



### CHAPTER clix.

An Act for conferring further powers on the Glasgow and South Western Railway Company for the construction of works and the acquisition of lands and for other purposes. A.D. 1898.  
[25th July 1898.]

**W**HEREAS it is expedient that the Glasgow and South Western Railway Company (in this Act called "the Company") should be empowered to widen extend and enlarge their Saint Enoch Station at Glasgow and to construct and maintain the widenings new railways and other works herein-after mentioned and for those and other purposes of their undertaking to acquire the lands herein-after respectively described or referred to :

And whereas plans and sections showing the lines and levels of the said widenings railways and works and plans showing the lands required or which may be taken for the purposes or under the powers of this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have been deposited with the principal sheriff clerks of the counties of Lanark Renfrew Ayr and Dumfries respectively which plans sections and books of reference are herein-after respectively referred to as the deposited plans sections and books of reference :

And whereas it is expedient that the time limited for the sale of certain superfluous lands of the Company should be extended :

And whereas it is expedient that the Company should be empowered to raise a further sum of money for the purposes of this Act and for the general purposes of their undertaking and to apply their funds to those purposes :

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

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A.D. 1898. Commons in this present Parliament assembled and by the authority  
of the same as follows :—

Short title. 1. This Act may be cited for all purposes as the Glasgow and  
South Western Railway Act 1898.

Incorporation of  
general  
Acts. 2. The Lands Clauses Acts the Railways Clauses Consolidation  
(Scotland) Act 1845 Part I. (relating to the construction of a railway)  
of the Railways Clauses Act 1863 the clauses and provisions of the  
Companies Clauses Consolidation (Scotland) Act 1845 with respect  
to the following matters (that is to say) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the  
payment of calls ;

The forfeiture of shares for nonpayment of calls ;

The remedies of creditors of the Company against the share-  
holders ;

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

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

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

The making of dividends ;

The giving of notices ; and

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

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

Interpreta-  
tion. 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 some-  
thing in the subject or context repugnant to such construction.

Power to  
enlarge  
Saint Enoch  
Station and  
widen  
railways 4. Subject to the provisions of this Act the Company may widen  
extend and enlarge their Saint Enoch Station at Glasgow on the  
south side thereof and between East Clyde Street and Saint Enoch  
Square in the city and royal burgh of Glasgow and the city parish  
of Glasgow in the county of Lanark and the county of the city of  
Glasgow and may make and maintain the widenings of their  
railways herein-after described with all proper stations sidings  
approaches works and conveniences connected therewith and may

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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 widenings herein-before referred to and authorised by this Act are—

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A widening (No. 1) 2 furlongs 7 chains and 14 yards in length of the Company's branch railway forming the access to the said station being the railway sixthly described in and authorised by the City of Glasgow Union Railway Act 1864 wholly situate in the city and royal burgh of Glasgow in the city parish of Glasgow in the county of Lanark and county of the city of Glasgow commencing at the south side of East Clyde Street and terminating on the east side of Saint Enoch Wynd :

A widening (No. 2) 1 mile 3 furlongs and 4 chains in length of the Company's Glasgow Paisley Kilmarnock and Ayr Railway wholly situate in the parish of Dalry in the county of Ayr commencing at or near the junction with that railway of the Railway No. 1 described in and authorised by the Glasgow and South Western Railway Act 1897 and terminating at or near Dalry Junction.

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 new railways next herein-after described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The railways herein-before referred to and authorised by this Act are—

Power to  
make new  
railways.

(1) A railway (No. 1) 2 miles and 18 yards in length commencing in the parish of Paisley in the county of Renfrew by a junction with Railway No. 7 authorised by the Glasgow and South Western Railway Act 1897 and terminating at Barrhead in the parish of Neilston in the same county at a point two hundred and seventy yards or thereabouts measured in a north-easterly direction from Cross Arthurlie Hotel :

(2) A railway (No. 2) 3 furlongs and 16 yards in length wholly situate in the said parish of Paisley commencing by a junction with railway (No. 1) at a point one hundred and fifty yards or thereabouts measured in a south-westerly direction from Blackbyre farm steading and terminating by a junction with the Glasgow and Kilmarnock Joint Line :

(3) A railway (No. 3) 1 furlong 7 chains and 15 yards in length wholly situate in the said parish of Paisley commencing by a

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junction with railway (No. 1) at a point one hundred and fifty yards or thereabouts measured in a north-westerly direction from Townhead farm steading and terminating by a junction with railway (No. 2) at a point three hundred yards or thereabouts measured in a south-easterly direction from Blackbyre farm steading :

- (4) A railway (No. 4) 3 furlongs 5 chains and 19 yards in length wholly situate in the parish of Ayr in the royal burgh of Ayr in the county of Ayr commencing by a junction with the Company's railway at a point thereon seventy yards or thereabouts from its termination at the goods station on the north side of the River Ayr and passing thence by a bridge over the River Ayr and terminating on the quay on the south side of the River Ayr at a point seventy yards or thereabouts measured in a north-westerly direction from the lifeboat house situated on the foresaid quay.

Power to  
Company  
to make  
station  
approach at  
Barrhead.

6. Subject to the provisions of this Act the Company may in the parish of Neilston and in the police burgh of Barrhead in the county of Renfrew construct and maintain in connexion with the railway (No. 1) by this Act authorised a station approach between the station at Barrhead on the said railway (No. 1) and Main Street Barrhead and may enter upon take and use such of the lands shown on the deposited plans relating thereto and described in the deposited books of reference as may be required for that purpose.

Widenings  
and railways  
to form  
part of  
Company's  
undertaking.

7. The widenings and the railways by this Act authorised shall for the purposes of maximum rates and charges for merchandise traffic (including perishable merchandise by passenger train) be part of the railways of the Company as if the same had been part of the Glasgow and South Western Railway at the date of the passing of the Railway Rates and Charges No. 22 (Glasgow and South Western Railway &c.) Order Confirmation Act 1892 and shall for all other purposes be part of the undertaking of the Company as it existed at the date of the passing of the Glasgow and South Western Railway Consolidation Act 1855.

Power to  
widen  
bridges in  
Glasgow.

