



*The Glasgow and South-western Railway Act, 1868.*

were empowered to make, amongst others, the Railways therein described and referred to as Railways No. 1 and No. 2 respectively, and forming a Branch from their existing Railway at or near *Dalry* to the Parish of *West Kilbride* in the County of *Ayr*: And whereas it is expedient that the Periods limited by the recited Acts respectively for the Purchase of Lands for the Purposes of the before-mentioned Railways and for the Completion of those Railways should respectively be extended: 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 for all Purposes as "*The Glasgow and South-western Railway Act, 1868.*"

Part II. of  
26 & 27 Vict.  
c. 92. in-  
corporated.

2. Part II. (relating to Extension of Time) of the Railways Clauses Act, 1863, is incorporated with and forms Part of this Act.

Interpreta-  
tion of  
Terms.

3. In this Act the following Expressions have the Meanings hereby assigned to them respectively unless there be something in the Subject or Context repugnant to such Construction:

The Expression "the Company" means the *Glasgow and South-western Railway Company*:

The Expression "the *Kilmarnock Direct Act*" means the *Glasgow and South-western Railway (Kilmarnock Direct) Act, 1865*:

The Expression "the *Crofthead Act*" means the *Crofthead and Kilmarnock Extension Railway (Deviations) Act, 1866*:

The Expression "the Additional Powers Act" means the *Glasgow and South-western Railway (Additional Powers) Act, 1865*:

The Expression "the *Kilmarnock Direct Railway*" means the Railways described in the *Kilmarnock Direct Act* as authorized to be constructed under the Provisions of that Act as amended by the *Crofthead Act*:

The Expression "the *West Kilbride Railway*" means the Railways Nos. 1 and 2 authorized by the Additional Powers Act.

4. The

*The Glasgow and South-western Railway Act, 1868.*

4. The Powers for the compulsory Purchase of Lands granted by the *Kilmarnock Direct Act* and the *Crofthead Act* respectively for the Purposes of the *Kilmarnock Direct Railway* are hereby extended until the Twenty-eighth Day of *June* One thousand eight hundred and seventy, and the Powers for the compulsory Purchase of Lands granted by the *Additional Powers Act* for the Purposes of the *West Kilbride Railway* are hereby extended until the Fifth Day of *July* One thousand eight hundred and seventy, and on the Expiration of those Periods respectively such Powers shall cease.

Extension of Time for Purchase of Lands.

5. The Periods limited by the *Kilmarnock Direct Act* and the *Crofthead Act* respectively for the Construction and Completion of the *Kilmarnock Direct Railway* are hereby extended to the Twenty-eighth Day of *June* One thousand eight hundred and seventy-one, and the Period limited by the *Additional Powers Act* for the Construction and Completion of the *West Kilbride Railway* is hereby extended to the Fifth Day of *July* One thousand eight hundred and seventy-one, and Section 20 of the *Kilmarnock Direct Act*, and Section 14 of the *Crofthead Act*, and Section 20 of the *Additional Powers Act*, so far as it relates to the *West Kilbride Railway*, are respectively hereby repealed.

Extension of Time for Completion of Railways.

6. If the Company fail within the respective Periods by this Act limited to complete the Railways the Time for completing which is by this Act extended, then (subject to the Provisions herein-after contained) the Company shall be liable to a Penalty of Fifty Pounds for every Day after the Expiration of the respective Periods so limited until the said Railways respectively are completed and opened for public Traffic, or in the Case of the *Kilmarnock Direct Railway* until the Sum received in respect of such Penalty shall amount to the Sum of Thirty-three thousand five hundred Pounds, that being equal to Five *per Centum* on the Sum of Six hundred and seventy thousand Pounds, the estimated Cost of that Railway, or in the Case of the *West Kilbride Railway* until the Sum received in respect of such Penalty shall amount to the Sum of Four thousand Pounds, that being equal to Five *per Centum* on the Sum of Eighty thousand Pounds, the estimated Cost of that Railway; and the said respective Penalties may be applied for by any Landowner or other Person claiming to be compensated in accordance with the Provisions of the next following Section of this

Penalty if Railways not completed within extended Time.

