



ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

Cap. Ixiii.

An Act to authorize the Abandonment of certain Portions of the Railways authorized by "The *North British and Edinburgh and Glasgow (Bridge of Forth)* Railways Act, 1865;" also an Extension of Time for the compulsory Purchase of Lands and the Completion of other Portions of the said Railways; and for other Purposes.

[25th June 1868.]

WHEREAS by "The *North British (Edinburgh, Dunfermline, and Perth)* Railway Act, 1863," and "The *Edinburgh and Glasgow Railway (Queensferry)* Act, 1863," 26 & 27 Vict. cc. ccxiii. & ccxxxvii.
the *North British and Edinburgh and Glasgow* Railway Companies were severally authorized to construct different Railways and Works for improving the Railway Communication between *Edinburgh and Perth* via the *Firth of Forth*: And whereas by "The *North British and Edinburgh and Glasgow (Bridge of Forth)* Railways Act, 1865," 28 & 29 Vict. c. ccxiii.
in this Act called "The *Bridge of Forth* Act, 1865," certain Alterations were authorized to be made in the said Scheme, chiefly with the view of carrying the Railway over the *Firth of Forth* by means of a Bridge, and avoiding the Interruption in the previously authorized Railway Route at the *Queensferry* Passage; and the Works
[Local.] 9 M which

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which the said Companies were authorized to construct to effect such Alterations consisted of a Railway, in the said Act and in this Act called Railway No. 1., from the *Edinburgh and Glasgow* Railway in the Parish and County of *Linlithgow* to the *North British* (late *Charleston* or *West of Fife*) Railway in the Parish of *Dunfermline* in the County of *Fife*; a Railway (in the said Act and this Act called Railway No. 2.) from Railway No. 1. in the Parish of *Carriden* in the County of *Linlithgow* to the *Edinburgh and Glasgow* Railway in the Parish of *Linlithgow*; a Railway (in the said Act and this Act called Railway No. 3.) in the Parish of *Dunfermline* from the *North British* (late *Charleston* or *West of Fife*) Railway to the Railway referred to as Railway No. 9. in "The *North British (Edinburgh, Dunfermline, and Perth)* Railway Act, 1863;" and a Widening and Enlargement of the *North British* (late *Charleston* and *West of Fife*) Railway between the respective Points of Junction therewith of Railway No. 1. and Railway No. 3.: And whereas the *Edinburgh and Glasgow* Railway Company is now amalgamated with the *North British* Railway Company, in this Act called "the Company:" And whereas it is expedient that certain Portions of the last-mentioned Undertaking, including the Bridge and Railway over the *Frith*, should be abandoned: And whereas it is expedient that the Company should be authorized to construct a Railway, with Embankment and other Works, in the Parish of *Muiravonside* in the County of *Stirling*, in substitution for the Viaduct which carries the *Slamannan Junction* Branch Railway of the Company over the *Manuel Burn* in the same Parish: And whereas Plans and Sections of the proposed Railway showing the Line and Levels thereof respectively, and the Lands required for the Purposes of the Undertaking, together with a Book of Reference to such Plans, have been deposited with the Principal Sheriff Clerk of the County of *Stirling*, and are herein-after respectively referred to as the deposited Plans, Sections, and Book of Reference: And whereas it is expedient that the respective Times limited by "The *Bridge of Forth* Act, 1865," for the compulsory Purchase of Lands and Completion of the Works thereby authorized, should with respect to those Portions of the said Railways and Works which are not by this Act authorized to be abandoned 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 of the 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 *North British Railway (Forth Railway) Act, 1868.*"

2. "The

The North British Railway (Forth Railway) Act, 1868.

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.

8 & 9 Vict. cc. 19. & 33., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Expression "the Company" shall mean the *North British Railway Company*.

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

4. Subject to the Provisions of this Act and of the Acts wholly or partially incorporated herewith, the Company may make and maintain in the Line and according to the Levels shown on the deposited Plans and Sections the Railway 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 said Plans and described in the deposited Books of Reference as may be required for that Purpose. The Railway herein-before referred to and authorized by this Act is,—

Power to make Railways according to deposited Plans.

A Railway (in this Act called the *Slamannan New Line*) One hundred and seventy-three Yards in Length, all in the Parish of *Muiravonside* in the County of *Stirling*, commencing and terminating by Junctions with the *Slamannan Junction Branch Railway* of the Company.

5. Subject to the Provisions of this Act, the Railway and Works by this Act authorized shall form Part of the Undertaking of the Company.

Railway, &c. to form Part of Undertaking.

6. The Company may raise and apply to the Purposes of this Act any Monies, not exceeding in the whole Three thousand seven hundred Pounds, which they are authorized to raise by Shares under other Acts of Parliament, and which will not be required for the Purposes of those Acts.