8. Subject to the provisions of this Act the Company may for the purposes of the widening extension and enlargement of the said station and the widening (No. 1) in connexion therewith widen in the manner shown upon the deposited plans and sections the bridges by which the said station and the portion of railway proposed to be widened are carried over East Clyde Street Bridgegate Stockwell Street Dunlop Street and Maxwell Street respectively and may within the limits of deviation shown upon the deposited plans and

sections stop up and discontinue as public thoroughfares without providing any substitutes therefor and extinguish all rights of way over and appropriate to the purposes of their undertaking so much of Old Wynd Highland Close Jeffrey's Close Ropework Lane Stockwell Place Jackson Street Arden Street Saint Enoch Wynd and Saint Enoch Lane as will in each case be bounded on both sides by the Company's property and also so much (if any) of Maxwell Street to the north of East Howard Street as they are not at present entitled to stop up and as is so bounded.

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9. For the protection of the corporation of the city of Glasgow as such and as acting in execution of the several public and local and personal Acts by which any powers jurisdiction or authorities are conferred on them (in this Act called "the corporation") the following provisions shall (unless otherwise agreed upon) have effect and be binding on the Company (that is to say):—

For  
protection  
of corpora-  
tion of  
Glasgow.

(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 or footpaths or public places in the city and royal burgh of Glasgow or which would interfere with or affect the sewers drains gas or water pipes tramways electric wires or other works belonging to the corporation (including the sewer in Maxwell Street) the Company shall give to the corporation notice thereof in writing accompanied by plans sections working drawings and specifications showing the manner in which the widening (No. 1) and works connected therewith within the said city in so far as affecting or over or adjoining the said roads streets lanes or footpaths or public places sewers drains gas or water pipes tramways electric wires or other works are to be executed and also showing any vertical deviations from the levels of the said widening 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 footpaths or public places sewers drains gas or water pipes tramways electric wires or other works during the operations of the Company but for making good any injury or damage to or interference with the same respectively which plans sections working drawings and specifications shall be subject to the approval of the corporation previously to the works of the Company affecting the said roads streets lanes footpaths or public places sewers drains gas or water pipes tramways electric wires or other works being commenced and such works shall be carried out in conformity with the plans as approved of or settled Provided

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always that if the corporation 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 working drawings and specifications the Company may thereupon proceed to execute the said works but the corporation shall not be held to have approved or acquiesced in such plans working drawings and specifications :

(2) Notwithstanding anything contained in this Act the Company shall not during the construction of the widening (No. 1) and works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act be entitled to shut up any road street lane or footpath (except Old Wynd Highland Close Jeffrey's Close Ropework Lane Stockwell Place Jackson Street Arden Street Maxwell Street Saint Enoch Wynd and Saint Enoch Lane) to a greater extent than one half of its width and shall at all time leave the other half clear and open for the passage of traffic of every kind but in the case of Stockwell Street the Company shall not (except with the consent of the corporation) shut up or occupy any portion of the existing carriageway of that street And the Company shall not except with the consent of the corporation be entitled to shut up occupy or interfere with any portion of a road street lane or footpath (except any road street lane or footpath other than Stockwell Street in this subsection specified) for a longer period than six months and they shall be liable to a penalty payable to the corporation not exceeding five pounds for every day after the expiry of said period of six months that any such portion of a road street lane or footpath respectively shall (except with the consent as aforesaid) be shut up or occupied or interfered with :

(3) In every case in which the Company interfere with or shut up temporarily any road street lane footpath or tramway the Company shall to the satisfaction of the corporation—

(i.) Restore the road street lane footpath or tramway so interfered with by the said works ;

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

(iii.) Make good the paving and metalling of the road street lane or footpath and whenever necessary cause the road street lane or footpath to be repaved or remetalled 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 or roads so interfered with ;

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- (4) Whereas the widening (No. 1) by this Act authorised will by bridges cross over certain streets or roads on which tramways of the corporation are laid or authorised to be laid the Company shall not in the construction of the widening and relative works interfere with or obstruct the working of the tramways in any way and the Company shall indemnify the corporation for any loss detention or injury sustained by them by reason of interruption to or interference with the traffic on the tramways in consequence of the construction of the widening and relative works or in consequence of anything arising from their subsequent maintenance or repair or in consequence of the operations of the Company relating thereto: A.D. 1898.
- (5) Where any part of the property to be acquired by the Company under the powers of this Act adjoins or fronts any street 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 so far as not inconsistent with the powers conferred upon the Company for the use of such property for railway purposes:
- (6) The clear span and headway of the new bridges over the streets after mentioned shall not be less and the additional length of street to be covered by those bridges shall not be more than those after specified videlicet:—

Name of Street.	Span.	Headway.		Length of Street to be covered.
		Ft.	Ins.	
Bridgegate Street - - -	50	18	0	17 yards.
Stockwell Street - - -	60	16	6	39 „
Dunlop Street - - -	40	14	6	50 „

The new bridges over the before-mentioned streets shall be of one span from the building line on the one side to the building line on the other side of each of those streets:

- (7) (A) The Company shall face and for ever thereafter maintain in a clean condition the walls forming the abutments of the new and existing bridges over the before-mentioned streets with white enamelled bricks or tiles and shall paint as often as necessary the soffits thereof white;

(B) The Company shall so construct those new bridges and ballast the rails to be laid thereon as to prevent or minimise

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as far as possible noise from the passing of trains over the same ;

(c) The Company shall take such means as may be necessary for preventing and shall prevent water drip from those new bridges upon the carriageway or footpaths of the streets and the headway of those bridges shall not be deemed to be lessened by any lining or other means adopted by the Company with the approval of the corporation for the purpose of preventing water drip ;

(d) The Company shall at all times by day as well as by night keep the streets under the new and existing bridges lighted to the reasonable satisfaction of the corporation wherever the corporation considers such lighting necessary ;

(e) Prismatic glass shall be inserted where practicable in the platforms on the new bridges crossing Dunlop Street and Stockwell Street so as to throw as much daylight as possible upon those streets underneath the bridges :

(8) If the Company fail after ten days notice in writing to comply with the provisions of this Act with reference to the lighting of the said new and existing bridges or to the making and maintaining watertight of the said new bridges they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by the Railways Clauses Consolidation (Scotland) Act 1845 :

(9) The following further regulations as to the said bridges and the re-erection of buildings shall apply :—

(A) No superstructure above the level of the parapets shall be erected on the new and existing bridges crossing Stockwell Street and Bridgegate Street ;

