CHAPTER clxxxv.

An Act to provide for the partition between the Glasgow and South Western Railway Company and the North British Railway Company of the Undertaking of the City of Glasgow Union Railway Company and for other purposes. [7th August 1896.]

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WHEREAS the undertaking of the City of Glasgow Union Railway Company (in this Act called "the City Union Company") consists of a system of railways authorised by the Acts or some of the Acts mentioned in the First Schedule to this Act (in this Act referred to as "the City Union Acts") and the lands and works connected therewith (all of which are in this Act included in the expression "the City Union Railway" which expression also includes the interest of the City Union Company in the joint line herein-after referred to):

And whereas the City Union Company are also joint owners with the North British Railway Company (in this Act called "the North British Company") of a short line of railway between Sword Street Junction and College East Junction (in this Act referred to as "the joint line") and lands connected therewith including certain lands west of College East Junction:

And whereas the City Union Railway is connected with the railways of the Glasgow and South Western Railway Company (in this Act called "the South Western Company") and of the North British Company and is worked exclusively by those two Companies (in this Act referred to as "the two Companies") who respectively run their own trains over certain parts thereof:

And whereas the Second Schedule to this Act contains a statement of the capital of the City Union Company and the two Companies hold between them the whole of the ordinary share capital in that Company:

And whereas it is expedient that the City Union Railway should be partitioned between the two Companies in manner provided by

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this Act and that the City Union Company should be dissolved and that such other provisions should be made as are herein-after contained:

And whereas the objects aforesaid 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 Partition Act 1896.

Incorporation of general Acts.

2. Part V. (Amalgamation) of the Railways Clauses Act 1863 and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 are except where expressly varied by or inconsistent with the provisions of this Act incorporated with and form part of this Act.

Interpretation.

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

The expression "the South Western portion of the City Union Railway" means and includes so much of the City Union Railway as lies west and south of College East Junction and the lands buildings property rights powers and authorities of the City Union Company in connexion therewith including a right in perpetuity to the existing junction between the lines of the City Union Company and the lines of the North British Company near Sydney Street but exclusive of any portion of the land west of College East Junction owned jointly by the City Union Company and the North British Company except such part thereof as may hereafter be agreed upon between the two Companies and exclusive also of that portion of the College Station ground or lands sometime belonging to the City Union Company now to the North British Company and all right and interest of every kind of the City Union Company in said portion of said lands:

The expression "the North British portion of the City Union Railway" means and includes so much of the City Union Railway as lies east and north of College East Junction and the lands buildings property rights powers and authorities of the City Union Company in connexion therewith and also the

City Union Company's interest in the joint line and lands connected therewith including the land west of College East Junction owned jointly by the City Union Company and the North British Company except such part thereof as may hereafter be agreed upon between the two Companies and together with the signal cabin controlling the said junction and the junction of the South Western Company's College Goods Yard with the railway of the North British Company:

The expression "the date of vesting" means the first day of August one thousand eight hundred and ninety-six.

Vesting South Western portion of City Union Railway.

4. As on and from the date of vesting the South Western portion of the City Union Railway shall by virtue of and subject to the provisions of this Act be transferred to and vested in the South Western Company solely freed and discharged from all claims rights or interests (except the running powers and traffic facilities between the two Companies applicable to their respective systems and except as expressly provided by this Act) of the North British Company and the City Union Company or either of them therein or thereto arising under agreements between the two Companies or either of them with the City Union Company or under the City Union Acts or any of them or otherwise:

The said vesting shall be deemed to be an amalgamation of the South Western portion of the City Union Railway with the undertaking of the South Western Company within the meaning of Part V. (relating to amalgamation) of the Railways Clauses Act 1863 and the provisions of the said Part V. shall extend and apply thereto accordingly so far as the same are not inconsistent with or varied by the provisions in this Act contained.

Rates and charges on South Western portion of City Union Railway.

5. As on and from the date of vesting the provisions with respect to rates and charges and also tolls contained in the City Union Acts shall cease to apply to the South Western portion of the City Union Railway and that portion shall for the purposes of maximum rates and charges for merchandise traffic (including perishable merchandise by passenger train) be part of the railway of the South Western 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 purposes of tolls and passenger fares be part of the undertaking of the South Western Company as it existed at the date of the passing of the Glasgow and South Western Railway Consolidation Act 1855.

