



ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. xix.

An Act to enable the *Dingwall and Skye* Railway Company to make Deviations of their authorized Line of Railway; and for other Purposes.

[29th May 1868.]

WHEREAS by "The *Dingwall and Skye* Railway Act, 1865," (herein-after called "the recited Act,") the *Dingwall and Skye* Railway Company (in this Act called "the Company") were incorporated, and were authorized to make and maintain a Railway from *Dingwall* in the County of *Ross* to *Kyle of Lochalsh* in the same County, and to raise for the Purposes of the said Act a Capital of Four hundred and fifty thousand Pounds in Shares, and to borrow the Sum of One hundred and fifty thousand Pounds on Mortgage: And whereas it is expedient that the Company should be authorized to make the new or deviated Lines of Railway, and the Pier at *Attadale*, herein-after specially described, and to abandon the Formation of so much of the Line of Railway authorized by the recited Act as will be rendered unnecessary by the Construction of the said new or deviated Lines of Railway: And whereas it is also expedient that the Company should be authorized, if they shall see fit, to construct and open for Traffic the Railway from *Dingwall* to *Attadale*, and the Pier at *Attadale*, in the first instance, and to raise so much of the Monies authorized by the

28 & 29 Vict.
c. ccxxiii.

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recited

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recited Act to be raised by Shares and upon Mortgage as may be necessary for that Purpose: And whereas the estimated Cost of constructing the Railway between *Dingwall* and *Attadale* and the Pier there is Two hundred and thirty-eight thousand five hundred Pounds: And whereas Plans and Sections of the said new or deviated Lines of Railway and Pier 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 Occupiers of the Lands to be taken for the Purposes of this Act, have been deposited in the Offices in the Towns of *Dingwall* and *Cromarty* respectively, of the Principal Sheriff Clerks of the Western District of the County of *Ross* and County of *Cromarty* respectively, and the said Plans, Sections, and Book of Reference are in this Act referred to as the deposited Plans, Sections, and Book of Reference, And whereas the new or deviated Lines of Railway hereby authorized will be constructed at a Cost considerably less than the Lines authorized by the recited Act for which they are in Substitution, and it is therefore expedient that the Capital of the Company should be reduced: And whereas it is expedient that the Time limited by the recited Act for the compulsory Purchase of Lands, and for completing the Railway and Works by that Act authorized, should be extended: And whereas it is expedient that some of the Powers and Provisions of the recited Act 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.

1. This Act may for all Purposes be cited as "*The Dingwall and Skye Railway (Deviations) Act, 1868.*"

8 & 9 Vict.
cc. 19. & 33.,
10 & 11 Vict.
c. 27.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
c. 92, incor-
porated.

2. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation (*Scotland*) Act, 1845," and Parts I. and II. (relating respectively to the Construction of a Railway and to Extension of Time) of "The Railways Clauses Act, 1863," and "The Harbours, Docks, and Piers Clauses Act, 1847," with the Exception of Sections Sixteen to Nineteen, both inclusive, and Sections Twenty-five and Twenty-six (except where expressly varied or excepted by this Act), are incorporated with and form Part of this Act; and in construing Part I. of "The Railways Clauses Act, 1863," the Words "Work" and "Railway" shall be taken to mean the "Pier" as well as the Railway authorized by this Act.

3. The

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3. The several Words and Expressions to which by the Acts wholly or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Same Meanings to Words in incorporated Acts as in this Act.

4. The Capital which the Company may raise by Shares is hereby restricted to the Sum of Four hundred thousand Pounds, and the Sum which the Company may from Time to Time raise by Mortgage or Debenture Stock is hereby restricted to the Sum of One hundred and thirty-three thousand three hundred Pounds, anything in the recited Act to the contrary notwithstanding.

Reducing Capital of Company.

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 several Lines of Railway and the Pier 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 Books of Reference as may be required for that Purpose. The Railways and Pier herein-before referred to and authorized by this Act are:—

Power to make Railway according to deposited Plans.

