CHAPTER lxi.

An Act to confer further powers on the City of Glasgow Union Railway Company; and for other purposes. A.D. 1874.

[30th June 1874.]

Recital of Acts relating to Glasgow Union Railway.

WHEREAS the City of Glasgow Union Railway Company (herein-after called "the Company") were incorporated by the "City of Glasgow Union Railway Act, 1864," and by that Act and "The City of Glasgow Union Railway Act, 1865," "The City of Glasgow Union Railway Act, 1867," "The City of Glasgow Union Railway Act, 1869," "The City of Glasgow Union Railway Act, 1871," "The City of Glasgow Union Railway Act, 1872," and "The City of Glasgow Union Railway Act, 1873," (herein-after called the recited Acts,) 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, and to erect 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 it is expedient that the Company be authorised to make a deviation of the road from Glasgow to Provan Mill, commonly and herein-after called "the Garngad Road," and to acquire additional lands and to raise additional capital for the purposes of this Act:

And whereas it is expedient that the periods limited by "The City of Glasgow Union Railway Act, 1867," and "The City of Glasgow Union Railway Act, 1872," and by a warrant granted by order of the Board of Trade, dated the twenty-fifth 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 construction and completion of certain works authorised by "The City of Glasgow Union Railway Act, 1867," should be extended as herein-after provided:

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And whereas plans and sections showing the line and levels of the works 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 the authorised share capital of the Company amounts to the sum of one million eight hundred thousand pounds sterling, and consists of

Ordinary shares - - - -	£600,000
College Station stock - - -	£100,000
(A.) preferential shares - - -	£200,000
(B.) preferential shares - - -	£250,000
(C.) preferential shares - - -	£250,000
(D.) preferential shares - - -	£400,000
	£1,800,000

And whereas the authorised loan capital of the Company amounts to the sum of two hundred thousand pounds sterling:

And whereas the College Station stock of the Company is specially appropriated to the purchase of the site of the goods stations at the old College of Glasgow, and the dividend thereon is specially secured by a lien upon the site of such stations, and the (A.) (B.) and (D.) preferential shares are especially appropriated to the cost of construction of the passenger station called St. Enoch Station and the branch railways forming accesses thereto, leaving the ordinary shares, the (C.) preferential shares, and the loan capital of the Company available for the purposes of the Company's undertaking other than the St. Enoch Station, the branch railways forming accesses thereto, and the College Station:

And whereas the whole of the ordinary shares and of the (C.) preferential shares of the Company have been subscribed for and issued, and eight hundred and fifty thousand pounds sterling have been paid up thereon, and the whole of the loan capital of the Company has been raised:

And whereas the said sums of eight hundred and fifty thousand pounds and two hundred thousand pounds, in all one million and fifty thousand pounds, are insufficient for the completion of the undertaking of the Company as at present authorised other than the St. Enoch Station, the branch railways forming accesses thereto,

and the College Station, and it is expedient that the Company should be authorised to raise additional capital as herein-after provided:

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 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 and citation of Acts.

1. This Act may be cited as "The City of Glasgow Union Railway Act, 1874," and the recited Acts and this Act may be cited together as "The City of Glasgow Union Railway Acts, 1864, 1865, 1867, 1869, 1871, 1872, 1873, and 1874."

Provisions of certain general Acts 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 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.

Provisions of Companies Clauses Acts incorporated.

3. The clauses and provisions of "The Companies Clauses Consolidation (Scotland) Act, 1845," with respect to the following matters; that is to say,

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

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

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The consolidation of the shares into stock;

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

The making of dividends;

The giving of notices; and

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

Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of "The Companies

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Clauses Act, 1863," shall extend and apply to the Company, and to the additional capital which they are by this Act authorised to raise.

Interpretation of terms.

4. 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.

Power to construct deviation of Garngad Road, and take lands.

5. 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 deviation road herein-after described, with all proper 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 deviation road herein-before referred to and authorised by this Act is—

A deviation of the Garngad Road commencing at a point on that road one hundred and thirty yards or thereabouts, measuring in a westerly direction along that road, from the northern angle of the turnpike gate lodge near the house of Acrehill, and terminating at another point on that road ten yards or thereabouts, measuring in a southerly direction, from the western angle of the gate lodge at the principal approach to Germiston House, which deviation will be situate within the parish of Springburn and partly within the Royal burgh of Glasgow, in the county of Lanark.

Provisions as to deviation road.

