



CHAPTER xii.

A.D. 1872.

32 & 33 Vict.
c. xcvi.

And whereas the said joint line, so far as the same is situate to the westward of Crofthead, consists of (first), a line of railway extending from Crofthead to Stewarton, with a branch railway thereout to the town of Beith, which portion of railway and branch were authorised by the Crofthead and Kilmarnock Extension Railway Act, 1865, and the Crofthead and Kilmarnock Extension Railway (Deviations) Act, 1866; (secondly), a portion of railway extending from Stewarton to a point near Kilmarnock, authorised by the Joint Line Act, 1869; (thirdly), a portion of railway, being a part of the railway authorised by the Glasgow and South-western

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(*Extension of Time*) Act, 1872.

A.D. 1872. — Railway (Kilmarnock Direct) Act, 1865, as the same was required to be deviated by the Crofthead and Kilmarnock Extension Railway (Deviations) Act, 1866; and (fourthly), a branch railway from the last-mentioned portion of railway to Hill Street, in Kilmarnock, authorised by the Crofthead and Kilmarnock Extension Railway (Deviations) Act, 1866; together with certain alterations of streets in Kilmarnock, authorised by the Crofthead and Kilmarnock Extension Railway Act, 1865:

And whereas the portion of railway first above described as extending from Crofthead to Stewarton has been constructed and opened for public traffic, but the remaining portions of the said joint line, including the branch to Beith, are still in course of construction:

And whereas the period for the completion and opening of the portion of railway secondly above described will, under the provisions of the Joint Line Act, 1869, expire on the twelfth day of July one thousand eight hundred and seventy-two; and the period for the completion and opening of the portion of railway thirdly above described will, under the provisions of the Crofthead and Kilmarnock Extension Railway (Deviations) Act, 1866, as extended by the Glasgow and South-western Railway Act, 1868, and by the Joint Line Act, 1869, expire on the twenty-eighth day of June one thousand eight hundred and seventy-two; and the period for the completion and opening of the branch railway fourthly above described will, under the provisions of the Crofthead and Kilmarnock Extension Railway (Deviations) Act, 1866, as extended by a warrant of the Board of Trade, dated the twenty-seventh day of February one thousand eight hundred and sixty-nine, and the Joint Line Act, 1869, expire on the twenty-eighth day of June one thousand eight hundred and seventy-two:

And whereas the period for the completion and opening of the said branch railway to Beith will, under the provisions of the Crofthead and Kilmarnock Extension Railway Act, 1865, as extended by the said warrant of the Board of Trade, and limited by the Joint Line Act, 1869, expire on the twenty-eighth day of June one thousand eight hundred and seventy-two:

And whereas it is expedient that the several periods for the completion and opening of the said several portions of railway and branch railways, and for the alterations of the said streets, should be further extended; and that the said railway companies and all other persons who are under the provisions of the said Acts and the said warrant of the Board of Trade made liable to forfeit or deposit any moneys or to pay any penalties on account of the said

railways and branch railways or any of them not being completed and opened before the expiration of the said respective periods, should be released from such forfeiture, deposit, or payment until the expiration of such extended period, and thereafter absolutely in the event of the said several portions of railway and branch railway being completed and opened for public traffic previously to the expiration of such further extended period : A.D. 1872.

And whereas the period for acquiring compulsorily certain of the lands, houses, and other property for the purposes of the portion of railway thirdly above described has expired, and it is expedient that such powers of compulsory purchase should be revived in favour of the Caledonian Railway Company and the Glasgow and South-western Railway Company jointly :

And whereas it would be of advantage to the Caledonian Railway Company and the Glasgow and South-western Railway Company, and to the public, that the said Companies should be authorised to make a branch railway, commencing by a junction with the Glasgow and Kilmarnock Joint Line, at a point in the parish of Kilmaurs in the county of Ayr, and terminating by a junction with the railway leading from the Glasgow and South-western Railway to Hillhead Colliery and fire-clay factories, at a point in the parish of Kilmarnock in the same county :

And whereas it is expedient that the Glasgow and South-western Railway Company should be authorised to acquire compulsorily or by agreement, for the purpose of additional stations and other accommodation in connexion with their undertaking, certain lands, houses, and other property in the said parish of Kilmaurs :

And whereas plans and sections of the branch railway proposed to be made as aforesaid, and of the lands, houses, and other property which may be taken for the purposes thereof, and plans describing the other lands, houses, and property in respect of which compulsory powers of purchase are proposed to be applied for, and the lands, houses, and property the power for taking which compulsorily is proposed to be revived as aforesaid, and books of reference to those plans, have been deposited with the principal sheriff clerk for the county of Ayr, which plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference respectively :

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,

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A.D. 1872. — 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 Glasgow and Kilmarnock Joint Line (Extension of Time) Act, 1872.”

