



ANNO TRICESIMO PRIMO

# VICTORIÆ REGINÆ.

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## Cap.ii.

An Act to authorize a Diversion of the Line and Alteration of the Levels of the *Devon Valley* Railway; and for other Purposes.

[29th *May* 1868.]

**W**HEREAS by "The *Devon Valley* Railway Act, 1858," the *Devon Valley* Railway Company were incorporated, and were authorized to make a Railway from the *Tillicoultry* Station of the *Stirling and Dunfermline* (now *North British*) Railway to the *Fife and Kinross* (now *North British*) Railway at *Hopefield* in the County of *Kinross*: And whereas by "The *Devon Valley* Railway Act, 1861," "The *Devon Valley* Railway Act, 1863," and "The *Devon Valley* and *North British* Railway Companies (Arrangements) Act, 1866," further Powers were conferred on the Company; and by the last-mentioned Act the Powers of the Company for the compulsory Purchase of Lands were revived, and the Time for completing the *Devon Valley* Railway was extended, and an Agreement between the Company and the *North British* Railway Company with respect to the working of the Railway at Rates fluctuating according to the gross Revenue earned was confirmed: And whereas the Portion of the Railway between *Kinross* and *Rumbling Bridge* has been for some Time completed and opened for public Traffic, and other Portions thereof are now in course of Construction: And

21 & 22 Vict.  
c. cxxii.

24 & 25 Vict.  
c. cc.  
26 & 27 Vict.  
c. cxxiv.  
29 & 30 Vict.  
c. cccxxvi.

[*Local.*]

C

whereas

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whereas it is expedient that Portions of the authorized Line of Railway should be diverted, and that the Levels of a Portion of the existing Line of Railway should be altered, and that further Station Accommodation should be provided in connexion with the Railway: And whereas Plans and Sections describing the Line, Situation, and Levels, or Diversion of Line and Alteration of Levels, authorized by this Act, and the Lands to be taken for the Purposes thereof and for further Station Accommodation, and Books of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, have been deposited with the Principal Sheriff Clerks of the Counties of *Clackmannan*, *Kinross*, and *Perth*, and which are herein-after referred to as the deposited Plans and Sections and the deposited Books of Reference: And whereas the Cost of working the Railway will be reduced by the said Diversion and Alteration of Levels, and it is expedient that the Provisions of the said Agreement should be altered to the Effect of substituting modified fixed Rates in lieu of the fluctuating Rates provided to be paid to the Company and the *North British Railway Company* as before mentioned; but these Objects 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 Devon Valley Railway (Amendment) Act, 1868.*"

8 & 9 Vict.  
cc. 19. & 33.,  
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. of "*The Railways Clauses Act, 1863,*" relating respectively to Construction of a Railway and to Extension of Time, are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpre-  
tation of  
Terms.

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; and the Expression "the Company" means "*the Devon Valley Railway Company,*" and the Expression "the Railway" means the Diversion of Line and Alteration of Levels of the *Devon Valley Railway* authorized by this Act.

4. The

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4. The recited Acts as hereby altered and amended and this Act shall be construed as One Act, and shall be carried into execution accordingly.

Construction of Acts.

5. 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 Diversion of Line and Alteration of Levels herein-after described, and all proper Stations, Approaches, Works, and Conveniences connected therewith or with the *Devon Valley* Railway, and may enter upon, take, and use such of the Lands delineated upon the said Plans and described in the deposited Books of Reference as may be required for these Purposes.

Power to make Diversion of Line and Alteration of Levels.

6. The Diversion of Line and Alteration of Levels herein-before referred to and authorized by this Act are,—

Description of Works.

A Diversion of the Line and Alteration of the Levels of the *Devon Valley* Railway authorized by "The *Devon Valley* Railway Act, 1858," and "The *Devon Valley* Railway Act, 1861," Four Miles Seven Furlongs and One hundred and twenty-four Yards in Length, commencing at a Point near the Turnpike Road leading from *Dollar* to *Kincardine* numbered 45, in the Parish of *Dollar* and County of *Clackmannan*, on the Plans deposited with reference the "The *Devon Valley* Railway Act, 1861," and terminating by a Junction with the existing Line of the said Railway at a Point Six hundred and twenty-nine Yards or thereabouts in a Westerly Direction from the Bridge carrying over the said Railway the Turnpike Road from *Crook of Devon* to *Pow Mill* numbered 112, in the united Parishes of *Fossaway* and *Tullibole* in the County of *Kinross*, on the Plans deposited with reference to "The *Devon Valley* Railway Act, 1858."

7. The Company may apply any Money which they have raised or are authorized to raise under the recited Acts in defraying the Cost of the Railway and Works to be made, and the Lands to be purchased or acquired under the Authority of this Act, and for the other Purposes of the recited Acts and this Act.

Application of Money in defraying Cost of Railway.

8. 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 Three Years from the passing of this Act.

Powers for compulsory Purchases limited.

9. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth and Tenth Years of Her present Majesty, Chapter Twenty, a Sum of Five hundred and eighty-seven Pounds Ten Shillings, being Five *per Cent.* upon the Amount by which the Expense of the Railway by this Act authorized to be made

Deposit Money not to be repaid until Line opened.