Vesting North

6. As on and from the date of vesting the North British portion of the City Union Railway shall by virtue of and subject

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British portion of City Union Railway.

to the provisions of this Act be transferred to and vested in the North British Company solely freed and discharged from all claims rights or interests (except the running powers and traffic facilities between the two Companies applicable to their respective systems and except as expressly provided by this Act) of the South Western Company and the City Union Company or either of them therein or thereto arising under agreements between the two Companies or either of them with the City Union Company or under the City Union Acts or any of them or otherwise:

The said vesting shall be deemed to be an amalgamation of the North British portion of the City Union Railway with the undertaking of the North British Company within the meaning of Part V. (relating to amalgamation) of the Railways Clauses Act 1863 and the provisions of the said Part V. shall extend and apply thereto accordingly so far as the same are not inconsistent with or varied by the provisions in this Act contained.

Rates and charges on North British portion of City Union Railway.

7. As on and from the date of vesting the provisions with respect to rates and charges and also tolls contained in the City Union Acts shall cease to apply to the North British portion of the City Union Railway and that portion shall for the purposes of maximum rates and charges for merchandise traffic (including perishable merchandise by passenger train) be part of the railway of the North British Company as if the same had been part of the North British Railway at the date of the passing of the Railway Rates and Charges No. 25 (North British Railway &c.) Order Confirmation Act 1892 and Scale II. of Part I. in the Schedule to the Order confirmed by that Act as applicable to the Glasgow and Coatbridge and other railways classed therewith shall be applicable to the said portion of the City Union Railway and the same tolls and passenger fares shall apply to the said portion of the City Union Railway as are applicable to the said Glasgow and Coatbridge Railway.

City Union Company dissolved.

8. As soon as conveniently may be after the date of vesting the City Union Company shall proceed to wind up their affairs and so soon as their affairs shall have been wound up the City Union Company shall by virtue of this Act be dissolved and cease to exist.

Deeds &c. to be delivered to South Western Company.

9. The City Union Company shall on the date of vesting hand over to the South Western Company and to the North British Company respectively all conveyances dispositions leases deeds agreements and property plans and parliamentary plans and sections books of reference plans and documents of title in their possession relating to the land purchased or leased by or held in trust for or

otherwise in any way affecting the undertaking of the City Union Company and also the whole moveable or personal property and effects of the City Union Company relating specifically to the South Western and to the North British portions respectively of the City Union Railway and at the date of dissolution of the City Union Company that Company shall hand over to the South Western Company all other conveyances dispositions leases deeds agreements plans sections books of reference documents of title property and effects of the City Union Company not specifically relating to the South Western and North British portions respectively of the City Union Railway together with their common seal and all books of account minute books registers transfer books and all other books or documents relating to the internal affairs of the City Union Company Provided always that the North British Company shall have access free of charge at all reasonable times to all such last-mentioned conveyances and other documents and the South Western Company shall at all reasonable times allow the North British Company to have access to all such conveyances and other documents as shall be required by the North British Company and shall when so required by the North British Company produce the same in any court of law or lend the same to the North British Company on an obligation by that company to re-deliver the same within a reasonable time.

As to assets of City Union Company at date of vesting.

10. All capital sums belonging or owing to the City Union Company at the date of vesting (including any balance of the Saint Enoch Station account due to the City Union Company by the South Western Company at the date of vesting which shall be accounted for by the South Western Company in carrying out the provisions of this section) shall belong and be payable to and be divided between the two Companies in the proportion of sixty per centum to the South Western Company and forty per centum to the North British Company and any balance remaining to the credit of the revenue account of the City Union Company or due to that Company on revenue account at the date of vesting shall belong and be payable to and be divided between the two Companies in equal shares.

As to debts of City Union Company at date of vesting.

11. For all capital sums owing by the City Union Company at the date of vesting on terminable securities or otherwise the two Companies shall be jointly and severally liable but such sums shall (as between the two Companies and the City Union Company) be paid by the two Companies as and when they fall due or at such earlier date as may be agreed upon with the holders of any such

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securities or other creditors in the proportion of sixty per centum by the South Western Company and forty per centum by the North British Company and all dividends then unclaimed shall be equally divided between the two Companies and the two Companies shall be jointly and equally liable for any subsequent claim for such dividends and for any other sums at the date of vesting owing by the City Union Company on revenue account.

Issue of stocks of two Companies to City Union debenture stockholders.

