CHAPTER cxxxiii.

An Act to enable the City of Glasgow Union Railway Company to construct a short new Railway; to abandon certain authorised Railways; to convert, consolidate and re-arrange some of their Stocks and Shares; and for other purposes. [18th July 1881.] A.D. 1881.

WHEREAS, by the City of Glasgow Union Railway Acts, 1864, 1865, 1867, 1869, 1871, 1872, 1873, 1874 and 1876 (herein-after called "the recited Acts"), the City of Glasgow Union Railway Company (herein-after called "the Company") were incorporated, and 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 these purposes to raise divers sums of money by shares and on loan:

27 & 28 Vict. c. cclxxxvi.
28 & 29 Vict. c. ccxlvii.
30 & 31 Vict. c. clxvi.
32 & 33 Vict. c. lxxxi.
34 & 35 Vict. c. cxxvi.
35 & 36 Vict. c. cxv.
36 & 37 Vict. c. clxxxix.
37 & 38 Vict. c. lxi.
39 & 40 Vict. c. xxxv.

And whereas the undertaking of the Company has for some years been constructed and opened for traffic:

And whereas it is expedient that the Company be empowered to construct the short new railway herein-after described:

And whereas a sum of six thousand seven hundred and twenty pounds was deposited in respect of the application by the Company for the City of Glasgow Union Railway Act, 1865 (herein-after called "the Act of 1865"), in the Union Bank of Scotland, in the name and with the privity of the Queen's Remembrancer of the Court of Exchequer in Scotland, as security for the completion of the railways of the Company by that Act authorised, and respectively described in section 16 of that Act as deviation railways one, two and three, and of which deviation railways, number one has been completed and opened for traffic, number two in so far as not completed and opened for traffic was abandoned in terms of the fourteenth section of the City of Glasgow Union Railway Act, 1869, and number three was abandoned in terms of the fourteenth section of the City of Glasgow Union Railway Act, 1872:

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And whereas the time for completing the deviation railways numbers one and three authorised by the Act of 1865, as well as for completing other railways and works authorised by the City of Glasgow Union Railway Act, 1864 (herein-after called "the Act of 1864"), and the City of Glasgow Union Railway Act, 1867 (herein-after called "the Act of 1867"), was extended by a warrant granted by the Board of Trade, dated the twenty-fifth day of August, one thousand eight hundred and sixty-nine; but subject to the provision "that the sum of six thousand seven hundred and twenty pounds "mentioned in the fifty-second section of the Act of 1865 as having "been deposited in respect to the application for that Act, and "which sum still remains deposited as in that Act mentioned, shall "continue to remain so deposited until all the portions of railways "and works herein-before mentioned, or so much thereof respec-"tively as shall not either by Parliament or by the Board of Trade "after due inquiry be permitted to be abandoned, shall have been "completed and opened for the public conveyance of passengers, "notwithstanding anything to the contrary in the said fifty-"second section contained":

And whereas the position of the railways and works in security for the completion of which it was provided by the recited warrant by the Board of Trade that the said sum of six thousand seven hundred and twenty pounds should remain deposited is as follows:

Of railways authorised by the Act of 1864, and numbered respectively in the twenty-fourth section of that Act, and in the warrant of the Board of Trade numbers one, two, three, four, six and seven; numbers one and six are constructed and opened for traffic, number four has been abandoned in terms of section thirty-three of the Glasgow and Kilmarnock Joint Line and Caledonian Railway Act, 1872; numbers two and three, being connexions with the railway of the Caledonian Railway Company, have not been constructed, and number seven having been rendered unnecessary by the railway authorised by the Glasgow and South Western Railway Act, 1878, and secondly described in the fourth section of that Act, has not been constructed; the obligation to re-constitute and re-arrange certain properties, sites and buildings, imposed by section thirty-five of the Act of 1864, has been repealed by the fifth section of the Glasgow and South Western Railway Act, 1878; the formation of the street authorised by section thirty-six of the Act of 1864, has been completed.

35 & 36 Vict. c. cxxxviii.

41 & 42 Vict. c. cciv.