Provisions of general Acts herein named incorporated. 2. The following Acts and parts of Acts are, except where expressly varied by this Act, incorporated with and form part of this Act; (that is to say,)

“The Lands Clauses Consolidation (Scotland) Act, 1845;”

“The Lands Clauses Consolidation Acts Amendment Act, 1860;”

“The Railways Clauses Consolidation (Scotland) Act, 1845;” and Part I. (relating to construction of a railway) and Part II. (relating to extension of time) of “The Railways Clauses Act, 1863.”

Interpretation 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 in this Act the following expressions have the following meanings; (that is to say,)

“The Caledonian Company” means the Caledonian Railway Company:

“The South-western Company” means the Glasgow and South-western Railway Company:

“The Crofthead Act, 1865,” means the Crofthead and Kilmarnock Extension Railway Act, 1865:

“The Crofthead (Deviations) Act, 1866,” means the Crofthead and Kilmarnock Extension Railway (Deviations) Act, 1866:

“The Kilmarnock Direct Act, 1865,” means the Glasgow and South-western Railway (Kilmarnock Direct) Act, 1865:

“The Joint Line Act, 1869,” means the Caledonian and Glasgow and South-western Railways (Kilmarnock Joint Line) Act, 1869:

“The two Companies” means the Caledonian Company and the South-western Company:

And in the Acts wholly or partially incorporated with this Act the expression “the Company” means the two Companies as respects powers conferred on the two Companies, and means the South-western Company as respects powers conferred on that Company separately; the expressions “the railway” and “the undertaking” respectively mean the railways and the undertaking by this Act authorised; and the expression “the special Act” means this Act.

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4. Each of the two Companies may from time to time apply to any of the purposes of this Act any surplus funds belonging to them respectively.

The two Companies may apply surplus funds.

5. The powers granted and the several periods limited by the Crofthead Act, 1865, the Kilmarnock Direct Act, 1865, the Crofthead (Deviations) Act, 1866, the Glasgow and South-western Railway Act, 1868, the said warrant of the Board of Trade, dated the twenty-seventh day of February one thousand eight hundred and sixty-nine, and the Joint Line Act, 1869, for the construction, completion, and opening of the following railways and works connected therewith; that is to say,

Extending time for completion of certain portions of railway and branch railways.

The branch railway (to Beith) secondly described in section 36 of the Crofthead Act, 1865, and the works described in section 38 of that Act;

The railways described in section 4 of the Crofthead (Deviations) Act, 1866, and therein called Line No. 1 and Line No. 2, except so much of Line No. 1 as is authorised to be abandoned by the Joint Line Act, 1869;

The deviation of the Kilmarnock Direct Railway, described in section 5 of the Crofthead (Deviations) Act, 1866, except so much thereof as is authorised to be abandoned by the Joint Line Act, 1869; and

The railway described in section 28 of the Joint Line Act, 1869; are hereby continued and extended until the twenty-eighth day of June one thousand eight hundred and seventy-three, and the said powers may be exercised by the two Companies at any time previously to the last-mentioned date; and sections 6 and 7 of the Glasgow and South-western Railway Act, 1868, so far as the same relate to the deviation of the Kilmarnock Direct Railway authorised by the Crofthead (Deviations) Act, 1866, and sections 34 and 35 of the Joint Line Act, 1869, shall be read and construed as if the periods therein respectively referred to as the periods for the completion of the railways to which those sections of those Acts respectively relate did not expire until the twenty-eighth day of June one thousand eight hundred and seventy-three; and sections 36, 37, 38, and 41 of the Joint Line Act, 1869, shall be read and construed as if the date prescribed or mentioned therein were the twenty-eighth day of June one thousand eight hundred and seventy-three, instead of the twenty-eighth day of June one thousand eight hundred and seventy-two.

6. The powers granted by the Crofthead (Deviations) Act, 1866, and the Glasgow and South-western Railway Act, 1868, and vested

Revival of powers for

A.D. 1872. in the two Companies by the Joint Line Act, 1869, of acquiring compulsorily lands, houses, and other property required for the purposes of the portion of the deviation railway described in section 5 of the Crofthead (Deviations) Act, 1866, which is not authorised to be abandoned by the Joint Line Act, 1869, so far as such lands, houses, and property are shown on the deposited plans and described in the deposited books of reference as proposed to be taken under revived powers, are hereby revived, and may be exercised by the two Companies jointly, and shall continue in force for one year after the passing of this Act.