12. On and after the date of vesting every holder of debenture stock of the City Union Company shall in lieu of and in exchange for the debenture stock of that Company held by him become and be the holder of such a sum of debenture stock of the South Western Company as will produce by way of interest or dividend sixty per centum of the income which at the date of vesting he was entitled to receive in respect of the debenture stock of the City Union Company held by him and shall also become and be the holder of such a sum of three pounds per centum debenture stock of the North British Company as will produce by way of interest or dividend the remaining forty per centum of the income to which he is entitled as aforesaid.

Issue of stocks of two Companies to City Union preference stockholders.

13. On and after the date of vesting every holder of any preference stock or stocks of the City Union Company including the College Station stock shall in lieu of and in exchange for the preference stock or stocks of that Company held by him become and be the holder of such a sum of debenture stock of the South Western Company as will produce by way of interest or dividend sixty per centum of the income which at the date of vesting he was entitled to receive in respect of the preference stock or stocks of the City Union Company held by him and shall also become and be the holder of such a sum of three pounds per centum debenture stock of the North British Company as will produce by way of interest or dividend the remaining forty per centum of the income to which he is entitled as aforesaid.

Owners of stocks in City Union Company to receive certificates of stocks of the two Companies.

14. On and after the date of vesting every owner of stock or stocks of the City Union Company shall upon proof of ownership to the reasonable satisfaction of the two Companies and upon surrender to the two Companies or one of them of the certificates for the stock or stocks held by him or proof to the reasonable satisfaction of the two Companies of the loss or destruction thereof be entitled to receive and shall receive from the South Western Company and the North British Company respectively free of charge certificates of the debenture stocks of those companies respectively to which such owner is entitled under the provisions

of this Act and when such new certificates are issued the certificates for which they are exchanged shall be deemed to be cancelled Provided always that neither of the two Companies shall be required to issue any new certificate unless and until the existing certificate in substitution for which it is issued is given up to be cancelled or is proved to the reasonable satisfaction of the two Companies to have been lost or destroyed And if any holder of such stock or stocks of the City Union Company neglect or omit to send or deliver his certificate to the two Companies or one of them or to prove the loss or destruction thereof to the reasonable satisfaction of the two Companies for the period of two years after notice in writing addressed to his last known place of abode the two Companies or either of them may suspend the payment of any dividend declared or made payable upon or in respect of the stock or stocks held by him until such existing certificate is sent or delivered to the two Companies or one of them or its loss or destruction is proved as aforesaid.

Substituted stock to be held on same trusts as the stocks or shares for which it is substituted.

15. All debenture stock issued to the holders of stock or stocks in the City Union Company under the powers of this Act shall be held subject to the same trusts and obligations as those upon or to which the stock or stocks in the capital of the City Union Company in respect of which such debenture stock is substituted were immediately before the date of dissolution held or subject and so as to give effect to and not revoke any deed will or other instrument disposing of or affecting any such stock or stocks in the capital of the City Union Company and every such deed will or other instrument affecting such stock or stocks shall be held to apply to the debenture stock or a proportionate part of the debenture stock so substituted therefor.

As to fractional parts of a pound of stock.

16. Notwithstanding anything in this Act contained no holder of stock or stocks of the City Union Company shall become entitled under this Act to any fractional part of a pound of debenture stock in the capital of either of the two Companies but in every case in which any such holder would but for this enactment have become entitled to a fractional part of a pound of any such stock the two Companies respectively may at their option pay to such holder such a sum in cash as shall be equal to the market value of such fractional part or receive from such holder such an amount in cash as will make up the amount of stock to be issued to him to an integral number of pounds.

South Western

17. As on and from the date of vesting there shall be created by virtue of this Act and without further or other authority in addition

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debenture stock created.

to any other debenture stock which the South Western Company are by any other Act authorised to create and issue debenture stock of the South Western Company to such an amount as may be necessary to carry into effect the foregoing provisions of this Act and the interest of all such debenture stock shall rank pari passu with the interest of all mortgages at any time after the passing of this Act created by the South Western Company and shall have priority over all principal moneys secured by such mortgages The rate of interest to be attached to such debenture stock shall be the rate payable on the other debenture stock of the South Western Company at the date of vesting.

North British debenture stock created.

18. As on and from the date of vesting there shall be created by virtue of this Act and without further or other authority in addition to any other debenture stock which the North British Company are by any other Act authorised to create and issue three per centum debenture stock of the North British Company to such an amount as may be necessary to carry into effect the foregoing provisions of this Act Such debenture stock shall rank pari passu with all debenture stock created subject to the provisions of section 63 of the North British Railway Act 1895 and the provisions of that section shall subject to the provisions of this Act apply thereto.

