

[43 & 44 VICT.] *North British and Yoker Railway* [Ch. cxxxv.]
Companies Act, 1880.



CHAPTER cxxxv.

An Act to confirm an agreement between the Glasgow, Yoker, and Clydebank, and North British Railway Companies; and for other purposes. A.D. 1880.
[6th August 1880.]

WHEREAS by the Glasgow, Yoker, and Clydebank Railway Act, 1878 (in this Act called "the recited Act"), the Glasgow, Yoker, and Clydebank Railway Company (in this Act called "the Yoker Company") were incorporated and authorised to make the railways therein described, and in this Act referred to as "the Yoker Railway," for connecting the North British Railway at Stobcross with Yoker and Clydebank, with branches therefrom, and to raise a capital of eighty-five thousand pounds in ten pound shares, and to borrow on mortgage twenty-eight thousand three hundred pounds, and power was given to the North British Railway Company (section 19) to subscribe twenty-five thousand pounds towards the undertaking, and (section 60) to enter into working agreements with the Yoker Company: 41 & 42 Vict.
c. cl.

And whereas whilst the Bill for the recited Act was pending in Parliament an agreement for working the Yoker Railway and for other purposes was entered into between the promoters of the undertaking and the North British Railway Company, but that agreement was never sanctioned by Parliament:

And whereas another agreement has been entered into between the said two companies, which is set forth in the schedule to this Act, and it is expedient that such last-mentioned agreement should be confirmed:

And whereas by section 6 of the recited Act the Yoker Company and any company working or using the Yoker Railway are restricted from entering upon, taking, or using certain lands therein referred to, and such lands are required for the purposes of the railway, and the Yoker Company have obtained the consent of the persons owning

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A.D. 1880. — or claiming to be the owners of those lands for the sale thereof to the Yoker Company, and it is expedient that the said section should be repealed :

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 :

Short title. 1. This Act may be cited as the North British and Yoker Railway Companies Act, 1880.

Confirmation of new agreement. 2. The agreement between the Yoker Company of the first part and the North British Railway Company of the second part, dated the twelfth, thirteenth, and fourteenth days of November one thousand eight hundred and seventy-nine, as amended with respect to article ninth thereof, and set forth in the schedule to this Act, is hereby confirmed, and shall be carried into effect by the Yoker Company and the North British Railway Company respectively.

Tolls on traffic conveyed partly on Yoker Railway and partly on North British Railway. 3. During the continuance of the agreement hereby confirmed the Yoker Railway and the railways of the North British Railway Company shall for the purposes of short-distance tolls and charges be considered as one railway, and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the Yoker Railway and partly on the railways of the North British Railway Company for a less distance than three miles, tolls and charges may only be charged as for three miles ; and in respect of passengers, for every mile or fraction of a mile beyond three miles or any greater number of miles, tolls and charges as for one mile only ; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond three miles, tolls and charges as for a quarter of a mile only ; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the Yoker Railway and partly on the railways of the North British Railway Company.

Repeal of section 6 of 41 & 42 Vict. c. cl. Provisions of general Railway Acts.

4. Section 6 of the recited Act is hereby repealed.

5. Nothing in this Act contained shall exempt either of the said railway companies or their railways 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,

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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 those companies. A.D. 1880.

6. All costs, charges, and expenses of and incidental to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Yoker Company and the North British Company in equal proportions. Expenses of Act.

SCHEDULE referred to in the foregoing Act.

AGREEMENT between THE GLASGOW, YOKER, and CLYDEBANK RAILWAY COMPANY, incorporated by Act of Parliament (herein-after called "the Company"), of the first part and THE NORTH BRITISH RAILWAY COMPANY, incorporated by Act of Parliament (herein-after called "the second parties"), of the second part.

WHEREAS by an Act passed in the session of Parliament of the year 1878 a company was incorporated under the name or title of "The Glasgow, Yoker, and Clydebank Railway Company" for making a railway from the Stobcross Railway of the North British Railway Company to Yoker and Clydebank, with branches therefrom, and for other purposes (herein-after called "the railway"), and the parties hereto were thereby authorised to enter into agreements as to the maintenance, management, use, and working of the railway, and as to the fixing and apportionment of the tolls, rates, and revenues taken and levied or arising in respect of traffic thereon. And whereas the parties hereto have, with respect to the said several and other matters, agreed in manner under-written, therefore they bind and oblige themselves the one to the other accordingly in manner under-written; that is to say,

First. When and so soon as the share capital of the Company to the amount of sixty thousand pounds shall have been subscribed the second parties hereby engage to subscribe the sum of twenty-five thousand pounds towards the share capital of the Company, and shall pay the calls thereon simultaneously with the calls paid by the other shareholders of the Company, the railway shall be forthwith constructed by the Company in the first instance for a single line of rails, with land and over bridges sufficient for a double line.

