out of force may be required to be deposited in respect of any application  
capital. to Parliament for the purpose of obtaining an Act authorising the  
Company to construct any other railway or to execute any other  
work or undertaking.

Provision  
as to general  
Railway  
Acts.

**66.** Nothing in this Act shall exempt any company named in this  
Act or the railways of any such 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 the rates  
for small parcels.

Costs of  
Act.

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

The SCHEDULES referred to in the foregoing Act.

A.D. 1897.

THE FIRST SCHEDULE.

PROPERTIES OF WHICH PART ONLY IS REQUIRED TO BE TAKEN.

Parish of Paisley Railway No. 1.—12 97 108 127 196 197 198 199 202.

Parish of Paisley Railway No. 2.—250 264 271 283 290.

Parish of Neilston Railway No. 2.—1 6 7 8 16 17 18 18A 18B 25 29 30 31  
47 47A 48 48A 49 51 54 55 56 57 60 62 63 67 68 69 70 71 75 76 79 93  
94 98 100 101A 103 128 137 142A 143 144 145 146 147 148 149 150  
151 152 153 154 155 156 157 158 159 160 161 162 162A 163 164 165  
165A 166 167 169 170 171 174 222 222A 224 225 226 227 228 229 230  
231 232 233 234 235 236 237 238 239 240 241 242 257 258 259 260  
261 262 263 265 268 270.

Parish of Paisley Railway No. 3.—356 357 358 359 360 372 373 377 381  
386 387 388 389 390 391 392 393 399 402 405 418 422 435 436 437  
438 439 440 441 442 443 444.

Parish of Paisley Railway No. 4.—422 452 454 456.

Parish of Paisley Railway No. 5.—356 357 371A 371C 371D 371F 371G 371H  
371K 371L.

Parish of Paisley Railway No. 6.—94 96 97 99 101 103 104 105 108.

A.D. 1897.

## THE SECOND SCHEDULE.

AGREEMENT between the CALEDONIAN RAILWAY COMPANY incorporated by Act of Parliament (herein-after called "the first party") of the first part and ZECHARIAH JOHN HEYS Calico Printer South Arthurlie Barrhead WILLIAM SHANKS Sanitary Engineer Barrhead MATTHEW LOCKE Bleacher Arthurlie Bleach Works Barrhead and ROBERT BROWN Ferguslie Works Paisley being four of the Promoters of the Bill herein-after mentioned for themselves and other Promoters of the said Bill and specially authorised to enter into these presents on behalf of the Promoters any three of them being a quorum (herein-after called "the second party") of the second part.

WHEREAS the second party with others are promoting a Bill in the present session of Parliament for the purpose of forming themselves and others into a company to be called "The Paisley and Barrhead District Railway Company" and for authority to construct Railways Nos. 1 2 3 4 5 and 6 in the county of Renfrew described in the Bill and herein-after called "the railways":

And whereas the first party have agreed to enter into the agreement herein-after written for the working and maintenance of the railways and for subscribing towards the capital of the undertaking in manner herein-after provided:

Therefore the parties agree with each other in manner following (that is to say):—

*First.* The second party shall (subject as after mentioned) make construct and complete at their own expense the railways as single lines of railway and shall also before the railways are opened for traffic construct or provide all necessary stations stationmasters' houses platelayers' gatekeepers' porters' pointsmen's signalmen's and other workmen's dwellings station accesses elevators hydraulic machinery and appliances goods sheds engine sheds water tanks supplied with water with the necessary works and arrangements for affording a permanent supply of water sidings offsets loading banks turning tables cranes at stations weighing machines stationary signals connected and interlocked with the point handle levers and concentrated in signal cabins all on the most approved system wires speaking telegraphic or telephonic apparatus apparatus for working the trains on the most approved block system and all other furnishings and conveniences of the nature of fixtures required for efficiently and economically working and carrying on the traffic of the railways which works machinery and conveniences shall be constructed or provided in a good sufficient substantial and workmanlike manner and to the reasonable satisfaction of the chief engineer of the first party for the time being or in case of any difference of opinion between him and the engineer or engineers of the second party respecting the same to the satisfaction of an engineer to be named by the Board of Trade on the application of either



party Provided that such of the railways shall be constructed with land and over bridges for a double line of railway as the first party may require. A.D. 1897.