(B) The Company shall not lease the sides or superstructure of the new and existing bridges as advertising stations or allow placards to be placed thereon but this shall not prevent them putting the name of the Company and of any station upon the superstructure of the bridges or using other portions for the exhibition of boards with railway time tables and other railway notices thereon Provided always that such boards shall not be placed higher than eye level and further that any name which the Company may place on the superstructure of the



bridges shall not interfere with the architectural design thereof and shall be subject to the approval of the corporation ;

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(c) At least one month before the Company commence the construction of any building fronting Dunlop Street Stockwell Street West Howard Street or East Howard Street including the continuation thereof herein-after provided for not forming part of the structural works of the railway they shall submit to the corporation elevations of such building which shall be subject to the reasonable approval of the corporation previously to the building being commenced :

(10) (A) The Company shall within seven years from the passing of this Act widen West Howard Street and East Howard Street and shall form a new street in continuation of East Howard Street from Stockwell Street to Goosedubs in accordance with the plan (herein-after called "the signed plan") which has been signed in triplicate by the Right Honourable the Earl of Jersey the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and one copy of which has been deposited in the Office of the Clerk of the Parliaments ;

(B) The Company shall widen within the said seven years Stockwell Street upon the east side thereof between their existing bridge and the new street between Stockwell Street and Goosedubs as shown on the signed plan ;

Upon the said new street and widenings of streets being completed to the satisfaction of the master of works the same shall be taken over and thereafter maintained by the corporation as public streets ;

(c) The Company shall pay to the corporation the sum of nine hundred pounds and the corporation shall lower Stockwell Street so as to give a headway of at least sixteen feet six inches under the Company's existing bridge across that street and shall widen the carriageway of Stockwell Street and decrease the width of the footpath thereof on the east side by twelve feet under the said bridge :

(11) The corporation shall subject to the approval of the Company's engineer be entitled to attach to the underside of any bridge belonging to the Company which crosses any public street or road within the city of Glasgow such wires as may be required in connexion with the working of the corporation tramways :

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(12) If in constructing altering renewing repairing or maintaining the widening (No. 1) and works of the Company by this Act authorised or any of them the tramways sewers property and works of the corporation shall be injured or endangered or the traffic on the tramways interrupted impeded or endangered or if any such injury danger interruption or impediment shall otherwise arise in consequence of the widening and works of the Company or any failure or defect therein or of any act or operation of the Company in connexion therewith the Company shall on demand compensate the corporation for all losses damages or compensation which they may sustain or incur or which may be recovered from them by reason of any such injury danger interruption or impediment:

(13) If the corporation and the Company shall differ upon or with reference to any plans sections elevations working drawings or specifications or other particulars which under the provisions herein-before contained are to be delivered by the Company to the corporation or as to the mode of carrying out any of the works herein-before provided for or as to any other matter or thing arising out of the said plans sections elevations working drawings specifications or particulars or any of the provisions of this section every such difference shall on the application of the Company or of the corporation be referred to the determination of an arbiter to be mutually agreed upon by the corporation and the Company and failing such agreement to be appointed on the requisition of either of them by the Board of Trade and such arbiter shall have power to determine the matter in difference The costs of and incidental to the reference shall be paid by the Company If any question of law should arise in the course of such arbitration the arbiter shall have power at the request of either party to state a case for the opinion of the Court of Session and the Court shall determine such question.

Power to  
cross a  
certain road  
on the  
level.

10. Subject to the provisions in the Railways Clauses Consolidation (Scotland) Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of Railway No. 4 carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the road numbered upon the deposited plans 9 in the parish of Ayr.

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11. In altering for the purposes of this Act the road numbered on the deposited plans of railway (No. 1) 35 in the parish of Paisley the Company may make the same of any inclination not steeper than one in twenty-seven.

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Inclination  
of a certain  
road.

12. The Company make make the arches of the bridges for carrying the widening (No. 2) and railway (No. 1) over the streets or 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) :—

Height and  
span of  
bridges.

No on deposited Plan.	Parish.	Description of Street or Road.	Height.	Span.
WIDENING (No. 2).				
4	Dalry - -	Public highway -	Ft. Ins. 11 0	Ft. Ins. 13 9
19	Dalry - -	Public highway -	13 5	25 0
RAILWAY (No. 1).				
77	Paisley - -	Public street -	16 0	31 0

13. The Company may make the roadway over the bridge by which the road numbered on the deposited plans 29 in the parish of Dalry will be carried over the widening (No. 2) of such width between the fences thereof as the Company think fit not being less than sixteen feet.

Width of  
a certain  
roadway.

14. Notwithstanding anything contained in section 39 of the Railways Clauses Consolidation (Scotland) Act 1845 the Company shall not be liable to maintain the surface of any road or public highway which shall be carried over the widening (No. 2) and the new railways by this Act authorised or any of them by a bridge or bridges or the immediate approaches thereto except so far as the line of such road is materially deviated or the level of such road or highway or approaches is permanently altered.

Company  
not liable  
to repair  
surface of  
road level  
of which is  
not per-  
manently  
altered.

15. In constructing Railway No. 1 where and in so far as the same may interfere with or affect the railway known as the Glasgow and Kilmarnock Joint Line (herein-after called "the joint line") or any works or lands belonging jointly to the Company and the Caledonian Railway Company (herein - after called "the two companies") and under the management of the Glasgow and Kilmarnock Joint Line Committee (herein-after called "the joint

For pro-  
tection of  
Glasgow  
Barrhead  
and Kil-  
marnock  
Joint Line.