Second. The second parties shall, for the period of ten years from the passing of the said Act, and for such further period from the expiry of said period, not exceeding ten years, as the Board of Trade may, after the lapse of said period, determine, work and manage the traffic of every description upon and maintain the railway, and shall provide the locomotive power, rolling stock, and plant of every kind and necessary for efficiently working the same.

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Third. For the accommodation of the passenger traffic between the west of Glasgow, Partick, and Stobcross on the one hand and Yoker and Clydebank on the other hand, the second parties shall from the opening of the railway for passenger traffic run at least two trains daily each way between Partick and Clydebank, stopping at Yoker, the hours and arrangements to be fixed by the joint committee herein-after provided for.

Fourth. The second parties shall have the power (save as herein-after mentioned in this article) of selecting and appointing all officers, agents, book-keepers, booking and other clerks, servants, porters, carters, surface men, and others employed or connected with the railway, or required for keeping in their general offices the accounts connected with the traffic of the same, or employed in superintending or directing or actually engaged in conducting the said traffic, and the said servants shall be paid by the second parties and shall be exclusively under their control, and the Company shall have the selection, appointment, and control of, and shall pay the secretary, treasurer, and other officers and servants required by them in the management of the capital, financial, and directorial departments of their undertaking.

Fifth. The second parties shall collect and receive all revenues due and payable for and in respect of the traffic and the working of the same as aforesaid, and shall monthly render to the Company's secretary statements and abstracts thereof for the month preceding, and shall also in the months of March and September in each year make up a statement of the gross earnings during the six months ending 31st January and 31st July preceding, and the amount thereof, under deduction of 50 per centum as remuneration to the second parties for working, managing, and maintaining the railway as aforesaid, shall thereupon be paid over by the second parties to the directors for the time being of the Company, or to their treasurer or secretary, or such banker or other person as they shall appoint to receive the same. Out of the share so accruing to them the Company shall pay the expenses of directors and the salaries of the secretary, treasurer, and other officers and servants appointed by them in the management of the capital, financial, and directorial departments of their undertaking, as also office expenses, passenger duty, rates and taxes, feu duties and interest upon their debenture and other debt, and dividends on the share capital.

Sixth. The local traffic, that is to say, traffic passing over the railway or part thereof only, and the fixing of the tolls, rates, and charges to be levied or taken in respect of such traffic, shall be managed and regulated by a joint committee, consisting of four persons, two of whom shall be named by the board of directors of the second parties and two by the directors of the Company, and the second parties shall have the appointment of the chairman of the said joint committee from out of the section of directors appointed by them, but he shall have no casting vote, and in the event of the sections of the committee being divided in opinion in regard to any matter provided by this agreement to be fixed or determined by the joint committee the difference shall be referred to arbitration in terms of the provisions of the Railway Companies Arbitration Act, 1859.

Seventh. The second parties shall have the right to fix the tolls, rates, and charges, including terminals, to be levied and taken in respect of the conveyance of all through traffic, that is to say, traffic passing partly over the railway or pa r

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thereof and partly over any portion of the North British Railway or other railways. In the case of through traffic originating or terminating on the North British Railway, the receipts arising therefrom, excluding terminal charges, shall be divided between the Company and the North British Railway Company rateably, according to the mileage over which such traffic shall pass on the railway and the railway of the North British Railway Company, and in the case of other through traffic the proportion of the receipts accruing therefrom to the Company and the North British Railway Company, excluding terminal charges, shall be divided as aforesaid between the Company and the North British Railway Company. The terminal charges for traffic originating or terminating on the North British Railway shall be—

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- (A.) *Parcels traffic.*—A terminal allowance to each company of one penny per parcel.
- (B.) *Goods traffic.*—When conveyed distances of not more than thirty miles a terminal allowance to each company of ninepence per ton. When conveyed for distances above thirty miles a terminal allowance to each company of one shilling and sixpence per ton.
- (C.) If the traffic included in sub-sections (A.) and (B.) be carted, the actual expense of such cartage shall be repaid to the Company incurring the same.
- (D.) *Mineral traffic.*—When conveyed distances less than eight miles a terminable allowance to each company of twopence per ton. When conveyed distances of eight miles and above a terminal allowance to each company of fourpence per ton.
- (E.) *Live stock traffic.*—A terminal allowance to each company of sixpence per waggon.