Cancelling ordinary shares of City Union Company.

19. As on and from the date of vesting the ordinary share capital in the City Union Company held by the South Western Company and the North British Company respectively shall be and the same is hereby cancelled and the South Western Company shall on that date pay to the North British Company for equality of partition the sum of forty-five thousand pounds and the South Western Company may apply to the purposes of this section any sums of money which they have already raised or are authorised to raise by this Act or by any of their Acts and which are not required for the purposes to which they are by those Acts made specially applicable.

Repealing unexercised capital powers of City Union Company.

20. All unexercised powers of raising money conferred upon the City Union Company by the City Union Acts or any of them are hereby repealed.

Releasing College Station lands from rent and also from lien in respect of

21. As on and from the date of vesting and in consideration of the substitution under this Act of stocks of the two Companies for the College Station stock of the City Union Company the College Station ground or lands mentioned or referred to in sections 35 and 36 of the City of Glasgow Union Railway Act 1869 shall be and are hereby released and discharged from the payment of

College Station stock.

the cumulo rent ground annual rentcharge or real burden of five thousand pounds per annum and every part of the said sum affecting the said ground or lands under or in virtue of the said thirty-fifth section or any deeds agreements dispositions or otherwise and also from the real lien and security created by the said thirty-sixth section or otherwise and from all claims and demands in respect thereof and from all dividends or other moneys charged on the said lands under or by virtue of the provisions of the said thirty-sixth section in respect of the said College Station stock or otherwise.

Traffic and other arrangements.

22. From and after the date of vesting the following provisions shall unless and until otherwise agreed between the South Western Company and the North British Company be observed and have effect (that is to say):—

(1) The South Western Company shall pay one half of the cost of maintaining and working the College East Junction and the junction of the South Western Company's College Goods Yard with the railway of the North British Company:

(2) The South Western Company shall be entitled in perpetuity to the use free of charge of College East Junction for their trains entering or leaving College Goods Yard:

(3) The North British Company shall if so required by notice from the South Western Company in writing and within one year after the receipt of such notice remove the signal cabin controlling the said junctions but no rent in respect of the said signal cabin shall be charged by the South Western Company to the North British Company so long as it shall remain in its present position:

(4) The North British Company shall continue to exchange traffic from their line to the South Western Company's line at St. John's sidings and the South Western Company shall continue to exchange traffic from their line to the North British Company's line at College North British Yard the division of the receipts to be as from College East Junction:

(5) The amounts in respect of toll and use of stations payable to each of the two Companies by the other shall be regulated by the agreement set forth in Schedule (C.) to the North British and Edinburgh and Glasgow Railway Companies Amalgamation Act 1865 Provided always that the following special tolls and charges shall be paid as between the two Companies:—

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	Toll.	Station Terminals.	Allowance for Clerkage &c.
By the North British Company.			
To and from Scotland Street. (For General Terminus.)			
To and from Pollok or Shields Junctions. (For Cessnock Dock.)			
Minerals per ton - -	2*d.*	—	——
Goods „ - -	2*d.*	—	——
Live stock per truck -	6*d.*	—	——
To and from Shields Road Goods Station.			
Minerals per ton - -	2*d.*	3*d.*	As now in operation at Greenock and Paisley for minerals and goods and as may be arranged for live stock.
Goods „ - -	2*d.*	9*d.*	
Live stock per truck -	6*d.*	1*s.*	
By the Glasgow and South Western Company.			
To and from Atlas Engine Works and Blochairn Steel Works.			
Minerals per ton - -	2*d.*	—	——
Goods „ - -	2*d.*	—	——
To and from Springburn Barnhill Garngad Haghill and Bellgrove Stations.			
Minerals per ton - -	2*d.*	3*d.*	As now in operation at Greenock and Paisley for minerals and goods and as may be arranged for live stock.
Goods „ - -	2*d.*	9*d.*	
Live stock—			
For Bellgrove Station -	4*d.*	1*s.*	
For other stations -	6*d.*	1*s.*	

The toll for ore pig iron limestone sand and other similar traffic conveyed at rates not exceeding ninepence per ton shall be three halfpence per ton and the tolls on coaching traffic shall remain as at present.

Running powers to South Western and North British Companies.