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A.D. 1898. line committee") the following provisions shall apply and have effect (that is to say):—

- (1) The Company shall not temporarily or permanently enter upon or interfere with the joint line or any of the works or lands of the two companies or execute any works which may in any way interfere with or affect the same until the Company shall have delivered to the joint line committee plans sections working drawings and specifications of such intended works and until such plans sections working drawings and specifications shall have been approved in writing by the principal engineer of the joint line committee 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 settled by the arbiter to be appointed as herein-after provided 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 joint line committee or in case of difference of the arbiter to be appointed as herein-after provided and the joint line committee shall afford the Company all reasonable facilities in the execution of such works :
- (2) In constructing the railways by this Act authorised the Company shall not temporarily or permanently alter the lines or levels of the joint line and shall not obstruct or interfere with the traffic passing along the joint line and if by reason of any works or operations of the Company there shall be any obstruction or interference with the joint line so as to impede or prevent the convenient passage of engines carriages and waggons along the same the Company shall pay to the joint line committee all loss they may sustain thereby :
- (3) If in constructing altering renewing repairing maintaining or using the said works any loss or damage shall be sustained by the joint line committee in consequence of the said works or 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 joint line committee full compensation in respect thereof to be recovered with full costs in any court of competent jurisdiction :
- (4) In constructing Railway No. 1 where it crosses under the joint line and the works and lands of the two companies that railway shall be carried in tunnel or covered way under the whole width of the joint line and said works and lands in such

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manner as will admit of the whole width of the land now owned by the two companies being used by them for additional lines of rails and other works on the level of the joint line and the Company shall fill up and make good the ground above such tunnel or covered way to the level of the joint line :

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- (5) In forming the junctions of Railways Nos. 2 and 3 by this Act authorised with the joint line the Company shall except in so far as inconsistent with the provisions of this section be subject to the provisions of the Railways Clauses Act 1863 :
- (6) 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 :
- (7) The Company shall not (except with the previous consent of the two companies) acquire any absolute property in any lands of the two companies 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 :
- (8) If any difference shall arise between the Caledonian Railway Company and the Company or between the joint line committee and the Company respecting the matters and provisions aforesaid or any of them such difference shall 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.

16. The running powers and facilities conferred upon the Caledonian Railway Company by the Glasgow and South Western Railway (Ayrshire Lines) Act 1865 the Glasgow and South Western Railway (Ayrshire Lines) Act 1866 and the Caledonian Railway Act 1896 shall for the purposes of traffic therein referred to as Caledonian railway traffic or Caledonian traffic extend to Railway No. 4 authorised by this Act including any rails sidings or other works and conveniences of the Company in connexion therewith.

For protection of Caledonian Railway Company

17. And whereas the railways by this Act authorised and Railway No. 1 authorised by the Paisley and Barrhead District Railway Act 1897 (in this section called "the Paisley and Barrhead Railway No. 1") are intended to be constructed in part upon the same lands and it has been agreed that Railway No. 1 by this Act authorised shall be deviated so that the portions thereof between the points marked A and B on the plans signed by Sir Benjamin Baker and Sir John Wolfe Barry K.C.B. shall be constructed on the north-east side of the Paisley and Barrhead Railway No. 1 and shall be continued beyond the said point B to Barrhead as indicated

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A.D. 1898. — generally by dotted red lines on the said plan and that the Junction Lines Nos. 2 and 3 authorised by this Act shall be altered accordingly. Therefore the following provisions shall have effect unless otherwise agreed between the Company and the Paisley and Barrhead District Railway Company (in this section called "the Paisley and Barrhead Company") :—

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans Railway No. 1 by this Act authorised between the said points A and B shall be constructed on the north-east side of the Paisley and Barrhead Railway No. 1 as it may be constructed under the powers of the Paisley and Barrhead District Railway Act 1897 and the said Junction Lines Nos. 2 and 3 shall be altered as indicated by dotted red lines on the said plan and so as to admit of a junction line being formed between the Paisley and Barrhead Railway No. 1 and the Glasgow and Kilmarnock Joint Line and shall be so constructed according to plans sections and specifications to be agreed upon between the said Sir Benjamin Baker and Sir John Wolfe Barry or in case of difference to be settled by arbitration and the Paisley and Barrhead Company shall use their powers to acquire and convey to the Company at cost price including all expenses of acquisition such of the lands shown upon the deposited plans referred to in the said Act of 1897 as may be required by the Company for the purpose of constructing their railways in accordance with the provisions of this section :
- (2) In the event of the Paisley and Barrhead Company being put to any increased expense in constructing the siding as proposed and indicated generally by blue lines on the said plan in connexion with their authorised railways for the purpose of giving access to the gasworks and Messrs. Shanks' and Messrs. Brownlie's works at Barrhead by reason of the construction by the Company of the approach road by this Act authorised the Company shall repay to the Paisley and Barrhead Company the amount of such increased expense including if necessary the cost of an additional bridge across the said approach road and embankments on each side of such road such amount if not agreed between the said Sir Benjamin Baker and Sir John Wolfe Barry to be determined by an engineer to be appointed as after mentioned :
- (3) Any difference which may arise between the said Sir Benjamin Baker and Sir John Wolfe Barry with respect to the provisions of this section shall be determined by an

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engineer to be appointed by the President of the Institution of Civil Engineers on the application of either Company : A.D. 1898.

(4) In constructing the railways by this Act authorised where they cross the railways of the Paisley and Barrhead Company the Company shall carry their railways over or under the railways of the Paisley and Barrhead Company as the case may be by means of bridges of such dimensions as will admit of the Paisley and Barrhead Company's Railways so crossed being formed as double lines :

(5) Subject to the provisions of this section the Company shall not enter upon or interfere with any of the lands or works of the Paisley and Barrhead Company or execute any works whatever under or affecting the same until the Company shall have delivered to the Paisley and Barrhead 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 Paisley and Barrhead Company or in the event of his failure so to do 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 Paisley and Barrhead Company or in case of difference of an engineer to be appointed by the Board of Trade and the Paisley and Barrhead Company shall afford the Company all reasonable facilities in the execution of such works.

18. For the protection of Miss Margaret Gilmour of Corsemill (in this section called "Miss Gilmour") the following provisions shall unless otherwise agreed have effect and be binding on the Company :—

For protection of Miss Gilmour.

(1) The Company shall if required by Miss Gilmour in addition to the lands to be purchased and taken by them for the construction of the railways and works by this Act authorised purchase and take any additional land which in the opinion of Thomas Binnie valuator in Glasgow ought to be taken by the Company and Miss Gilmour shall sell such additional lands :

(2) The Company shall construct and maintain in a good and sufficient manner and at their own expense such accommodation

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works including drainage within or without Miss Gilmour's lands as shall in the opinion of the said Thomas Binnie be necessary and proper for or in connexion with Miss Gilmour's lands and for the proper feuing thereof :

- (3) In all cases where the Company take and use land for roads or accommodation works such lands shall not vest in the Company but any such land including the embankments or slopes alongside any such roads or works shall notwithstanding the payment of the purchase money or compensation therefor remain the property of Miss Gilmour :
- (4) The conveyance to be granted by Miss Gilmour in favour of the Company shall contain clauses restricting the use of any land not occupied by the said railways and relative works for any purposes other than the purposes of the Company which may be deemed to be a nuisance or injurious to Miss Gilmour's remaining lands :
- (5) The provisions in this section contained shall not in any way limit or affect any rights or remedies to which Miss Gilmour may be entitled by this Act or any of the Acts incorporated therewith but shall be in addition thereto :
- (6) The notice to treat for and in respect of the lands to be taken and acquired for or used by the Company shall be served on or before the first day of January one thousand nine hundred and the compensation to be paid for and in respect of such lands and for any land injuriously affected shall be ascertained in case of difference by reference to the said Thomas Binnie as sole arbiter whom failing in the manner provided by the Lands Clauses Acts and the costs of and incidental to the arbitration shall be defrayed by the Company.