Eighth. The second parties shall cause to be kept regular books of accounts of all receipts, payments of money, and other transactions of or in relation to the several descriptions of traffic herein-before mentioned, and shall permit the secretary of the Company for the time being, or any other party duly authorised by the directors of the Company, to at all times have free access to and to inspect such book of accounts and all other documents relating to such traffic.

Ninth. In the event of the revenues arising from traffic passing over the railway, or part thereof only, being at any time during the currency of this agreement insufficient, after deducting 50 per centum for working expenses, and after defraying the expenses, salaries, the interest on debenture and other debts, and all other charges payable by the Company, to yield a dividend to the shareholders of the Company at the rate of $5\frac{1}{4}$ per centum per annum, the second parties shall pay to the Company in the months of March and September in each year such a sum as shall be sufficient to make up the said rate of dividend, if or so far as the share of the gross receipts accruing in such year to the second parties from the traffic passing over the North British Railway, or any part thereof, from or to the railway or any part thereof, after deducting 50 per centum thereof for working expenses, shall suffice to pay such deficiency. In the event of the second parties having to make good any deficiency of revenue under this article the same shall be repaid to them, with interest at the rate of

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Tenth. The second parties shall bonâ fide forward viâ the railways of the Company all traffic to stations thereon from or over the railways of the second parties or any part thereof, and vice versâ.

Eleventh. This agreement shall be subject to the approval of Parliament, and such modification therein as Parliament shall require.

Twelfth. All differences between the parties hereto in relation to this agreement, or as to the import and meaning thereof, shall be referred to arbitration under and in terms of the Railway Companies Arbitration Act, 1859.

Thirteenth. The second parties oblige themselves, in concert with the Company, to prosecute in the next session of Parliament a Bill to sanction this agreement, either by the confirmation thereof or by clauses to carry out its provisions, and should it not be found practicable to obtain the sanction of Parliament to this agreement in the next session of Parliament the parties oblige themselves to make application to Parliament in the following session for that purpose. And the parties hereto consent to registration hereof for preservation and execution. In witness whereof these presents, written on this and the three preceding pages of stamped paper by Colin Macfarlane, clerk to H. and R. Lamond, writers in Glasgow, are subscribed in duplicate by the parties hereto as follows; viz., by John Stirling, of Kippendaire, and George Robertson, Writer to the Signet in Edinburgh, two of the directors, and George Bradley Wieland, the secretary, all of the said North British Railway Company, for and on behalf of that company, the common seal of the said North British Railway Company being at the same time affixed hereto, all at Edinburgh, on the 12th day of November 1879, before these witnesses: James Fergusson and John Martin, both clerks in the secretary's office of the said North British Railway Company at Edinburgh, and by James Rodger Thomson, engineer and shipbuilder, Glasgow, Barnett Harvey, distiller, Yoker, and Alexander Shanks, engineer and shipbuilder, Yoker, three of the directors, and by Robert Peel Lamond, writer in Glasgow, for and on behalf of and as duly authorised by Henry Lamond, writer in Glasgow, the secretary, all of the said Glasgow, Yoker, and Clydebank Railway Company, for and on behalf thereof as follows; viz., by the said Alexander Shanks at Glasgow, on the 13th day of the month and year last mentioned, before these witnesses, Alexander Donald and Robert Stewart, both clerks to the said H. and R. Lamond, and by the said Barnett Harvey, James Rodger Thomson, and

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Robert Peel Lamond, the common seal of the said Glasgow, Yoker, and Clyde- A.D. 1880.
bank Railway Company being at the same time hereto affixed, all at Glasgow,
on the 14th day of said month and year last mentioned, before these witnesses,
James Bannatyne, junior, clerk, and William Lamont, apprentice, both to the
said H. and R. Lamond.

J. FERGUSSON, Witness.	(Signed)	JOHN STIRLING, Director.
JNO. MARTIN, Witness.	„	GEO. ROBERTSON, Director.
	„	G. B. WIELAND, Secy., N. B. Ry. Co.
JAS. BANNATINE, JUNR., Witness.	„	JAMES R. THOMSON, Director.
WILLIAM LAMONT, Witness.	„	BARNETT HARVEY, Director.
ALEX. DONALD, Witness.	„	ALEX. SHANKS.
ROBT. STEWART, Witness.	„	Per pro HENRY LAMOND, Secy., R. P. LAMOND.