Power to apply existing Capital to Purposes of Act.

7. 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 One Year from the passing of this Act.

Limiting Time for compulsory Purchases.

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Period for
Completion
of Works.

8. The Railway shall be completed within Four Years from the passing of this Act, and if the Railway shall not be completed within that Period, then on the Expiration thereof the Powers by this Act granted to the Company for making and completing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Railway
Tolls.

9. The Company may demand and take in respect of the Railway by this Act authorized such Tolls and Charges as they think fit, not exceeding the Rates of Tolls and Charges authorized to be taken on the *Border Union* Line of the *North British* Railway under "The *Border Union (North British)* Railways Act, 1859," as modified by the Second and Third Sections of the Schedule (B.) to "The *North British and Edinburgh and Glasgow* Railway Companies Amalgamation Act, 1865;" and in estimating the Amount of Toll or Charge in respect of any Traffic conveyed partly on the Railway by this Act authorized, and partly on any other Railways of the Company, the Railway by this Act authorized and such other Railways shall be deemed One Railway.

Company
may abandon
authorized
Line.

10. The Company shall abandon the Construction of so much of Railway No. 1. authorized by "The *Bridge of Forth* Act, 1865," as is situate between a Point therein in the Parish of *Carriden* in the County of *Linlithgow*, Three hundred and seventy-five Yards or thereby distant in an Easterly Direction from the East Side of the Farm Buildings of *Paddock Hall*, and the Termination of the said Railway in the Parish of *Dunfermline* in the County of *Fife*, and also the Widening and Enlargement of the *North British*, formerly *Charleston and West of Fife*, Railway authorized by the same Act.

Compensation for
Damage to
Land by
Entry, &c.
for Purposes
of Railways
abandoned.

11. 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 (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

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such Land of any of the Powers contained in the last-mentioned Act, or in "The *Bridge of Forth Act, 1865.*"

12. 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 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 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.

Compensation to be made in respect of Portions of Railway abandoned.

13. The Time limited by "The *Bridge of Forth Act, 1865,*" for the compulsory Purchase and taking of Lands for the Purposes of such Act, shall, so far as relates to so much of Railway No. 1. as is not by this Act authorized to be abandoned, and so far as relates to Railway No. 2, be prolonged and extended to the Period of Two Years from the passing of this Act, but so that such Powers shall not be exercised after the Expiration of Two Years from the passing of this Act.

Extending Time for Purchase of Lands.

14. The Time limited by "The *Bridge of Forth Act, 1865,*" for the Completion of the Railways and Works thereby authorized shall, so far as relates to so much of Railway No. 1. as is not by this Act authorized to be abandoned, and so far as relates to Railway No. 2, be extended for a Period of Three Years from the Expiration of the Time so limited by the said Act.

Extending Time for Completion of Works.

15. If the Company fail within the Period limited by this Act to complete the Railways the Time for making which is by this Act extended, the Company shall be liable to a Penalty of Fifty Pounds a Day for every Day after the Expiration of the Period limited by this Act for the Completion thereof until the said Railways are completed and opened for public Traffic, or until the Sum received in respect of any such Penalty shall amount to Five *per Centum* on the estimated Cost of the Works; and such Penalty shall be in lieu of any Penalty under "The *Bridge of Forth Act, 1865,*" for the Non-completion of the Railways thereby authorized within the Time thereby limited; and the said Penalty may be applied for by any Landowner or other Person claiming to be compensated in

Penalties in respect of Extension of Time.

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accordance with the Provisions of the next following Sections of this Act, and in the same Manner, as the Penalty provided in the Third Section of the Act Seventeenth and Eighteenth *Victoria*, Chapter Thirty-one, known as "The Railway and Canal Traffic Act, 1854;" and every Sum of Money recovered by way of such Penalty 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 Act Seventeenth and Eighteenth *Victoria*, Chapter Thirty-one, to an Account 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 it shall appear by a Certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening the Railways by unforeseen Accident or Circumstances beyond their Control; provided that the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

Application
of Penalties.

16. 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 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 "The *Bridge of Forth Act, 1865*," or 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 may seem fit; and if no such Compensation shall be payable, or if a Portion of the said 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 recovered by way of Penalty, or such Portion thereof as may not be required as aforesaid, shall be paid to the Company.

Powers of
Company to
cease if Rail-
ways not
made within
Time limited.

17. If the Railways the Time for making which is by this Act extended shall not be completed within the Period limited by this Act for the Completion thereof, then on the Expiration of such Period the Powers by the Act authorizing the same, or this Act, granted to the Company for making the said Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

18. The

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18. The Company shall not, out of any Money by this or any other Act 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 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.

19. The Company shall not, out of any Money by this or any other Act 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.

20. 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 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 Act.

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

21. 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.

Expenses of Act.

LONDON:

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