*Second.* In the formation of the railways the first party shall afford the second party the usual facilities for their construction at their junctions with the first party's railways but in such construction the second party shall not interfere unnecessarily with the first party's railways stations station appurtenances sidings and lines of rails and traffic thereon and they shall restore the said railways stations station appurtenances sidings and lines of the rails to as nearly as possible the same or as good a state as they were in before the commencement of their operations and if any difference shall arise between the first and second parties with reference to such interference or restoration the same shall be determined by an engineer to be appointed by the Board of Trade on the application of either of the parties and such engineer shall have power to determine all questions of costs connected therewith The second party shall pay for any injury caused to the first party's property not including interruption to traffic The second party shall not otherwise than with the consent of the first party take any property belonging to the first party and at and adjacent to the said junctions the second party shall in accordance with and subject to the provisions of the Railways Clauses Act 1863 receive from the first party an easement or servitude for making and maintaining thereon the said junctions and other works in so far as the first party can competently give such easement or servitude.

*Third.* Upon the construction completion and opening for traffic with the sanction of the Board of Trade where necessary of the railways or any part thereof the first party shall but subject always to the condition as to the determination of this Agreement as herein-after expressed in perpetuity work and manage the traffic upon the railways in a proper safe and efficient manner and they shall from and after the expiration of twelve months from the opening of the railways maintain the railways and relative works The first party shall provide the locomotive power rolling stock and plant of every kind (except the conveniences to be provided by the second party as mentioned in Article First hereof) necessary for effectually working the traffic and shall work the traffic of the same so as fully and fairly to develop the traffic from to and on the railways.

*Fourth.* The first party shall have the power (subject as herein-after mentioned) of selecting appointing suspending or dismissing all officers agents book-keepers booking and other clerks servants enginemen firemen guards signalmen porters carters surfacemen and all others employed on and connected with the railways or required for keeping in their general offices the accounts connected with the traffic of the railways or employed in superintending or directing or actually engaged in conducting the said traffic and the said officers agents servants and others shall be paid by the first party and shall be exclusively under their control and the second party shall have the selection appointment and control of and shall pay the secretary and other officers actually engaged and required by them in the management of the capital financial and directorial departments of their undertaking.

*Fifth.* The first party shall collect and receive all revenues due and payable for and in respect of the traffic using the railways or any part thereof

A.D. 1897.

and all other revenues of the second party as specified in Article Sixth (herein-after referred to as the gross revenues) and shall on the last day of every month or as soon thereafter as reasonably practicable make up a statement of the gross revenues during the preceding month and render to the second party statements and abstracts of such gross revenues and the proportion thereof accruing and due and payable to the second party as provided in Article Sixth shall thereupon be paid over by the first party to the directors for the time being of the intended company or to their treasurer or secretary or to such banker or other person as they shall direct and appoint.

*Sixth.* The gross revenue shall consist of and include—

(First) All receipts in respect of local traffic (that is to say traffic which shall both arise and terminate on the railways) after deduction of the expense of cartage of goods and the expense of the collection and delivery of parcels fish and other traffic ;

(Second) A mileage proportion of all receipts arising from through traffic (that is to say traffic which shall pass over the railways or any part thereof and over the railways of the first party or any part thereof or over the railways of any other company or any part thereof) corresponding to the distance which such traffic shall be carried over the railways after deduction therefrom of—

(1) Terminals on such traffic which terminals shall belong and be paid to the companies respectively entitled thereto and the expense of cartage collection and delivery when included in the through rate and not in the terminals nor separately charged for ; and

(2) Any portion of such receipts as may be due to any railway or other company or to any person or persons other than the parties hereto who may be parties to the conveyance of such through traffic ;

(Third) The terminals payable to the second party in respect of such through traffic after deduction of the expense (when included in such terminals) of the cartage of goods and the expense of the collection and delivery of parcels fish and other traffic ; and

(Fourth) Rents for the use of any property lands or buildings of the second party and all other revenues of the second party except (1) rents from surplus property and (2) transfer fees The first party shall retain fifty per cent. of the gross revenues as their remuneration for maintaining the railways and working and managing the traffic thereon and collecting the gross revenues and shall pay over the balance to or for behoof of the second party in manner provided by Article Fifth.

*Seventh.* Out of the proportion or balance of the gross revenues accruing to the second party as provided by Article Sixth the second party shall pay the expenses of directors and the salaries of the secretary treasurer and other officers and servants employed by them in the management of the capital financial and directorial departments of their undertaking as also office expenses Government duty all rates taxes and public and local burdens of

every kind payable in respect of the railways feu duties ground annuals rents and other periodical or annual payments if any payable in respect of any lands acquired feued or held in lease by them all compensation if any to tenants in respect of any lands acquired or injuriously affected in so far as not chargeable against the capital of the second party and all interest upon money borrowed by the second party in the exercise of their statutory powers whether upon mortgage or debenture stock.