Of railways authorised by the Act of 1865, and numbered respectively in the sixteenth section of that Act, and in the warrant of the Board of Trade, numbers one and three; number one has been completed and opened for traffic, and number three has

been abandoned, in terms of section fourteen of the City of Glasgow Union Railway Act, 1872.

Of railways and works authorised by the Act of 1867, and numbered respectively one, three and four, in the sixth section of that Act; numbers one and four have been completed and opened for traffic, and number three having been rendered unnecessary by the railway authorised by the City of Glasgow Union Railway Act, 1873, and described in the fourth section of that Act, has not been constructed; and the acquisition of additional lands at Sighthill authorised by the Act of 1867 and numbered five in the warrant by the Board of Trade has been carried into effect.

And whereas the railways and works above mentioned which have not been constructed and which have not been authorised to be abandoned are now unnecessary:

And whereas it is expedient that the Company should be enabled to abandon the last-mentioned railways and works and that they should be authorised to uplift the aforesaid sum of six thousand seven hundred and twenty pounds deposited as aforesaid:

And whereas the Company have created and issued under the powers of the recited Acts the several classes and amounts of guaranteed and preference stocks and shares set forth in the schedule to this Act, and it is expedient that they should be empowered to convert, consolidate and re-arrange such stocks and shares in manner by this Act provided:

And whereas plans and sections of the new railway, showing the lines and levels thereof respectively, with a book of reference to the plans containing the names of the owners or reputed owners, lessees or reputed lessees and of the occupiers of the lands to be taken for the purposes of this Act, have been deposited with the principal sheriff clerk of the county of Lanark; and those plans, sections and book of reference are in this Act referred to as the deposited plans, sections and book of reference:

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

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

Short title.

1. This Act may be cited for all purposes as the City of Glasgow Union Railway Act, 1881, and the recited Acts and this Act may be cited together as the City of Glasgow Union Railway Acts, 1864 to 1881.

Incorporation of Lands and Railways Clauses Acts. 8 & 9 Vict. c. 19. 23 & 24 Vict. c. 106. 8 & 9 Vict. c. 33. 26 & 27 Vict. c. 92.

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. of the Railways Clauses Act, 1863, relating to construction of a railway, are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation clause.

3. In this Act, the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith, have the same respective meanings, unless there be something in the subject or context repugnant to such construction;

The expression "the Company" means the City of Glasgow Union Railway Company;

The expression "the railway" means the new railway and works, authorised by this Act.

Power to construct new railway and take lands.

4. 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 railway herein-after described, with all proper stations, approaches, works and conveniences connected therewith, and may enter upon, take and use, such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act is:

A railway, four furlongs and one hundred and seventy yards in length, situate within the parish of Springburn and partly within the Royal Burgh of Glasgow, in the county of Lanark, commencing by a junction with the City of Glasgow Union Railway, at a point on that railway one hundred and twenty-one yards or thereabouts, measuring in a northernly direction along the rails of that railway from the northern face of the bridge carrying the Garngad turnpike road over the City of Glasgow Union Railway, and terminating in the Blochairn Works, belonging to the Steel Company of Scotland, Limited, at a point sixty-five yards or thereabouts, measuring in a north-north-easterly direction from the northmost corner of the cottage called Burnbank, on the ordnance survey map (scale six inches to a mile) of the parish of Springburn.

Provided that it shall not be lawful for the Company to take or use any lands for the purposes of the railway, except roads or highways, unless by agreement with the owners, lessees and occupiers thereof.

Period for compulsory purchase of lands.

5. 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.

6. The railway shall be completed within three years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for executing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Penalty imposed unless the line is opened within the time limited

7. If the Company fail within the period limited by this Act to complete the railway 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 railway is 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 works, and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act, 1854, and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of the Queen's Remembrancer of the Court of Exchequer in Scotland, in the bank specified in such warrant or order, and shall not be paid thereout except as herein-after provided, but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening such line by unforeseen accident or circumstance beyond their control: Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

17 & 18 Vict. c. 31.

Application of penalty.

8. Every sum of money so recovered by way of penalty 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 sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect

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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 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 said Court 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 said 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.