6. The said deviation road shall be provided with a footpath, and the width of the road, including the footpath, shall not be less than forty feet, and the centre line thereof shown on the deposited plans shall not be deviated more than five yards to the north nor more than ten yards to the south, and the gradient thereof shall not be steeper at any point than one in forty, and the Company shall construct along such portion of the said deviation road as shall be constructed on arching proper parapet walls of stone, and along the remainder fences of wood, each not less than four feet in height, and they shall make due provision for the drainage of the said deviation road.

Deviation road to be part of Garngad Road.

7. The deviation of the Garngad Road by this Act authorised shall be and be deemed to be a part of the Garngad Road, and be subject to the provisions of the Acts of Parliament regulating the same, and the said deviation road, so far as within the Royalty of the city of Glasgow, shall be constructed and completed under the

superintendence and to the satisfaction of the master of works of that city for the time being, and shall be and is hereby vested in and shall be maintained and managed by the Board of Police of Glasgow, and, in so far as without the said Royalty, shall be constructed and completed under the superintendence and to the satisfaction of the surveyor for the time being of the trustees acting under "The Garngad Road Act, 1858," and shall be and is hereby vested in and shall be maintained and managed by the said trustees.

Providing for maintenance of road.

8. The Company shall maintain the said deviation of the Garngad Road for twelve months after it shall have been completed as aforesaid, or for such shorter period as the said master of works and surveyor shall consider sufficient for the consolidation thereof, and the said deviation shall thereafter be maintained so far as within the said Royalty by the said Board of Police, and so far as without the same by the said trustees.

Power to stop up roads.

9. The Company may stop up permanently that portion of the Garngad Road which is rendered unnecessary by the deviation by this Act authorised; and also the road or street lying to the east of the authorised line of the railway of the Company, and leading from the Garngad Road to the road marked on the deposited plans "Blochairn Road," so far as situated to the north of the north building line of the last-mentioned road; they may also take up and divert or entirely remove any sewers, drains, gas and water pipes, and telegraphic apparatus laid in, under, or over the roads or streets to be so partially or wholly stopped up; and they may appropriate for the purposes of the Company the solum of the stopped-up portions of the said roads or streets: Provided always, that the Company shall not stop up the said portion of the Garngad Road until they shall have completed and opened to the public the deviation of that road by this Act authorised and connected the same with the said road marked "Blochairn Road," in a manner equally convenient with the present connexion between the last-mentioned road and the existing line of the Garngad Road.

Power to remove and erect toll-house.

10. As soon as the said deviation of the Garngad Road shall have been completed as aforesaid, the Company shall remove the existing toll-bar and weighing machine on the portion of the said road authorised by this Act to be stopped up as aforesaid, and they shall forthwith re-erect the same at such point on the said deviation as shall be fixed by the said trustees, and build immediately adjoining to such re-erected toll-bar a toll-house of the annual value of eight pounds sterling, and shall maintain the same for and let the same to the said trustees, so long as such trustees shall levy tolls on the said road, at the yearly rent of eight pounds

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sterling, being the rent payable by the said trustees for the existing toll-house, and the said trustees may levy and collect at the toll-bar, when so removed and re-erected, the same rates, dues, and tolls which they are empowered to levy and collect at the said toll-bar as now existing.

Company to complete deviation before stopping up existing road.

11. The Company shall complete in manner herein-before mentioned, and shall open to the public the deviation of the Garngad Road by this Act authorised before stopping up the existing road, and so that the traffic shall not be interrupted, and if any questions arise in respect to interference with the existing road, or as to the due completion or consolidation of the said deviation, or as to the said toll-house, the same shall from time to time be determined by an arbiter to be appointed by the sheriff of Lanarkshire on the application of either of the parties, and the decision of such arbiter shall be final.

Power to acquire additional lands.

12. Subject to the provisions of this Act, the Company may also enter upon, take, and use such of the additional lands shown on the deposited plans and described in the deposited books of reference in the parish of Springburn and Royal burgh of Glasgow, or one of them, in the county of Lanark, situated on both sides of the Garngad Road near the point where that road is crossed by the authorised line of the railway of the Company now in course of construction, as they may require for the purpose of constructing a station for the purposes of their undertaking and the accesses thereto: Provided always, that nothing contained in this Act shall entitle the Company to stop up any portion of the said road marked on the deposited plans Blochairn Road, nor to diminish the width or alter the line or levels of that road, nor shall extinguish or lessen the rights of way over the same of any persons who would, but for the passing of this Act, have been or become entitled to such rights; provided also, that nothing contained in this Act shall entitle the Company to enter upon, take, or use any lands belonging to the Caledonian Railway Company.

Powers for compulsory purchases limited.

13. 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.