For protection of Mrs. Glen.

**19.** For the protection of Mrs. Margaret Pollock Glen of Carlibar (in this section referred to as "Mrs. Glen") the following provisions shall unless otherwise agreed have effect and be binding on the Company :—

Mrs. Glen shall sell and the Company shall purchase the lands belonging to her numbered 11 12 and 27 on the deposited plans in the parish of Neilston (including her interest in the Barrhead Bowling Green numbered 14 on the said plans) except such portion of the said lands as shall be acquired by the Paisley and Barrhead District Railway Company under the powers of the Paisley and Barrhead District Railway Act 1897.

Company empowered or may be required to

**20.** 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 widenings and



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railways 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 or 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) :—

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—  
underpin or  
otherwise  
strengthen  
houses near  
widening  
and rail-  
ways.

- (1) At least ten days notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or 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 18 of the Lands Clauses Consolidation (Scotland) Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Company :
- (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

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—

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 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 liability to compensate under the Lands Clauses Consolidation (Scotland) Act 1845 or under any other Act :

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

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

Imposing  
penalty  
unless  
railways  
opened  
within time  
limited.

**21.** If the Company fail within the period limited by this Act to complete the railways by this Act authorised the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railways are completed and opened for public traffic or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the uncompleted railways or railway and the said penalty may be applied for by any landowner or other person claiming to be compensated or interested in respect of the uncompleted railways or railway in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act 1854. Every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Queen's and Lord Treasurer's Remembrancer on behalf of the Court of Exchequer in Scotland in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided. But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the uncompleted railway or railways by unforeseen accident or circumstances beyond their control. Provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

Application  
of penalty  
towards

**22.** Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the Edinburgh

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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 railway in respect of which the penalty has been incurred or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act for the purposes of the said railways or railway and for which injury or loss no compensation or inadequate compensation shall have been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit. If no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or if the Company is insolvent or the railways or railway in respect of which the penalty has been incurred has or have been abandoned be paid to such receiver or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid to the Company.

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 —  
 compensa-  
 tion of  
 parties  
 injured.

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

Period for  
 completion  
 of railways.

24. The Company may (without prejudice to the powers of deviation exercisable under the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 in respect of the widenings railways and approach by this Act authorised) deviate in the construction thereof from the lines thereof delineated on the deposited plans to any extent within the limits of deviation marked thereon anything in the first above-mentioned Act to the contrary notwithstanding. Provided that no such deviation below high-water mark shall be made without the consent in writing of the Board of Trade.

Powers of  
 lateral  
 deviation for  
 widenings  
 railways  
 and works.

25. The Company may (without prejudice as in the last preceding section mentioned) deviate in the construction of the widenings railways and approach by this Act authorised from the levels thereof shown on the deposited sections to the extent of five feet

Powers of  
 vertical  
 deviation for  
 widenings  
 railways and  
 works.

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A.D. 1898. and to such further extent as may be found necessary or convenient for accommodating preserving or improving the drainage of or the sewers drains pipes or other works in or under the streets roads lanes pavements footpaths and places under which the widenings railways and approach will be made or for avoiding such sewers drains pipes or other works anything in the Railways Clauses Consolidation (Scotland) Act 1845 to the contrary notwithstanding Provided that the Company shall make full satisfaction to the owners lessees and occupiers of any lands or buildings abutting on or adjoining the widenings railways and approach that may be injuriously affected by reason of any deviation under the powers of this section to a greater extent than might have been executed under the powers of that Act :

Provided also that the Company shall not alter divert or in any way interfere with any electric mains cables or apparatus belonging to or used by the Postmaster-General except in accordance with the provisions of the Telegraph Act 1878 and that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply :

Provided further that no such deviation below high-water mark shall be made without the consent in writing of the Board of Trade.

Power to deviate in construction of bridges.

**26.** Subject to the provisions of this Act the Company may in carrying out the widenings of bridges by this Act authorised deviate laterally to any extent not exceeding the limits of deviation marked on the deposited plans and vertically to any extent not exceeding five feet.

Power to Company to acquire additional lands.

**27.** Subject to the provisions of this Act and in addition to the other lands which the Company are by this Act authorised to acquire the Company may enter upon take use and appropriate for the purpose of extending their station siding and other accommodation and for other purposes connected with their undertaking all or any of the lands following delineated on the deposited plans and described in the deposited books of reference relating thereto (that is to say) :—

Certain lands in the parish of Dumfries in the royal burgh of Dumfries in the county of Dumfries lying on the east side of and adjoining the Company's main line of railway at Dumfries Station :

Certain lands in the parish of Gretna in the county of Dumfries lying on both sides of and adjoining the Company's main line of railway at and near the level crossing over that railway at

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Rigg two hundred and thirty yards or thereabouts east of the mile post on the railway indicating one hundred and thirteen miles from Glasgow. A.D. 1898.

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

**29.** Persons empowered by the Lands Clauses Acts or by this Act 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 others than the parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges or feu duties so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively. Power to owners to grant servitudes &c.

**30.** And whereas in the construction of the widenings railways and works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Company (all which persons or each or any of them are herein-after included in the term "the owner" and all which properties are herein-after referred to as "the scheduled properties") may if in the opinion of the sheriff jury arbiters or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") a portion of such property can be severed from the remainder without material detriment thereto be required (subject to the provisions herein-after in this section contained) to sell and convey to the Company a portion only of such property without the Company being obliged or compellable to purchase the whole:— Owners may be required to sell parts only of certain lands and buildings.