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

9. 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 by this Act authorised, 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 City of Glasgow Union Railway Act, 1864, been authorised to acquire, make and maintain the same.

Parts of authorised railways and works to be abandoned.

10. The Company shall abandon the construction of the following portions of their authorised railways and works (that is to say):—

(*a.*) The railways authorised by the Act of 1864, respectively described secondly, thirdly and seventhly in the twenty-fourth section of that Act;

(*b.*) The railway authorised by the Act of 1867, and thirdly described in the sixth section of that Act;

And the Company shall, except only as is by this Act expressly provided, be absolutely freed and discharged from all obligations with respect to the making and maintaining of the aforesaid railways and works, and from all penalties and liabilities which they have incurred or may incur by reason of the non-completion thereof or any part thereof.

Compensation for damage to land by entry, &c., for purposes of railways abandoned.

11. The abandonment by the Company, under the authority of this Act, of any portion of any railway or works, shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of the Lands Clauses Consolidation (Scotland) Act, 1845, for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to

ascertain the nature of the soil, or setting out of the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company as the case may be, to receive compensation in accordance with the provisions in that behalf of the Railways Clauses Consolidation (Scotland) Act, 1845, for such temporary occupation, or for any loss, damage or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such lands, of any of the powers contained in the last-mentioned Act or the recited Acts.

Compensation to be made in respect of portions of railways abandoned.

12. Where, before the passing of this Act, any contract may have been entered into, or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the railways or works authorised to be abandoned by this Act, the Company shall be released from all liability to purchase or complete the purchase of any such lands, but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands, for all injury or damage sustained by them respectively, by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation (Scotland) Act, 1845, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Providing for release of deposit.

13. Subject to the provisions of the recited Acts with respect to the compensation of landowners or other persons injured and protection of creditors, the Court of Exchequer in Scotland may, and shall at any time after the passing of this Act on application by the persons or the majority of the persons named in the warrant or order mentioned in section fifty-two of the Act of 1865, or the survivors or survivor of them or the heir of the last survivor by petition in a summary way, order that the sum of six thousand seven hundred and twenty pounds mentioned in that section, or the stocks, funds, or securities, in or upon which the same may have been invested, and the interest or dividends thereof shall be transferred or paid to the person or persons so applying, or to any other person or persons whom they or he may appoint in that behalf, and upon such order being made the said sum of money or stocks, funds, securities and any interest or dividends thereon shall be transferred or paid to such person or persons accordingly.

Directors may prepare a scheme for

14. The directors of the Company (herein-after called "the directors") may prepare a scheme for the consolidation, or con-

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consolidation of preference stocks or shares.

version of all or any of the classes of stock or shares (herein-after called "preference stock") in the capital of the Company specified in the schedule to this Act, or of such portions of the said classes of stock or shares respectively into one or more class or classes of new shares or stock (herein-after called "new stock") of such name or names, and amount or amounts respectively, and bearing respectively such rate of dividend, and having attached thereto respectively such rights, liens, guarantees, priorities and privileges, present or contingent, and such conditions and restrictions as shall be defined in such scheme: Provided always that the amount of fixed dividend payable to the holders of any class of preference stock shall not be diminished or increased by such scheme, and that no existing lien or guarantee affecting any shares or stock of the Company, shall be prejudiced by such scheme, and that the restrictions of section fourteen of the Companies Clauses Act, 1863, shall apply to such new stock.

Copy of the scheme to be sent to the shareholders.

15. The directors shall send a copy of the scheme at the same time to every shareholder of the Company, with a notice that the scheme will be submitted to the consideration of separate meetings of the holders of the different classes of preference stock to which it relates, or which may be affected thereby, and thereafter, if or in so far as approved of at such meeting, to the consideration of a meeting of the shareholders of the Company.

Separate meetings of preference shareholders.

16. Each such separate meeting shall be called by the directors in the same manner as an extraordinary general meeting of the Company, and shall be held not sooner than one month, nor later than two months after the copies of the scheme shall have been sent to the shareholders, and the directors shall submit the scheme to the meeting for their consideration and approval, and they, or any of them, may be present at the meeting, but shall not be entitled to vote thereat, unless and except in so far as they are holders of preference stock in the class represented at such meeting.