Period for completion of works.

14. If the works by this Act authorised are 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 same or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Lands to be part of the Company's undertaking.

15. Subject to the provisions herein contained, the lands and property from time to time acquired by the Company under this Act, except so much thereof as is required for the purposes of the deviation of the Garngad Road by this Act authorised, shall for all purposes whatsoever be part of the undertaking and property of the Company, as if the Company had, by the "City of Glasgow Union Railway Act, 1864," been authorised to acquire the same.

Extension of time for completion of works.

16. The powers of the Company for the completion of the deviation railway authorised by "The City of Glasgow Union Railway Act, 1867," and firstly described in the sixth section of that Act, and the canal deviation authorised by that Act, and fourthly described in the same section, and which powers and period were extended by the Board of Trade warrant to the twenty-fifth day of July one thousand eight hundred and seventy-two, and by "The City of Glasgow Union Railway Act, 1872," to the twenty-ninth day of July one thousand eight hundred and seventy-four, shall, in respect to so much of the said deviation railway as lies between the west side of Whitevale Street and the north side of Duke Street, in the City parish of Glasgow and the Barony parish, or one of them, and so much as lies north of the southern boundary of the lands of Burnbank, in the parish of Springburn, and in respect to the said canal diversion, be extended and enlarged until the twenty-ninth day of July one thousand eight hundred and seventy-five, and, on the expiration of such extended period, the powers of the Company to make the said railway and works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed

Power for the Company to raise additional capital for purposes of this Act.

17. For the purposes of this Act the Company may raise any capital not exceeding in the whole the sum of fifty thousand pounds, exclusive of the moneys which they are or may be authorised to raise by this Act or by any other Act or Acts of Parliament; and such sum of fifty thousand pounds may be raised by the issue, at the option of the Company, of new ordinary shares or stock, or new preference shares or stock, or wholly or partially by any one or more of those modes respectively.

Power for the Company to apply capital.

18. The Company may from time to time, with the authority of a special meeting of the Company called for the purpose, raise any capital, not exceeding in the whole the sum of two hundred thousand pounds, in addition to the moneys which they are or may be authorised to raise by this Act or by any other Act or Acts of Parliament, which sum of two hundred thousand pounds shall be applied to the purposes of the Company's railways and works,

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within the limits of deviation authorised previous to the passing of this Act, other than the Saint Enoch Station, the branch railways forming accesses thereto, and the College Station, and such sum of two hundred thousand pounds may be raised by the issue at the option of the Company of new ordinary shares or stock, or new preference shares or stock, having a preferential dividend attached thereto at a rate not exceeding five pounds per centum per annum, or wholly or partially by any one or more of those modes respectively.

Shares not to issue until one fifth part paid up.

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

Votes in respect of new shares.

20. The Company may from time to time, if they think fit, attach to all or any new shares, or any class of new shares created under the powers of this Act, any total or partial, permanent or temporary, restrictions of the rights of voting and other qualifications of the holders thereof.

Shares of same class to have like privileges.

21. All new shares of the same class created by the Company under this Act shall confer like privileges and shall bear like dividends or interest and be subject to like restrictions, if any.

Power to borrow on mortgage.

22. The Company may, in respect of the additional capital of fifty thousand pounds which they are by this Act authorised to raise, from time to time borrow on mortgage any sum not exceeding in the whole sixteen thousand six hundred pounds, but no part of the said sum of sixteen thousand six hundred pounds shall be borrowed until shares for so much of the said additional capital as is to be raised by increase 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, before he so certifies, that such shares or stock, as the case may be, were issued and accepted and paid up bonâ fide, and are held by the persons or corporations

to whom the same were issued, and their executors, administrators, successors, or assigns, and also if the said capital is raised by shares that such persons or corporations, or 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 certificate shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a judicial factor.

23. 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.

Existing mortgages to have priority.

24. The principal moneys secured by 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 subsisting at the time of the passing hereof, shall, during the continuance of such mortgages and bonds, have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Saving mortgages and debenture stock.

25. All mortgages and debenture stock granted or to be granted by the Company shall, during the continuance thereof, have priority over all preference shares or stock to be issued under the authority of this Act.

Application of moneys.

26. All moneys raised under this Act, whether by shares, stock, or borrowing, shall be applied for the purposes of this Act only.

Interest not to be paid on calls paid up.

27. The Company shall not, out of any money by this Act or any other Act relating to the Company authorised to be raised, pay interest or dividend 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."

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

28. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which by any standing order of either House of Parliament, now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any railway or to execute any work or undertaking.

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

29. 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.

30. 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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