1. A Deviation Railway 14 Miles 4 Furlongs and $1\frac{1}{2}$ Chains in Length, commencing in the Burgh and Parish of *Dingwall* by a Junction with the Line of Railway authorized by the recited Act, herein called "the authorized Line," at or near a Point measuring from the Eastern Terminus of the authorized Line at *Dingwall* Two Furlongs and Four Fifths of a Furlong on the Plans of the authorized Line deposited on or before the Thirtieth Day of *November* One thousand eight hundred and sixty-four with the Principal Sheriff Clerk for the Western District of the County of *Ross*, and with the Principal Sheriff Clerk of the County of *Cromarty*, and terminating in the Parish of *Contin* by a Junction with the authorized Line at or near a Point measuring as aforesaid Fifteen Miles One Furlong on the said Plans, and which Deviation Railway will be situate in the Burgh of *Dingwall* and Parishes of *Dingwall*, *Fodderty*, and *Contin*, in the Counties of *Ross* and *Cromarty* :

2. A Deviation Railway 3 Miles 6 Furlongs and $1\frac{1}{2}$ Chains in Length, commencing by a Junction with the authorized Line at or near a Point measuring as aforesaid Thirty-nine Miles Two Furlongs and a Quarter on the said Plans in the Parish of *Lochcarron*, and terminating in the same Parish by a Junction with the authorized Line at or near a Point measuring as aforesaid Forty-three Miles on the said Plans, and which Deviation Railway will be wholly situate in the Parish of *Lochcarron* in the County of *Ross* :

3. A Pier,

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3. A Pier, with all proper Wharves, Landing Places, Rails, Sidings, Cranes, Sheds, and other Works and Conveniences necessary for the Accommodation of Traffic in connexion with the said Railway, and situate at *Attadale* in the Parish of *Lochcarron* and County of *Ross*, and on the Soil or Bed of the Sea in or adjacent thereto.

Company may construct the Railway between Dingwall and Attadale in the first instance.

6. The Company may, by Resolution of a Majority of the Shareholders present in person or by proxy at a General Meeting of the Company specially convened with Notice of the Object, resolve that so much of the Railway by the recited Act and by this Act authorized as is situate between *Dingwall* and *Attadale* shall be constructed and opened for Traffic in the first instance before proceeding with the Remainder of their Undertaking; and in the event of such Resolution being come to they may raise and apply for the Purpose of carrying such Resolution into effect so much as may be required of the Money which they are authorized to raise by Shares or Mortgage, and may carry such Resolution into effect accordingly, anything in the recited Act or this Act or the Acts incorporated therewith to the contrary notwithstanding.

Power to borrow on Mortgage.

7. If the Company shall come to such Resolution as is authorized by the immediately preceding Enactment, it shall be lawful for them, notwithstanding anything in the Twenty-first Section of the recited Act contained, and without Prejudice to their Power to borrow the Sum thereby authorized to be borrowed on Mortgage on the Conditions therein expressed, as reduced and restricted by this Act to the Sum of One hundred and thirty-three thousand three hundred Pounds, from Time to Time to borrow on Mortgage any Sums not exceeding in the whole Seventy-nine thousand five hundred Pounds, Part of the said reduced Sum of One hundred and thirty-three thousand three hundred Pounds, but no Part of the said Sum of Seventy-nine thousand five hundred Pounds shall be borrowed until the whole Sum of Two hundred and thirty-eight thousand five hundred Pounds, being the estimated Cost of constructing the Railway between *Dingwall* and *Attadale* and the said Pier at *Attadale*, is subscribed for, issued, and accepted, and One Half thereof 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 the whole of the said Sum of Two hundred and thirty-eight thousand five hundred Pounds has been subscribed for, issued, and accepted, and that One Half thereof 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 that such Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers

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scribers or their Assigns are legally liable for the same; and upon Production to such Sheriff of the Books of the Company, together with the Minute Book of the Company containing the said Resolution, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which shall be sufficient Evidence thereof.