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made will exceed the Expense of the Works by this Act authorized to be abandoned, has been deposited with the Court of Exchequer in *Scotland* in respect of the Application to Parliament for this Act: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Five hundred and eighty-seven Pounds Ten Shillings so deposited as aforesaid in respect of the Application for this Act 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 Railway hereby authorized to be made, open the said Railway for the public Conveyance of Passengers; and if the said Period shall expire before the Company shall have opened the said Railway for the public Conveyance of Passengers, the said Sum of Money deposited as aforesaid shall be applied in the Manner herein-after specified.

Application  
of Deposit.

10. The said Sum of Money deposited 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 said 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 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, 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 Money 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.

Period for  
Completion  
of Railway.

11. The Period for the Completion of the Railway authorized by the recited Acts is hereby extended for Three Years from the passing  
of

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of this Act, and Section Twenty of "The *Devon Valley and North British* Railway Companies (Arrangements) Act, 1866," is hereby repealed, and the Railway authorized by this Act shall be completed within Three Years from the passing of this Act; and if the *Devon Valley* Railway, as diverted and altered under the Authority of this Act, shall not be completed within that Period, then on the Expiration thereof the Powers by the recited Acts and this Act granted to the Company for making and completing the said Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

12. In altering for the Purposes of this Act the Road numbered on the deposited Plans 22 in the united Parishes of *Fossaway and Tullibole* and County of *Perth*, the Company may make the same of any Inclination not steeper than One in Twelve. Inclination of Road.

13. The Railway by this Act authorized, and the Stations, Approaches, Works, and Conveniences connected therewith and with the *Devon Valley* Railway, shall, for the Purpose of Tolls, Rates, and Charges, and for all other Purposes whatsoever, form Part of the Undertaking of the Company as if authorized by the first-recited Act; and specially the Agreement between the Company and the *North British* Railway Company which is sanctioned and confirmed by "The *Devon Valley and North British* Railway Companies (Arrangements) Act, 1866," (as altered and modified by this Act,) shall extend and apply to the said Railway, Stations, Approaches, Works, and Conveniences in the same Manner and to the same Effect as if the same formed Part of the Undertaking of the Company authorized by the recited Acts. Railway to form Part of Undertaking of the Company.

14. The Company shall, in respect of the Diversion of Line and Alteration of Levels above described of the Railway authorized by the recited Acts, abandon the Construction of such Portions of the said existing and authorized Lines of Railway situate between the Commencement and the Termination of the said Diversion and Alteration as may be rendered unnecessary by or be inconsistent with the Diversion and Alteration authorized by this Act: Provided that nothing in this Act contained shall prejudice or affect any Contract entered into by the Company before the passing of this Act for the Purchase or Acquisition of Lands which can be made available or will or may be taken or used for the Purposes of the Railway or Works authorized by this Act. Company to abandon Portions of Railway.

15. The Abandonment by the Company under the Authority of this Act of any Portion of the said existing or authorized Lines of Railway or Works shall not prejudice or affect the Right of the Owner Compensation for Damage to Land by Entry for  
or  
 [Local.] D

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Purposes of  
Railway  
abandoned.

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 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 (*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 Land of any of the Powers contained in the last-mentioned Act, or "The *Devon Valley* Railway Act, 1858," or "The *Devon Valley* Railway Act, 1861."

Compensa-  
tion to be  
paid in  
respect of  
Portions of  
Railway  
abandoned.

16. 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 Railway or Works authorized to be abandoned by this Act, and which shall not be required for the Purposes of any of the Works authorized by this Act, 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.

Alteration of  
Agreement  
with North  
British  
Railway  
Company.

17. The Sixth Article of the said Agreement between the Company and the *North British* Railway Company, a Copy of which is set forth in the Schedule to "The *Devon Valley* and *North British* Railway Companies (Arrangements) Act, 1866," is hereby cancelled and repealed; and in lieu of that Article be it enacted, That the gross Revenue earned, levied, and realized on the *Devon Valley* Railway shall be paid and divided as follows; *viz.*, Sixty *per Cent.* thereof shall be paid to the Company, and the remaining Forty *per Cent.* thereof shall be paid to the *North British* Railway Company; and the said Agreement shall be read and construed and shall take effect as if this Provision were therein inserted instead of the Sixth Article thereof.

Domicile  
of the  
Company.

18. Section 15 of "The *Devon Valley* Railway Act, 1858," and Section 25 of "The *Devon Valley* Railway Act, 1861," are hereby repealed

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repealed in so far as it is thereby provided that the Domicile of the Company shall be in *Stirling*, and the Domicile of the Company in reference to all Judicial Proceedings and Actions at Law shall henceforth be in *Edinburgh*.

19. The Company shall not, out of any Money by this or the recited Acts authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided 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.

20. The Company shall not, out of any Money by this or the recited Acts 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 Capital.

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

Railway not exempt from present and future General Acts.

22. 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 and the *North British* Railway Company.

Expenses of Act.

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