CHAPTER clxxxix.

An Act to confer further powers on the City of Glasgow Union Railway Company, the Glasgow and South-western Railway Company, and the North British Railway Company; and for other purposes. [21st July 1873.] A.D. 1873.

Recital of Acts relating to City of Glasgow Union Railway.

WHEREAS by the "City of Glasgow Union Railway Act, 1864" (herein-after called "the first-recited Act"), the City of Glasgow Union Railway Company (herein-after called "the Company") were incorporated, and by that Act and "The City of Glasgow Union Railway Act, 1865" (herein-after called "the second-recited Act"), "The City of Glasgow Union Railway Act, 1867" (herein-after called "the third-recited Act"), "The City of Glasgow Union Railway Act, 1869" (herein-after called "the fourth-recited Act"), "The City of Glasgow Union Railway Act, 1871" (herein-after called "the fifth-recited Act"), and "The City of Glasgow Union Railway Act, 1872" (herein-after called "the sixth-recited Act"), were authorised to make and maintain railways, to connect the railways which terminate on the north and south sides of the River Clyde at Glasgow, with stations in Glasgow connected therewith, and for those purposes to raise divers sums of money by shares and on loan:

And whereas the undertaking of the Company has been partially constructed and opened for public traffic:

And whereas by the third-recited Act the Company were authorised to make a branch railway or fork (therein called railway No. 3) for the purpose of connecting the main line of the Company's railway leading to Sighthill, with the Coatbridge Railway of the North British Railway Company, but by an agreement called "the Leeds Agreement" referred to in the fourth-recited Act, and therein saved and reserved, the Company were restricted from making the said railway No. 3 unless required to do so by the North British Railway Company, and that company are now desirous that the

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Company should make the said railway No. 3, but the powers for constructing the same have expired, and it is expedient that the Company be empowered to make the railway herein-after described in lieu thereof:

And whereas it is expedient that the Company be authorised to acquire certain additional lands for the purposes of their undertaking:

And whereas it is expedient that the periods limited by the first, third, and fifth recited Acts, and by a warrant granted by order of the Board of Trade dated the 25th day of August one thousand eight hundred and sixty-nine (herein-after called "the Board of Trade warrant"), for the exercise of the powers of the Company for the purchase by compulsion of the lands, houses and buildings, or some of them, required for the purposes of the undertakings or some of them by the recited Acts authorised, and also for the construction and completion of works, should be extended as herein-after provided:

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

And whereas forty-four thousand shares in the capital of the Company, representing four hundred and forty thousand pounds, are held by the Glasgow and South-western Railway Company (herein-after called the South-western Company), and thirty thousand shares, representing three hundred thousand pounds, are held by the North British Railway Company (herein-after called the North British Company), but the capital already subscribed for is insufficient for the completion of the undertaking of the Company, and those companies have agreed and it is expedient that they should be enabled to guarantee and secure the fixed preferential dividend of five pounds per centum per annum on two hundred and fifty thousand pounds (C.) preferential shares of the Company authorised by the fifth-recited Act:

And whereas it is expedient that some of the powers and provisions of the recited Acts should be amended, extended, and enlarged as herein-after mentioned:

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

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the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

Short title.

1. This Act may be cited as "The City of Glasgow Union Railway Act, 1873."

Provisons of general Acts herein named incorporated.

2. "The Lands Clauses Consolidation (Scotland) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation (Scotland) Act, 1845," and Part I. (relating to the construction of a railway) and Part II. (relating to extension of time) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

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 varied by this Act, or there be something in the subject or context repugnant to such construction. The expression "the railway" means the railway authorised by this Act.

Power to construct railway authorised by Act and take lands.

4. Subject to the provisions of this Act, the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the railway herein-after described, with all proper stations, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act, is,—

A railway seven furlongs in length wholly in the county of Lanark, commencing by a junction with the deviation railway authorised by the third-recited Act, and therein firstly described, at a point thereon fifty-five yards or thereabouts measuring in a southerly direction from the south-western corner of the enclosure wall of the Alexandra Park fronting the new roadway designated the Alexandra Parade in the parish of Springburn, and terminating by a junction with the railway from Glasgow to Coatbridge, known as the Coatbridge undertaking of the North British Railway Company, at a point thereon four hundred and fifty yards or thereabouts measuring in an easterly direction along the centre line of the said railway from Glasgow to Coatbridge from the centre of the bridge carrying the same over the turnpike road leading from Glasgow to Coatbridge, near Parkhead Forge in the barony parish: Provided always, that nothing in this Act contained shall authorise the Company,

For protection of Alexandra Park, &c.