- (1) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment

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thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

- (2) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed :
- (3) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any

such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

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The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation (Scotland) Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

**31.**—(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 1897 ten or more houses which on the fifteenth day of December next before the passing of this Act 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 respective fifteenth day of December aforesaid or for such number or proportion of those persons as the Secretary for Scotland shall after inquiry deem necessary having regard to the number of persons 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.

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(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 145 of the Public Health (Scotland) Act 1897 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of that Act and the scheme were one of the purposes of that Act.

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



to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the purposes of their undertaking: A.D. 1898.  
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Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated solely for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings by the Company shall contain proper covenants for securing that the buildings on such lands shall during such period be used exclusively for the purpose of such dwellings:

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

(8.) The Secretary for Scotland may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and he and any person appointed by him to hold inquiry shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them respectively under the Public Health (Scotland) Act 1897 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act.

(9.) The Company shall pay to the Secretary for Scotland a sum to be fixed by him in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the person appointed to hold any such inquiry and a sum to be fixed by the Secretary for Scotland not exceeding three guineas a day for the services of the person so appointed.

(10.) Any houses on any of the lands shown on the plans deposited with reference to this Act 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

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A.D. 1898. 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 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.

Agreements  
as to works  
at Glasgow.

**32.** The Company on the one hand and the corporation of the city of Glasgow the Glasgow Police Commissioners the Glasgow Water Commissioners the Glasgow Gas Commissioners the Glasgow Markets Trustees and the Glasgow Tramways Commissioners and Trustees and any other companies corporations commissioners or road statute labour or bridge trustees or any of those parties on the other hand may enter into agreements with respect to the mode of construction maintenance or use of any of the works (other than the railways) within the said city and royal burgh of Glasgow authorised by this Act and the mode of executing any of the operations connected therewith.

Confirming  
agreement  
with Ayr  
Harbour  
Trustees.

**33.** The agreement dated the 5th 7th and 15th days of March 1898 between the Company and the Ayr Harbour Trustees as set forth in the Second Schedule to this Act is hereby confirmed and made binding upon the parties thereto.

Agreements  
as to rail-  
way (No. 4).

**34.** The Company and the Ayr Harbour Trustees may enter into and carry into effect agreements with regard to the construction maintenance or use of the railway (No. 4) by this Act authorised and of the bridge for carrying that railway across the River Ayr and with respect to the mode of execution of any works connected with or incidental to the construction maintenance and use of that railway.

Extending  
time for sale  
of certain  
superfluous  
lands.

**35.** The Company may notwithstanding anything to the contrary in the Lands Clauses Consolidation (Scotland) Act 1845 or in any Act relating to the Company with which that Act is incorporated retain and hold any lands acquired by them under the powers of the Glasgow and South Western Railway Act 1889 and the Glasgow and South Western Railway Act 1891 which have not yet been applied to the purposes of the Company or sold or disposed of by

them for the periods following (that is to say) As regards such of the said lands as are situate near to or adjoining any railway or station of the Company for the period of ten years from the passing of this Act and as regards the rest of the said lands for the period of two years from the passing of this Act :

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

**36.** The Company from time to time may raise for the purposes of this Act by the creation and issue of new shares or stock such additional capital as they think fit not exceeding in the whole the sum of three hundred and sixty thousand pounds and they may create and issue such new shares or stock either wholly or partially as ordinary or wholly or partially as preference shares or stock as they may think fit Provided that any preference shares or stock which may be issued by the Company under this Act shall be entitled to the preferential dividend or interest assigned thereto only out of the profits of each year ending on the thirty-first day of January Preference stock created under the powers of this section shall if so declared by the resolution creating the same form part of and rank *pari passu* with any consolidated preference stock to be created under the powers of the Glasgow and South Western Railway Act 1897.

Power to  
Company  
to raise  
additional  
capital.

**37.—(1.)** Any additional capital which the Company may raise under the powers of this Act or of any subsequent Act by the creation of ordinary shares or stock shall be raised by the issue in respect of each one hundred pounds thereof of one hundred pounds of preferred ordinary shares or stock and one hundred pounds of deferred ordinary shares or stock.

Issue of  
ordinary  
capital as  
preferred  
and de-  
ferred.

(2.) The preferred ordinary shares or stock and the deferred ordinary shares or stock shall together be entitled in each half-year to the same dividend as that to which the portion of the additional capital in respect of which such preferred ordinary shares or stock and deferred ordinary shares or stock were issued would have been entitled if such portion of capital had been raised by the creation and issue of consolidated ordinary stock prior to the passing of the Glasgow and South Western Railway Act 1897 (in this section called "the Act of 1897") and such dividend shall be apportioned between the preferred ordinary shares or stock and the deferred ordinary shares or stock in the following manner in so far as the same is sufficient for that purpose (that is to say) First in payment of a dividend at the rate of two and a half per centum per annum to

[Ch. clix.] *Glasgow and South Western Railway* [61 & 62 VICT.]  
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A.D. 1898. — the holders of preferred ordinary shares or stock and secondly in payment of any balance to the holders of deferred ordinary shares or stock according to the amount of their respective holdings.

(3.) Preferred ordinary shares or stock and deferred ordinary shares or stock shall respectively confer such right of voting at meetings of the Company and shall confer and have all such other rights qualifications privileges liabilities and incidents (except so far as regards the right to dividend which shall be as herein-before provided) as would have attached and been incident to the portion of additional capital in respect of which such shares or stock are issued if such shares or stock had been raised by the creation and issue of consolidated ordinary stock as aforesaid with this qualification that the number of votes to which any holder of preferred ordinary shares or stock or of deferred ordinary shares or stock shall be in respect thereof entitled shall be one half only of the number of votes to which he would have been entitled in respect of an equal amount of consolidated ordinary stock as aforesaid the true intent and meaning of this qualification being that the aggregate number of votes to be given in respect of preferred ordinary shares or stock and deferred ordinary shares or stock shall be the number of votes to which the holder of any portion of the said additional capital would have been entitled if the said portion of capital had been raised by the creation and issue of consolidated ordinary stock as aforesaid and no greater number.

(4.) The provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the transfer and transmission of shares shall apply mutatis mutandis to and in the case of preferred ordinary shares and stock and deferred ordinary shares and stock.