*Eighth.* The first party shall (subject as herein-after provided) fix the tolls rates dues and charges for and in respect of all traffic using the railways or any part thereof.

*Ninth.* The tolls rates dues and charges for local traffic as before defined shall if desired by the second party be fixed and regulated from time to time by a joint committee composed of three directors of the first party and an equal number of directors of the intended company. The chairman of the committee shall be appointed by the board of directors of the intended company but he shall not have a casting vote and in the event of any difference arising between the said sections of the committee the same shall be determined by arbitration as herein-after provided and such tolls rates and charges shall be so fixed as best to develop the traffic.

*Tenth.* The first party shall cause to be kept regular accounts of all receipts of money and other transactions of or in relation to the several descriptions of traffic herein-before mentioned and shall permit the secretary for the time being or any other party duly authorised by the directors of the said intended company to have free access to and to inspect such accounts and other documents relating to such traffic at all reasonable times.

*Eleventh.* The first party shall subject to the authority of Parliament being obtained in the Bill promoted by the second party in the present session or in a Bill to be promoted by the first or second party in the next or the next following session subscribe and contribute toward the share capital of the intended company and hold in perpetuity with all the rights and privileges attaching to other ordinary shareholders the sum of one hundred and thirty-two thousand pounds of its capital stock and shall be entitled to shares to that amount and shall pay the calls thereon to the extent and in manner similar to the extent and manner to and in which the other ordinary shareholders of the intended company are liable to pay calls on their shares. Provided that the first party shall not sell or transfer any shares or stock acquired by them as in this Article provided.

*Twelfth.* This agreement shall be in perpetuity but subject nevertheless to the unconditional determination thereof by the second party so far as respects the provisions relating to the working management and maintenance of the railways and works at the end of ten years from the passing of the Act confirming this agreement upon twelve months notice in writing to the first party previous to the expiration of the said term of ten years.

*Thirteenth.* This agreement is conditional on the passing of the Bill and is subject to such alterations as Parliament may think fit to make thereon and shall be scheduled to and confirmed by the said Bill. Should any alteration be made on this agreement by Parliament which in the opinion of

[Ch. clxxv.] Paisley and Barrhead District [60 & 61 VICT.]  
Railway Act, 1897.

A.D. 1897. Charles Alfred Cripps Esquire Q.C. M.P. is material thereto either of the parties may withdraw therefrom.

*Fourteenth.* All differences which may arise between the parties hereto in relation to this agreement or to the import or meaning thereof or to the carrying out of the same except as otherwise provided in Articles First and Second hereof shall be referred to arbitration under and in terms of the Railway Companies Arbitration Act 1859.

*Fifteenth.* Upon the passing of the Bill confirming this agreement all personal liability in reference thereto on the part of the second party or other individual promoters shall be at an end and the company thereby incorporated shall thereupon become and be the second party to this agreement in their place.

IN WITNESS whereof these presents duly stamped consisting of this and the five preceding pages are executed in duplicate as follows viz. They are sealed with the corporate seal of the first party and subscribed by Sir James King Baronet and Edward Cox two of the directors and by John Blackburn secretary of and on behalf of the first party at Glasgow upon the twenty-third day of March eighteen hundred and ninety-seven before these witnesses John Johnstone Haining and John Smeaton clerks to the first party in their secretary's office in Glasgow and subscribed by the said William Shanks at Glasgow upon the first day of April eighteen hundred and ninety-seven before these witnesses Joseph Watson writer Glasgow and Barrhead and Robert Houston MacGregor clerk to Messieurs Brownlie Watson and Beckett writers Glasgow and by the said Zechariah John Heys Robert Brown and Matthew Locke at Glasgow upon the second day of the month and year last mentioned before these witnesses the said Joseph Watson and Gilbert Lang clerk to the said Messieurs Brownlie Watson and Beckett.

J. J. HAINING witness.  
JOHN SMEATON witness.  
JOS. WATSON witness.  
GILBERT LANG witness.  
JOS. WATSON witness.  
R. H. MACGREGOR witness.

L.S.

JAMES KING Director.  
EDWARD COX Director.  
J. BLACKBURN Secretary  
Z. JOHN HEYS.  
WILLIAM SHANKS.  
MATTHEW LOCKE.  
ROBT. BROWN.

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