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without the consent in writing of the lord provost, magistrates, and council of the city of Glasgow, trustees under "The Glasgow Public Parks Act, 1859," to take, use, or acquire any portion of the lands at Alexandra Park belonging to them, numbered 6, 6a, 7, and 8a, in the parish of Springburn, on the deposited plans and books of reference.

Provision with respect to construction of railway across Shotts Road.

5. In carrying the railway over the turnpike road, numbered on the deposited plans sixty-four, in the barony parish of Glasgow, the Company shall construct the railway so that the gradients of the road as altered shall not be steeper than 1 in 25 on the west and 1 in 60 on the east, and the bridge over the same shall not be less than 35 feet wide, with 16 feet of clear headway throughout, and the Company shall restore the road where broken up at the sight and to the satisfaction of the surveyor for the road trustees, and maintain the same for a period of twelve months after the completion of their operations, and they shall pay and compensate the trustees for all injury they may sustain by, through, or in consequence of the formation of the railway during the construction thereof.

Additional lands.

6. Subject to the provisions of this Act, the Company may also enter upon, take, and use such of the additional lands situate between Stockwell Street and St. Enoch Square in the city parish and Royal burgh of Glasgow, shown upon the deposited plans, as they may require, for the purpose of constructing their St. Enoch Station and the accesses thereto.

Lands for extraordinary purposes.

7. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation (Scotland) Act, 1845," for the purposes of their St. Enoch Station and of the works by this Act authorised, shall not exceed five acres.

Powers for compulsory purchases limited.

8. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of two years from the passing of this Act.

Provision for compensation to Oswald's trustees.

9. Notwithstanding anything in the second, third, fourth, or fifth recited Acts or the Board of Trade warrant or this Act contained, the Company shall make compensation to the trustees of Miss Agnes Oswald and Mrs. Margaret Oswald, otherwise Macfadzean, or their successors in the lands herein-after mentioned, for the damage or depreciation in value (if any) which may have been or may be occasioned by any of the works of the Company

which have been or may be constructed west of Stockwell Street in the city parish of Glasgow, to any of the lands mentioned in section seventy of the first-recited Act or to any part thereof, or to any ground annuals and grassums payable from such lands or any of them; and the amount of such compensation shall, unless otherwise agreed upon, be ascertained and determined in the manner provided by "The Lands Clauses Consolidation (Scotland) Act, 1845," with respect to questions of disputed compensation authorised to be settled by arbitration.

For protection of John Hutchison and others.

10. In the event of any of the works by the first-recited Act authorised being carried across Maxwell Street in the city parish of Glasgow, the Company shall and they are hereby required, (unless it shall be otherwise agreed between the Company and John Hutchison, shipowner in Glasgow, Joseph Hutchison, merchant there, Peter Hutchison, shipowner there, and Thomas Hutchison, merchant there,) with all reasonable dispatch, and at all events within eighteen months after the commencement of such works, to construct and open a public carriage road between St. Enoch's Square and Maxwell Street in the said parish, on the north side of the railway, with a clear width of not less than twenty-one feet, and with gradients not steeper than one foot in thirty feet, and so as to join Maxwell Street and St. Enoch's Square on the level thereof, or if the Company fail to construct and open such public carriage road in manner aforesaid, the Company shall (in their option) either, within two years from the passing of this Act, acquire from the said John Hutchison, Joseph Hutchison, Peter Hutchison, and Thomas Hutchison, or their heirs or successors, the whole of the property now belonging to them situate in Argyll Street, Maxwell Street, and Saint Enoch's Wynd in the said parish, in the manner provided by "The Lands Clauses Consolidation (Scotland) Act, 1845," with respect to the purchase and taking of lands otherwise than by agreement, and as if the whole of the said property were lands which by this Act the Company are authorised to purchase or take, and also make compensation to the said parties as members of the firm of Joseph Hutchison and Sons (now occupying for the purposes of their business a portion of the said property), for removal of their business; or the Company shall make compensation to the said John Hutchison, Joseph Hutchison, Peter Hutchison, and Thomas Hutchison, or their heirs or successors in the said property, for any damage to or depreciation in the value of the said property which may be occasioned by such works, and the amount of such compensation shall, unless otherwise agreed on, be ascertained and determined in the manner provided by "The

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Lands Clauses Consolidation (Scotland) Act, 1845," with respect to questions of disputed compensation authorised to be settled by arbitration.