(5.) Notwithstanding the raising of the said additional capital by the issue of preferred ordinary shares or stock and deferred ordinary shares or stock as aforesaid the form of accounts and of returns prescribed by and referred to in the Regulation of Railways Act 1868 and in the Railways Regulation Amendment Act 1871 or in any Act amending the same shall from time to time continue to be made up so as to show the amount of ordinary capital authorised created and received as if such capital had been raised by the creation and issue of consolidated ordinary stock as aforesaid but the statement of capital account shall set forth in addition to the particulars required by the First Schedule to the said first-mentioned Act the amounts of preferred ordinary shares or stock and deferred ordinary shares or stock respectively.

(6.) The borrowing powers of the Company shall not be increased by the issue of additional capital as preferred ordinary shares or

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stock and deferred ordinary shares or stock but shall remain as if such additional capital had been raised by the creation and issue of consolidated ordinary stock as aforesaid.

A. D. 1898

(7.) The Company shall notwithstanding the raising of the said additional capital by the issue of preferred ordinary shares or stock and deferred ordinary shares or stock as aforesaid continue to ascertain and declare dividends on the amount of ordinary stock which would have been entitled to dividend if no conversion had taken place under the Act of 1897 and the additional capital had been raised by the creation and issue of consolidated ordinary stock as aforesaid and the dividend so declared shall for all purposes including the Trusts (Scotland) Amendment Act 1884 and the Trustee Act 1893 or any statutory modification of these Acts respectively for the time being be held to be the dividend upon the ordinary stock of the Company.

38. The Company shall not issue any share under the authority of this Act of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one fifth part of the amount of such share shall have been paid in respect thereof.

Shares not to be issued until one fifth paid.

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

Dividends on new shares or stock.

40. Each holder of new shares or stock in the capital by this Act authorised to be raised shall be entitled to the same number of votes in respect thereof which the possession of an equal nominal amount of the existing capital stock of the Company of the same class or description would have conferred upon him Provided always that except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Votes in respect of new shares or stock.

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

Power to Company to raise capital authorised by any other Act and this Act by new shares or stock of one class.

[Ch. clix.] *Glasgow and South Western Railway* [61 & 62 Vict.]  
Act, 1898.

1898.

power to  
company  
borrow.

42. The Company may in respect of the additional capital of three hundred and sixty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking such sums as they think fit not exceeding in the whole one hundred and twenty thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such sheriff as aforesaid that such shares or stock as the case may be were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also if the said capital is raised by shares that such persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such sheriff of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

Repealing  
provisions  
of former  
Acts with  
respect to  
appointment  
of a judicial  
factor.

43. Every provision in any Act passed before the present session of Parliament whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a judicial factor for enforcing payment by the Company of arrears of principal money or principal money and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision.

For appoint-  
ment of a  
judicial  
factor.

44. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than ten thousand pounds in the whole.

[61 & 62 Vict.] *Glasgow and South Western Railway* [Ch. clix.]  
Act, 1898.

45. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and which shall be subsisting at the time of the passing thereof shall during the continuance of such mortgages and bonds as regards the undertaking comprised in and assigned by such mortgages and bonds respectively and subject to the provisions of the Acts under which such mortgages and bonds were respectively granted have priority over any mortgages to be granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created by the Company.

A.D. 1898.  
Former mortgages to have priority.

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

Power to Company to create debenture stock.

47. All moneys raised by the Company under the provisions of this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act and to the general purposes of the undertaking of the Company being in each case purposes to which capital is properly applicable.

Application of moneys by Company.

48. The Company may apply to or towards the purposes of this Act to which capital is properly applicable any sums of money which they have already raised or are authorised to raise by any of their Acts and which are not required for the purposes to which they are by those Acts made specially applicable.

Power to Company to apply authorised capital to purposes of Act.

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

Interest not to be paid on calls paid up.

50. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any Standing Order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the

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

[Ch. clix.] *Glasgow and South Western Railway* [61 & 62 Vic.]  
Act, 1898.

A.D. 1898. — Company to construct any other railway or to execute any other work or undertaking.

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

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

Saving rights of the Crown in the fore-shore.

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

Provision as to general Railway Acts.

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

Expenses of Act.

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



The SCHEDULES referred to in the foregoing Act. A.D. 1898.

FIRST SCHEDULE.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY ARE REQUIRED  
 TO BE TAKEN.

No. on deposited Plan.	Parish.	Description of Property.
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WIDENING NO. 2.

14	Dalry - - -	Garden ground.
22	Dalry - - -	Pasture land.
44	Dalry - - -	Railways accommodation road waste ground and water tanks.

RAILWAY NO. 1.

54	Paisley - - -	Pasture land.
56	Paisley - - -	Vacant ground coal and hen houses and water pipes.
61	Paisley - - -	Garden ground and footpath.
3 3	Neilston - - -	Court yard vacant ground and bank of stream.
10	Neilston - - -	Street (Glen Street) bridge over Levern Water gas water and sewer pipes.
13 13	Neilston - - -	Road gas water and sewer pipes.

STATION APPROACH AT BARRHEAD.

93	Neilston - - -	Vacant ground telegraph and telephone posts and wires.
94	Neilston - - -	Plantation and shrubbery.

A.D. 1898.

SECOND SCHEDULE.

MINUTE OF AGREEMENT between THE GLASGOW AND SOUTH WESTERN RAILWAY COMPANY (herein-after called "the Railway Company") and THE AYR-HARBOUR TRUSTEES (herein-after called "the Trustees").

WHEREAS it has been proposed that the Railway Company shall extend their railway across the River Ayr for the accommodation of the traffic on the south side of the river Therefore the parties have agreed and hereby agree as follows :—

First.—The Railway Company shall apply in the present session of Parliament (1898) for the necessary powers to enable them to construct an extension of their lines from the north to the south side of the river below the new bridge of Ayr with all necessary works and conveniences connected therewith including a bridge for the carrying of the said extension over the river conform to plan signed as relative hereto and on their obtaining statutory authority they shall as soon as possible thereafter commence and within two years at their own expense complete the construction and thereafter maintain the works as authorised.

Second.—The Railway Company shall subject to the approval of the trustees as herein-after provided be entitled to lay down and maintain from time to time on the Harbour ground on the south side of the river sidings and other works and conveniences necessary to meet the requirements of their traffic to and from the Harbour and they shall for the foresaid traffic have the use free of charge of the said ground for the said railways works and conveniences.