Power to
make branch
railway ac-
cording to
deposited
plans.

7. Subject to the provisions of this Act, the two Companies may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the branch 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 those purposes. The railway herein-before referred to and authorised by this Act is—

A branch railway two furlongs and thirty-two yards or thereabouts in length, commencing by a junction with the Glasgow and Kilmarnock Joint Line, at a point in the parish of Kilmaurs and county of Ayr, about two hundred and sixty yards, measuring in a north-westerly direction, from the centre of the bridge erected for carrying the said joint line over the railway leading from the Glasgow and South-western Railway to Hillhead Colliery and fire-clay factories, and terminating by a junction with the last-mentioned railway leading from the Glasgow and South-western Railway to Hillhead Colliery and fire-clay factories, at a point in the parish of Kilmarnock and county of Ayr, about two hundred and thirty yards, measuring in an easterly direction, from the centre of the said bridge.

Powers for compulsory purchases limited.

8. The powers of the two Companies for the compulsory purchase of lands for the purposes of the branch railway which they are by this Act authorised to make shall not be exercised after the expiration of two years from the passing of this Act.

Period for
completion
of works.

9. The branch railway by this Act authorised to be made shall be completed within three years from the passing of this Act.

Imposing
penalty
unless line
be opened.

10. If the two Companies fail within the period herein-before limited to complete the branch railway by this Act authorised to be made, they shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited, until the said

branch railway is completed and opened for public traffic, or until the sum received in respect of such penalty shall amount to five per centum on the estimated cost of the works; and the said penalty 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 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 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 warrant or 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 two Companies were prevented from completing or opening such line by unforeseen accident or circumstances beyond their control: Provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

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11. 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 branch 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 two Companies by this Act for the purposes of the said branch railway, 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 recovered by way of penalty, or such portion thereof as may not be required as aforesaid, shall be paid to the Company or Companies from whom such penalty was recovered.

Providing
for applica-
tion of
penalty in
compensation
to parties
injured.

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If line not
completed
within period
limited,
powers of
completing
same to
cease.

Branch
railway to
form part of
joint line.

Glasgow
and South-
western
Company
may acquire
additional
lands.

Deposits for
future Bills
not to be
paid out of
capital.

12. If the branch railway authorised by this Act shall not be completed within the period limited by this Act, then, on the expiration of such period, the powers granted to the two Companies for making and completing the said branch railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

13. The cost of constructing the branch railway by this Act authorised to be made shall be borne by the two Companies equally; and the said branch railway shall be constructed and managed by the Glasgow and Kilmarnock Joint Line Committee, subject to the regulations in the fifty-fourth section of the Joint Line Act, 1869, prescribed, and when completed shall, for the purposes of tolls and charges, and for all other purposes, form part of the joint line of railway vested in the two Companies by the Joint Line Act, 1869.

14. Subject to the provisions of this Act, the South-western Company, in addition to the lands which they are by the other provisions of this Act or by any other Act authorised to acquire, may from time to time enter upon, take, use, and appropriate, compulsorily or by agreement, for the purpose of additional stations and other accommodation in connexion with their undertaking, the lands, houses, and other property delineated on the deposited plans, and described in the deposited books of reference relating thereto, situate in the parish of Kilmaurs and county of Ayr, and lying between the Glasgow and Kilmarnock joint line of railway and the main line of the Glasgow and South-western Railway, and extending westward from the boundary between the parishes of Kilmarnock and Kilmaurs, where that boundary crosses those railways respectively, for a distance of about seven hundred yards from the said boundary along the said joint line, and of about six hundred yards from the said boundary along the Glasgow and South-western Railway: Provided that the powers of compulsory purchase hereby granted shall not be exercised after the expiration of two years after the passing of this Act.

15. Neither of the two Companies shall, out of any money by any Act authorised to be raised by them or either of them, 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 authorising the two Companies, or either of them, to construct any other railway or to execute any other work or undertaking.

16. Nothing herein contained shall be deemed or construed to exempt the joint line 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, authorised by this Act.

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Joint line
not exempt
from pro-
visions of
present and
future gene-
ral Acts.

17. 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 Glasgow and Kilmarnock Joint Line Committee and the South-western Company, in such proportions as may be agreed on between them, or, failing such agreement, as shall be determined by the standing arbitrator appointed under the provisions of the Joint Line Act, 1869.

Expenses
of Act.

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