Inclination of a certain road.

11. In altering for the purposes of this Act the road next herein-after mentioned, the Company may make the same of any inclination not steeper than the inclination herein-after mentioned; that is to say,

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
64	Barony - -	Turnpike - -	1 in 25 on the west side.

Diversion and stopping up of a certain turnpike road.

12. The Company may divert and stop up, in the manner shown on the deposited plans, the turnpike road numbered 26 in the parish of Springburn and 27 in the parish of Barony.

Deposit money not to be repaid until line opened or half the estimate paid up and expended.

13. Whereas, pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of Her present Majesty, chapter twenty, the sum of fifteen hundred pounds, being five per centum upon the amount of the estimate in respect of the railway, has been deposited with the Court of Exchequer in Scotland in respect of the application to Parliament for this Act: Be it enacted, that notwithstanding anything contained in the said Act, the sum of fifteen hundred pounds, so deposited as aforesaid in respect of the application for this Act, shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway, either open the railway for the public conveyance of passengers or prove to the satisfaction of the Board of Trade that the Company have expended for the purposes of this Act a sum of fifteen thousand pounds, being equal in amount to one half of the estimate of expense in respect of the railway; and if the said period shall expire before the Company shall either have opened the railway for the public conveyance of passengers or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of money deposited as aforesaid shall be applied in the manner hereafter specified, and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act

having passed, anything in the said recited Act to the contrary notwithstanding. A.D. 1873.

Providing for application of deposit.

14. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the Edinburgh Gazette shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the railway or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit, and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the Court of Exchequer in Scotland thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the court, if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided, that until the said sum of money has been repaid to the depositors or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable, be paid to or on the application of the person or persons or the majority of the persons named in such warrant or order as aforesaid, or the survivors or survivor of them.

Period for completion of works.

15. If the railway is not completed within three 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 railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

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New railway to be part of the Company's undertaking.

16. Subject to the provisions herein contained, the lands and property from time to time acquired by the Company under this Act and the railway and works connected therewith by this Act authorised to be constructed, shall, for all purposes of tolls, rates, and charges, and for all other purposes whatsoever, be part of the undertaking, railway, works, and property of the Company, as if the Company had, by the first and third recited Acts, been authorised to acquire, and to make and maintain the same respectively, and the railway shall, for the purposes of the said Leeds agreement, be considered as identical with railway No. 3 authorised by the third-recited Act.

Extension of time for compulsory purchase of lands.

17. The powers of the Company for the compulsory purchase or taking of lands for the purposes of the railways sixthly and seventhly described in and authorised by the first-recited Act (in so far as such lands have not already been acquired by the Company), according to the plans and sections and the books of reference relating to that Act deposited with the sheriff clerk for the county of Lanark, in which county such lands are situate, and which powers were extended by the third-recited Act to the twenty-ninth day of July one thousand eight hundred and sixty-nine, and by the Board of Trade warrant to the twenty-ninth day of July one thousand eight hundred and seventy-one, and by the fifth-recited Act to the twenty-ninth day of July one thousand eight hundred and seventy-three, shall be prolonged and extended until the expiration of the twenty-ninth day of July one thousand eight hundred and seventy-five; and on the expiration of such extended period the powers by the said recited Acts and the Board of Trade warrant and by this Act granted for the compulsory purchase of lands shall cease to be exercised: Provided that the powers of the Company for the compulsory purchase or taking of the lands, houses, and property now belonging or reputed to belong to William Smith shown on the plans and numbered 127, 128, 132, 134, and 135 in the books of reference deposited in the offices in the city of Glasgow and town of Paisley respectively, of the principal sheriff clerks of the counties of Lanark and Renfrew respectively, applicable to railway No. 6 authorised by the first-recited Act, shall not be exercised after the fifteenth day of May one thousand eight hundred and seventy-four, unless the Company shall, on or before that date, give to the respective owners and occupiers of the said lands, houses, and property the notices required by "The Lands Clauses Consolidation (Scotland) Act, 1845," of the intention of the Company to purchase or take the said lands, houses, and property, or any of them; and if such notices are not given on or before the fifteenth day of May one

thousand eight hundred and seventy-four, the compulsory powers of purchasing or taking the said lands, houses, and property granted to the Company by the recited Act or this Act, shall, from and after that date, cease and determine, so far as regards the said lands, houses, and property, or such of them as to which the notices shall not be so given. A.D. 1873.