23. From and after the date of vesting and subject to the provisions of this Act and without prejudice to the provisions of the agreements and decree set forth in section 19 of the Glasgow and South Western Railway Act 1889 except as the same may be modified by this section the South Western Company shall be entitled by means of any junction to run over and use with their engines trucks and carriages of every description the North British portion of the City Union Railway and the North British Company

shall be entitled by means of any junction to run over and use with their engines trucks and carriages of every description the South Western portion of the City Union Railway and except as hereinbefore provided the amounts in respect of toll and use of stations payable to each of the two Companies by the other shall be regulated by the said agreements.

For the protection of Sharp Stewart and Company Limited.

24.—(1) In the event of the South Western Company at any time failing after request in writing from Sharp Stewart and Company Limited or the proprietors for the time being of the Atlas Engine Works (herein-after called "the owners") to exercise their running powers over the North British portion of the City Union Railway between College East Junction and the said works of the owners in connexion with traffic to or from the said works which has passed or is intended to pass over the railway of the South Western Company or any portion thereof or to afford reasonable facilities for the receiving forwarding and delivery of such traffic the owners may make complaint to the Railway and Canal Commission and if that Commission shall after full inquiry decide that the request of the owners was reasonable and that the South Western Company have unreasonably failed to comply with such request then the Caledonian Railway Company for the purposes of traffic to and from the said works which has passed or is intended to pass over the railway of the Caledonian Railway Company or any portion thereof may run over and use that part of the North British portion of the City Union Railway between the said works and Sighthill Junction and over the railway of the North British Company between the said Sighthill Junction and Sighthill East Junction with the Caledonian Railway and all junctions sidings stations watering-places works and other conveniences upon or connected therewith but such powers shall be exercised by the Caledonian Railway Company only if and so long as they are required to do so by the owners.

(2) The Caledonian Railway Company shall pay to the North British Company for and in respect of the exercise of the running powers herein-before mentioned the tolls by this Act specified to be paid by the South Western Company in respect of traffic conveyed by them over the North British portion of the City Union line to and from the Atlas Engine Works Such running powers shall at all times be exercised subject to and in accordance with the byelaws and regulations of the North British Company in force for the time being.

(3) In the event of the running powers above provided for in favour of the Caledonian Railway Company becoming exerciseable

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the running powers possessed by the South Western Company between College East Junction and the Atlas Engine Works as regards traffic to and from the Atlas Engine Works shall cease and determine during such period or periods as the said running powers are exercised by the Caledonian Railway Company.

Provision as to general Railway Acts.

25. Nothing in this Act contained shall exempt the South Western Company or the North British Company or the City Union Company or their railways from the provisions of any general Act relating to railways or the better or 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 of the rates for small parcels authorised to be taken by the said Companies.

Costs of Act.

26. 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 two Companies in equal proportions.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

City Union Company's Acts.

1. City of Glasgow Union Railway Act 1864.
2. Edinburgh and Glasgow Railway (City Union) Act 1865.
3. City of Glasgow Union Railway Act 1865.
4. Edinburgh and Glasgow Railway (Coatbridge Branch) Act 1865.
5. Glasgow and South Western Railway (City of Glasgow Union) Act 1865.
6. City of Glasgow Union Railway Act 1867.
7. City of Glasgow Union Railway Act 1869.
8. City of Glasgow Union Railway Act 1871.
9. City of Glasgow Union Railway Act 1872.
10. City of Glasgow Union Railway Act 1873.
11. City of Glasgow Union Railway Act 1874.
12. City of Glasgow Union Railway Act 1876.
13. Glasgow and South Western Railway Act 1878.
14. City of Glasgow Union Railway Act 1881.
15. Glasgow and South Western Railway Act 1883.
16. North British Railway Act 1885.
17. North British Railway (Bridgeton Cross Extension) Act 1888.
18. Railway Rates and Charges No. 21 (City of Glasgow Union Railway) Order Confirmation Act 1892.
19. Glasgow and South Western Railway Act 1893.

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SECOND SCHEDULE.

STATEMENT OF THE CAPITAL OF THE CITY UNION COMPANY.

	£	*s.*	*d.*
Ordinary share capital - - - - - -	600,000	0	0
College Station stock - - - - - -	100,000	0	0
(C) Preference stock - - - - -	250,000	0	0
(F) Preference stock - - - - - -	200,000	0	0
Loans on terminable securities - - - -	25,700	0	0
Debenture stock - - - - - -	76,685	0	0

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