Third.—The lines and levels of rails to be laid shall be subject to the approval of the trustees and the whole lines of the Railway Company laid on land belonging to the trustees shall be under the control of the trustees who may from time to time make rules and regulations for the working and management of the traffic thereon and the Railway Company in the working and management of such traffic shall be subject to the said rules and regulations.

Fourth.—The solum of the land belonging to the trustees on which rails may be laid by the Railway Company shall subject to said use remain the property of the trustees.

[61 & 62 VICT.] *Glasgow and South Western Railway* [Ch. clix.]  
*Act, 1898.*

Fifth.—The trustees shall afford the Railway Company all necessary facilities for carrying out the said works and shall free and discharge the Railway Company of any claim which in consequence of their operations by reason of the crossing or using of roads or streets by the said works the trustees may have and the trustees shall further use their best endeavours to obtain the consent of the corporation of Ayr to the crossing or using of Darlington Road.

A.D. 1898.

Sixth.—The trustees shall at all times when necessary have right after written intimation to the engineer of the Railway Company for the time being and subject to his supervision to repair or renew or authorise the repair or renewal of any machinery plant or other property under the said lines of rails to be laid in Darlington Road in terms of this agreement and the town council and commissioners of the burgh of Ayr or owners of gas water or sewer or other pipes conduits or electric cables under the said lines shall also have right after intimation and under such supervision as aforesaid to repair or renew said pipes conduits or cables the trustees and the said town council and commissioners or such other owners being bound however if said lines of rails are interfered with to restore the lines forthwith to the like good condition as before being interfered with within a reasonable time Declaring that the trustees town council and commissioners or any persons to whom they may grant authority shall have right after intimation and under such supervision as aforesaid to lay new pipes conduits or cables under said lines of rails the trustees town council and commissioners or such other persons being bound to restore the said lines as aforesaid Declaring always without prejudice to the above provisions as to notice to the Railway Company's engineer that the town council and commissioners shall have liberty in an emergency arising from a burst or breakage of pipes conduits or cables belonging to them to at once execute such temporary repairs as may be absolutely necessary but nothing contained in this clause shall authorise the trustees town council and commissioners or other persons to interrupt the traffic on the said lines of rails Any difference between the Railway Company and the town council and commissioners or such owners shall be determined by arbitration in the manner herein-after provided with respect to differences between the Railway Company and the trustees.

Seventh.—The new lines of railway and works before provided for when authorised shall for the purpose of tolls rates and charges and the other purposes herein or by Parliament authorised form part of the undertaking of the Railway Company.

Eighth.—The trustees shall simultaneously with the construction of the foresaid works erect and maintain two sheds of suitable dimensions and all other necessary appliances for the development and accommodation of the Railway Company's and other traffic to and from the harbour on the south side of the river and below the new bridge of Ayr in connexion with the new lines and works herein-before provided for all as the said sheds and other appliances may be mutually agreed on.

[Ch. clix.] *Glasgow and South Western Railway* [61 & 62 VICT.]  
Act, 1898.

A.D. 1898.

Ninth.—The trustees shall support the Railway Company's application to Parliament in the present session (1898) and in the following session also if the Company shall then renew its application for powers for the carrying out of the said works and this agreement shall be scheduled to their Bill but this agreement is conditional upon the powers to be applied for being obtained not later than in the session of 1899.

Tenth.—This agreement is made subject to such alterations as Parliament may think fit to make therein but if the committee on the Bill to be promoted as aforesaid make any material alteration therein or in the clauses of the Bill relating thereto it shall be competent to either of the parties hereto to elect to withdraw the Bill in so far as relating to works referred to in this agreement and if such election be made the Railway Company will but that only and subject to the finding of the arbitrator mentioned in this clause withdraw the Bill accordingly Provided that in the event of any difference of opinion arising between the contracting parties as to what constitutes a material alteration the same shall be referred to the decision of Charles Alfred Cripps Q.C. whom failing Alexander Asher Q.C. as sole arbitrator whose decision shall be final.

Lastly.—In the event of any dispute or difference between the Railway Company and the trustees as to any matter under this agreement the same is hereby referred to the final decision of an arbiter to be mutually agreed on which failing to an arbiter to be appointed by the Board of Trade on the application of either party.

IN WITNESS whereof these presents written on this and the two preceding pages of stamped paper by Henry Norman Graham clerk at Glasgow to the said Glasgow and South Western Railway Company are together with the plan annexed hereto (and under the declaration that the word "railway" occurring in the twenty-fifth line of page second is delete and that the words "said lines of rails" are interlined to be read between the words "the" and "any" also occurring in the said twenty-fifth line of said second page all before subscription hereof) executed in duplicate by the parties hereto as follows videlicet They are sealed with the corporate seal of the said trustees and are subscribed by Sir William Laird Knight and Thomas Templeton two of the said trustees and by William Johnstone Pollock clerk to the said trustees of and for and on behalf of the said trustees as follows viz. By the said Sir William Laird at Glasgow on the 5th day of March 1898 before these witnesses James Macintyre and John Giffen clerks to Messieurs William Baird and Company Limited 168 West George Street Glasgow and by the said Thomas Templeton and William Johnstone Pollock both at Ayr on the 7th day of said month and year last above mentioned before these witnesses Andrew James Gray apprentice to William Pollock solicitor Ayr and Alexander George Wiseman Taylor clerk to Messieurs W. W. and J. Pollock solicitors Ayr And they are also sealed with the common or corporate seal of the said Railway Company and subscribed by Henry Tylston Hodgson of Harpenden Herts and Benjamin Nicholson merchant Annan two of the directors and Frank Heys Gillies secretary all of and for

[61 & 62 Vict.] *Glasgow and South Western Railway* [Ch. clix.]  
*Act, 1898.*

and on behalf of the said Railway Company at Glasgow on the 15th day of said month and year last above-mentioned before these witnesses John Anderson Mackenzie writer Glasgow and Thomas Fergusson also clerk at Glasgow to the said Railway Company. A.D. 1898.

BEN NICHOLSON.  
HENRY TYLSTON HODGSON.  
F. H. GILLIES Sy.



J. A. MACKENZIE Witness.  
T. FERGUSSON Witness.

WILLIAM LAIRD Trustee.  
THOMAS TEMPLETON Trustee.  
WILLIAM J. POLLOCK Clerk.



JAS. MACINTYRE Witness.  
JOHN GIFFEN Witness.  
ANDREW J. GRAY Witness.  
ALEX. G. W. TAYLOR Witness.

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