As to notice to be given of taking of William Smith's property.

18. It shall not be lawful for the Company to enter upon or use any of the said lands, houses, or property belonging or reputed to belong to the said William Smith until after the expiration of six months from the date of giving the notices respectively mentioned in the immediately preceding section, should such notices be given.

Not to taking of property of Mackenzie's trustees.

19. It shall not be lawful for the Company to enter upon, take, or use any of the lands, houses, or property belonging or reputed to belong to or leased by the trustees of the late William Mackenzie, and numbered 254, 255, 256, 287, 288, 289, and 290, including so much of 272 as belongs to the said trustees, in the books of reference deposited in the offices in the city of Glasgow and town of Paisley respectively, of the principal sheriff clerks of the counties of Lanark and Renfrew respectively, applicable to railway No. 6 authorised by the first-recited Act, without the consent in writing of the said trustees, or of the owner for the time being of the said lands, houses, and property.

Extension of time for completion of works.

20. The powers of the Company for the completion of the railways sixthly and seventhly described in and authorised by the first-recited Act, and the period limited by section thirty-five of the first-recited Act, and which powers and period were extended by the third-recited Act to the twenty-ninth day of July one thousand eight hundred and seventy, and by the Board of Trade warrant to the twenty-ninth day of July one thousand eight hundred and seventy-two, and by the fifth-recited Act to the twenty-ninth day of July one thousand eight hundred and seventy-four, shall be extended and enlarged until the expiration of the twenty-ninth day of July one thousand eight hundred and seventy-six, and on the expiration of such extended period the powers of the Company to make the said railways and works, or otherwise in relation thereto, shall cease to be exercised except as to so much thereof as shall then be completed.

Provision for completion of street from Stock-

21. The Company shall form and complete the street from Stockwell Street to King Street, provided for in section thirty-six of the first-recited Act, on or before the twenty-ninth day of July

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Weil Street to King Street.

one thousand eight hundred and seventy-five and the period limited by the said section of that Act, which period was extended by the third-recited Act to the twenty-ninth day of July one thousand eight hundred and seventy, and by the Board of Trade warrant to the twenty-ninth day of July one thousand eight hundred and seventy-two, and by the fifth-recited Act to the twenty-ninth day of July one thousand eight hundred and seventy-four, shall be extended and enlarged until the expiration of the twenty-ninth day of July one thousand eight hundred and seventy-five.

Extension of time not to release Company from penalties for non-completion.

22. The extension of time hereby granted for the completion of portions of the railways and works authorised by the first-recited Act shall not release the Company from the provisions of section 87 of that Act for securing the completion of the same.

Glasgow and South-western and North British Railway Companies to guarantee dividend on (C.) preferential shares.

23. The South-western Company (in pursuance of the powers conferred upon them by the fifth-recited Act) and the North British Company respectively shall from time to time, jointly and as between themselves in equal proportions, guarantee and secure in perpetuity in manner herein-after appearing the preferential payment of the fixed preferential dividend of five pounds per centum per annum on two hundred and fifty thousand pounds (C.) preferential shares of the Company authorised by the fifth-recited Act.

Providing for payment of guarantees.

24. The South-western Company and the North British Company shall from time to time, out of their respective incomes applicable to dividend on their ordinary shares or stock (but not out of any other fund), discharge any moneys which they may be called upon to pay upon or in respect of the guarantees by this Act authorised; and if at any time the one of these companies shall be called upon to pay and shall pay on account of such guarantee any moneys in excess of one moiety of the amount exigible in respect thereof, the moneys so paid in excess shall be a debt due by the other guaranteeing company in a question between the two guaranteeing Companies, inter se, and may be recovered by the Company paying in excess as aforesaid in any court of competent jurisdiction.

Guarantees to be subject to existing mortgages, &c.

25. Every guarantee granted under the powers of this Act shall be subject and without prejudice to any mortgages or bonds then charged upon or attaching to the undertaking of the South-western and the North British Companies respectively, and to any preference or priority in payment of interest or dividend on any shares or stock theretofore granted by such companies respectively, by or in pursuance of or confirmed by any Act of Parliament, or then otherwise lawfully subsisting.

Railway not exempt from provisions of present and future general Acts.

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

Expenses of Act.

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

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