Approval of three-fourths of paid-up capital represented at the meeting necessary.

17. The scheme shall not be considered as approved of at any such separate meeting, unless it be approved of by the holders, present in person or by proxy, of at least three-fourths of the paid-up preference stock represented at such meeting.

Objection not to be taken to alteration in priority of stock by holders of later preference stock.

18. No proprietor of preference stock shall be entitled to object to the scheme on the ground of any alteration therein proposed in the priority of any stock which, at the time, is entitled to priority over the preference stock held by such proprietor.

Scheme so far as approved of at the separate meetings to be submitted to an extraordinary meeting and carried into effect.

19. If the scheme shall be approved at all the separate meetings, or at some of them, the directors shall submit the same to the consideration of an extraordinary general meeting of the shareholders of the Company, to be held within one month after the last of such separate meetings; and the shareholders present in person or by proxy at such extraordinary general meeting, and entitled to vote thereat, may, if they think fit, by a majority of votes, according to the scale of voting prescribed by the Company's Acts, sanction the entire scheme, if it has been approved of at all the separate meetings, or otherwise of so much of the scheme as can be carried out without interfering with the priority of any class of preference stock, the holders of which shall not have approved of the scheme in manner aforesaid; and the scheme, in so far as thus approved of and sanctioned, but not otherwise, shall be carried into effect.

On the failure of scheme, wholly or in part, new scheme may be prepared

20. In the event of the failure of any scheme, wholly or in part from any cause other than and except the same being rejected at an extraordinary general meeting of the shareholders of the Company, the directors may, if and as often as they think fit, prepare a new scheme in lieu of any previous scheme or portion of a scheme which has so failed, and every such new scheme shall be dealt with, and shall have effect in all respects as is herein-before provided with respect to the original scheme.

New stock to be given in lieu of preference stock.

21. For the purpose of carrying any scheme or portion of a scheme which has been approved of and sanctioned as aforesaid into effect, the directors may and shall create and issue new stock of the class, name and nominal amount, or of the respective classes, names and nominal amounts, and with the incidents specified in such scheme or portion of a scheme in lieu of the preference stock to be consolidated or converted as therein mentioned, and shall furnish to every holder of such preference stock, free of charge, a certificate for the amount of new stock in each class (if more than one) to which he is entitled; and after the creation and issue of such new stock the preference stock in lieu of which the same is issued, and the certificates of such preference stock shall be deemed to be cancelled, and the new stock shall vest in the holders thereof upon and subject to the same trusts, agreements, covenants, conditions, engagements and liabilities, as the preference stock in respect of which it was issued, and so as to give effect to and not revoke any will or testamentary disposition of or affecting such preference stock.

Provisions as to general railway Acts.

22. Nothing herein contained shall be deemed or construed to exempt the railway from the provisions of any general Act re-

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lating 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 authorised by this Act or by any Act relating to the Company.

Expenses of Act.

23. 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.

SCHEDULE referred to in the foregoing Act.

PREFERENCE AND GUARANTEED SHARES AND STOCK OF THE COMPANY.

Date of Creation.	Description.	Rate of Preferential Dividend.	Amount created.	Amount received.
			£	£
19th October, 1869 -	College Station Stock -	5 per cent. in Perpetuity	100,000	100,000
21st August, 1868 -	(A) Preference Shares of £10 each.	5 per cent. in Perpetuity	200,000	200,000
11th September, 1871	(B) Preference Shares of £10 each.	5 per cent. in Perpetuity	250,000	250,000
27th April, 1874 -	(C) Preference Shares of £10 each.	5 per cent. in Perpetuity	250,000	250,000
27th April, 1874 -	(D) Preference Shares of £10 each.	5 per cent. in Perpetuity	400,000	400,000
26th June, 1876 -	(E) Preference Shares of £10 each.	5 per cent. in Perpetuity	350,000	350,000
26th June, 1876 -	(F) Preference Shares of £10 each.	5 per cent. in Perpetuity	200,000	200,000

LONDON : Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1881.