*The Glasgow and South-western Railway Act, 1868.*

this Act, and in the same Manner as the Penalty provided in the Third Section of the Act of the Seventeenth and Eighteenth Years of Her present Majesty, Chapter Thirty-one, known as "The Railway and Canal Traffic Act, 1854;" and every Sum of Money recovered by way of such Penalties as aforesaid shall be paid under the Warrant or Order of such Court or Judge as is specified in the said Third Section of the said "Railway and Canal Traffic Act, 1854," to an Account opened or to be opened in the Name and with the Privity of the Queen's Remembrancer of the Court of Exchequer in *Scotland* in the Bank named in such Order, and shall not be paid thereout except as herein-after provided; but no Penalty shall accrue in respect of any Time during which the Company may be prevented from completing or opening the said Railways respectively by unforeseen Accident or Circumstances beyond their Control, of which Prevention and of the Time for which it may have endured the Certificate of the Board of Trade shall be sufficient Evidence, and that Board on Production of such Proof as they shall deem sufficient shall grant such Certificate accordingly; provided always, that the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

Application  
of Penalty  
towards  
Compensa-  
tion of  
Parties  
injured.

7. Every Sum of Money so recovered by way of Penalty as aforesaid shall be applicable, and after due Notice in the *Edinburgh Gazette* shall be applied, towards compensating any Landowners or other Persons whose Property may have been interfered with or otherwise rendered less valuable by the Commencement, Construction, or Abandonment of the Railways, or any Portion of the Railways, the Time for the Completion of which is by this Act extended, or who may have been subjected to Injury or Loss in consequence of the compulsory Powers of taking Property conferred upon the Company by the recited Acts, and extended by this Act, and for which Injury or Loss no Compensation or inadequate Compensation shall have been paid, and shall be distributed in Satisfaction of such Compensation as aforesaid in such Manner and in such Proportions as to the Court of Exchequer in *Scotland* may seem fit; and if no such Compensation shall be payable, or if a Portion of the Sum or Sums of Money so recovered by way of Penalty as aforesaid shall have been found sufficient to satisfy all just Claims in respect of such Compensation, then the said Sum or Sums of  
Money

*The Glasgow and South-western Railway Act, 1868.*

Money recovered by way of Penalty, or such Portion thereof as may not be required as aforesaid, shall be paid to or on the Application of the Company from whom such Penalty was recovered.

8. If the Railways the Time for completing which is by this Act extended shall not be completed within the Periods limited by this Act, then on the Expiration of such respective Periods the Powers by this Act granted to the Company for making and completing the said Railways respectively, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof respectively as shall then be completed.

At the Expiration of the Time limited for Completion of Railways Powers to cease.

9. Nothing in this Act contained shall be held to apply to the Construction or Completion of the Portion of the *Kilmarnock Direct* Railway passing or intended to pass through any Lands which at the Date of the *Kilmarnock Direct* Act formed Part of the Trust Estates of the Late *William Dixon*, of *Govan*, or which have been conveyed by the Trustees under his several Trust Deeds to the Company, but the Company shall, as regards the said Portion of the *Kilmarnock Direct* Railway, be subject to all the Provisions of the *Kilmarnock Direct* Act as if this Act had not been passed.

For Protection of Trustees of the late William Dixon.

10. The Company shall not, out of any Money by any Act or Acts relating to the Company authorized to be raised for the Purposes of such Act or Acts, pay or deposit any Sum of Money 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.

11. Nothing herein contained shall be deemed or construed to exempt the Railways of the Company 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 any Act or Acts relating to the Company.

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

[Local.]

6 B

12. All

*The Glasgow and South-western Railway Act, 1868.*

Expenses of Act.

12. 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.

LONDON:

Printed by GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1868.

THE GLASGOW AND SOUTH-WESTERN RAILWAY ACT, 1868.