8. The Powers of the Company for the compulsory Purchase of the Lands shown upon the Plans deposited for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act. Powers for compulsory Purchases limited.

9. Subject to the Provisions in this Act, and in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," and in Part I. (relating to the Construction of a Railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of Roads on the Level, the Company may in the Construction of the Railways by this Act authorized carry the same with a single Line of Railway only whilst the Railway consists of a single Line, and afterwards with a double Line of Railway only, across and on the Level of the Roads next herein-after mentioned; (that is to say,) Level Crossings.

| Number on deposited Plan. | Parish. | Description of Road. |
|---------------------------|------------|----------------------|
| 9 | Dingwall | Public Road. |
| 18 | Dingwall | Public Road. |
| 114 | Lochcarron | Public Road. |

10. The Powers granted to the Company by the recited Act for the compulsory Purchase of Lands are hereby extended, and may be exercised by the Company for and during a Period of Three Years from the passing of this Act, and on the Expiration of that Period those Powers shall cease. Powers for compulsory Purchase of Lands extended.

11. Whereas pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Thirty-two thousand Pounds, being Eight *per Centum* on Four hundred thousand Pounds, the Amount of the Estimate of the Expense of the Railway authorized by the recited Act, was deposited in the *National Bank of Scotland*, in the Name and with the Privity of the Queen's Remembrancer of the Court of Exchequer in *Scotland*, in respect to the Application to Parliament for the recited Act: And whereas no Bond as provided by the recited Act has been executed by the Company, and the said Sum of Thirty-

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Deposit Money not to be repaid until Line opened, or Half the Capital paid up and expended.

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two thousand Pounds still remains deposited in the *National Bank of Scotland*: And whereas Five *per Cent.* upon the Amount of the Estimate is at present required by the Standing Orders of both Houses of Parliament to be deposited in respect of Applications to Parliament for the Construction of any new Line, or by which the Time for completing any Line already authorized is extended: And whereas the Estimate of the Expense of the Railway as by the recited Act and this Act authorized amounts to Three hundred and fifty-six thousand five hundred Pounds, and Five *per Cent.* thereon would amount to the Sum of Seventeen thousand eight hundred and twenty-five Pounds: Be it enacted, That notwithstanding anything contained in the said recited Act of the Ninth and Tenth *Victoria*, Chapter Twenty, the said Sum of Seventeen thousand eight hundred and twenty-five Pounds, Part of the Sum so deposited as aforesaid, shall not be paid or transferred to or on the Application of the Person or Persons, or the Majority of the Persons, named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railways hereby and by the recited Act authorized to be made, either open the said Railways for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by the recited Act authorized to be raised, as reduced by this Act, by means of Shares, and have expended for the Purposes of this Act and the recited Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the said Company shall either have opened the said Railways for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Seventeen thousand eight hundred and twenty-five Pounds shall be applied in the Manner herein-after specified; and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid shall be sufficient Evidence of the Fact so certified, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said recited Act of the Ninth and Tenth *Victoria*, Chapter Twenty, to the contrary notwithstanding.

Application
of Deposit.

12. The said Sum of Seventeen thousand eight hundred and twenty-five Pounds 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,

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Construction, or Abandonment of the said Railways, 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 Session may seem fit; and if no such Compensation shall be payable, or if a Portion of the said Sum of Money shall have been found sufficient to satisfy all just Claims in respect of such Compensation, then the said Sum of Money of Seventeen thousand eight hundred and twenty-five Pounds, or such Portion thereof as may not be required as aforesaid, shall be paid to or on the Application of the Person or Persons, or the Majority of the Persons, named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them: Provided that until the said Sum of Seventeen thousand eight hundred and twenty-five Pounds shall have been repaid to the Depositors, or shall have become otherwise applicable as herein-before mentioned, any Interest or Dividends accruing thereon shall from Time to Time, and as often as the same shall become payable, be paid to or on the Application of the Person or Persons, or the Majority of the Persons, named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them.

13. On the Application of the Person or Persons, or the Majority of the Persons, named in the Warrant or Order issued in pursuance of the said recited Act of the Ninth and Tenth *Victoria*, Chapter Twenty, or the Survivors or Survivor of them, to the Court of Exchequer in *Scotland*, that Court may and shall order that the Sum of Fourteen thousand one hundred and seventy-five Pounds, the Balance of the said Sum of Thirty-two thousand Pounds, after deducting therefrom the said Sum of Seventeen thousand eight hundred and twenty-five Pounds, be paid to the Parties or Party so applying, or to any other Person or Persons whom they or he may appoint in that Behalf.

Release of
Portion of
Deposit
Money.

14. From and after the passing of this Act Section 39 of the recited Act shall be and is hereby repealed.

28 & 29 Vict.
c. ccxxiii.
repealed.

15. The Time limited by the recited Act for the Completion of the Railway thereby authorized shall be and the same is hereby extended and enlarged until the Expiration of Three Years from the passing of this Act; and if the Railways authorized by that Act and by this Act respectively shall not be completed within that Period, then on the Expiration thereof the Powers granted to the Company for making and completing the Railways, or otherwise in relation thereto,

Period for
Completion
of Works.

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thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Company
may abandon
Portions of
authorized
Lines.

16. The Company shall abandon the Construction of so much of the Line of Railway by the recited Act authorized as lies between the Commencement and the Termination of the several Lines of Railway by this Act authorized, and as shall be rendered unnecessary by the making of the said several Lines of Railway respectively.

Compensa-
tion for
Damage to
Land by
Entry, &c.
for Purposes
of Railways
abandoned.

17. 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 to receive Compensation, in accordance with the Provisions in that Behalf of "The Railways Clauses Consolidation 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 Land of any of the Powers contained in the last-mentioned Act or the recited Act.

Compensa-
tion to be
made in
respect of
Portions of
Railways
abandoned.

18. 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 authorized to be abandoned by this Act, and which shall not be required for the Purposes of any of the Works by this Act authorized, full Compensation shall be made by the Company to the Owners and Occupiers of 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.

New Lines
of Railway
to be Part of
Company's
Undertak-
ing.

19. The Lands and Property from Time to Time acquired by the Company under this Act, and the Lines of Railway and Works by this Act authorized, 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

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had by the recited Act been authorized to acquire, make, and maintain the same.

20. The Provisions contained in Sections 54 to 56, both inclusive, of the recited Act, and the Schedules annexed to that Act, in regard to the Pier at *Kyle of Lochalsh*, and the Rates for the Use of that Pier, and the Conveniences connected therewith, authorized to be levied and recovered under the Powers of that Act, shall also extend and apply to the Pier at *Attadale* and the Conveniences connected therewith by this Act authorized.

Rates, &c. of
28 & 29 Vict.
c. cxxiii.
apply for
Use of Pier.

21. The Limits of the Pier at *Attadale* shall extend to Three hundred Yards measured in a straight Line along the Coast on each Side of the said Pier, and the same Distance seaward from the extreme End of such Pier nearest to the Sea.

Limits of
Pier.

22. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorize the Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights in respect thereof, belonging to the Queen's most Excellent Majesty in the Right of Her Crown, the Management of which is vested in the Board of Trade, without the previous Consent in Writing of the Board of Trade on behalf of Her Majesty (which Consent the Board of Trade may give), neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Saving
Rights of
the Crown.

23. The Company shall not, out of any Money by any Act relating to the Company authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him: Provided always, that this Act shall not 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."

Interest not
to be paid
on Calls paid
up.

24. The Company shall not, out of any Money by any Act relating to the Company authorized 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 authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

Deposits for
future Bills
not to be
paid out of
Company's
Capital.

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25. Nothing

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Railway not
exempt from
Provisions of
present and
future
General
Acts.

25. Nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges or of the Rates for small Parcels authorized by the recited Act.

Expenses 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 Company.

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