CHAPTER cliv.

An Act for enabling the Caledonian Railway Company to make railways for connecting their Scottish Central Line at Larbert with their Grangemouth Branch, and with the railway to Carron Ironworks; and for other purposes. A.D. 1881.

[18th July 1881.]

WHEREAS it is expedient that the Caledonian Railway Company (herein-after called "the Company") should be authorised to make railways for connecting their Scottish Central Line at Larbert with their Grangemouth Branch, and with the railway to Carron Ironworks, and to acquire lands and raise additional share and loan capital for the purposes thereof:

And whereas plans and sections, showing the lines and levels of the railways herein-after called Railway No. 1 and Railway No. 2, as by this Act authorised to be made, (and also plans and sections showing the line and levels of the railway herein-after called Railway No. 3, as originally proposed to be made), and books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes thereof under the powers of this Act, were duly deposited with the principal sheriff clerk for the county of Stirling in his offices at Stirling and Falkirk respectively, and are herein-after respectively referred to as the deposited plans, sections and books of reference:

And whereas amended plans and sections, showing the line and levels of the railway herein-after called Railway No. 3 as by this Act authorised to be made, and books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes thereof under the powers of this Act, were subsequently deposited with the said sheriff clerk in his said offices, and are herein-after respectively referred to as the amended plans, sections and books of reference:

A.D. 1881.

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:

Short title.

1. This Act may be cited as the Caledonian Railway (Larbert and Grangemouth Connecting Lines) Act, 1881.

Incorporation of general Acts. 8 & 9 Vict. c. 19. 23 & 24 Vict. c. 106. 8 & 9 Vict. c. 33. 26 & 27 Vict. c. 92. 8 & 9 Vict. c. 17.

2. The Lands Clauses Consolidation (Scotland) Act, 1845; the Lands Clauses Consolidation Acts Amendment Act, 1860; the Railways Clauses Consolidation (Scotland) Act, 1845; Part I. (relating to construction of a railway) of the Railways Clauses Act, 1863; the clauses and provisions of the Companies Clauses Consolidation (Scotland) Act, 1845, with respect to the following matters (that is to say) the distribution of the capital of the Company into shares, the transfer or transmission of shares, the payment of subscriptions and the means of enforcing the payment of calls, the forfeiture of shares for nonpayment of calls, the remedies of creditors of the Company against the shareholders, the borrowing of money by the Company on mortgage or bond, the conversion of the borrowed money into capital, the consolidation of the shares into stock, the general meetings of the Company and the exercise of the right of voting by the shareholders, the making of dividends, the giving of notices, and the provision to be made for affording access to the special Act by all parties interested; and Part I. (relating to cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act; and all the provisions of the Companies Clauses Consolidation (Scotland) Act, 1845, which relate to stock into which shares in the capital of the Company have been converted or consolidated, shall apply to the stock which the Company are by this Act authorised to issue, and to the holders thereof.

26 & 27 Vict. c. 118.

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 the Acts wholly or partially incorporated with this Act, as applied to this Act, the expression "the Company" means the Caledonian Railway Company; the expression "the special Act" means this Act; and the expressions "the railway" and "the

undertaking" mean and include respectively the railways and the undertaking by this Act authorised. A.D. 1881.

Power to make railways.

4. 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 railways herein-after described and called Railway No. 1 and Railway No. 2, and in the line and according to the levels shown on the amended plans and sections the railway herein-after described and called Railway No. 3, and all proper stations, sidings, approaches, and other works and conveniences in connexion with the said railways respectively; 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 railways herein-before referred to and authorised by this Act are:—

(1.) A railway (in this Act called "Railway No. 1"), three miles six furlongs and nine yards or thereabouts in length, commencing by a junction with the Company's Scottish Central Line, at a point in the parish of Larbert at or near the bridge by which that line is carried over the public road leading from Larbert to Falkirk, and terminating by a junction with the Company's Grangemouth Branch, at a point in the parish of Falkirk, at or near the bridge which carries the public road leading from Kerse Bridge to Polmont over the said branch:

(2.) A railway, wholly in the parish of Larbert, (in this Act called "Railway No. 2"), one furlong nine chains and nine yards or thereabouts in length, commencing by a junction with the Company's Scottish Central Line, at a point about thirty yards southward from the bridge by which the public road from Larbert to Stenhousemuir is carried over that line, and terminating by a junction with Railway No. 1, at a point about fifty yards northward from Broomage Mains farm steading:

(3.) A railway, wholly in the parish of Falkirk, (in this Act called "Railway No. 3"), one furlong two chains and eight yards or thereabouts in length, commencing by a junction with Railway No. 1, at a point about three hundred and seventy yards eastward from the farm steading of Longdales, and terminating by a junction with the railway belonging or reputed to belong to Carron Company, and numbered on the deposited plans 11, in the parish of Falkirk, leading from the North British Railway Company's Stirlingshire Midland Junction Line to Carron Ironworks, at a point about six hundred and

A.D. 1881.

five yards southward from the centre of the bridge by which the said railway to Carron Ironworks is carried over the River Carron.

Power to raise additional capital.

5. Subject to the provisions of Part II. of the Companies Clauses Act, 1863, the Company may, for the purpose of constructing the works and acquiring the lands by this Act authorised to be constructed and acquired, raise any additional capital not exceeding in nominal amount one hundred thousand pounds, by the issue, at their option, of new ordinary shares or stock, or new preference shares or stock, or wholly or partially by any one or more of those modes respectively; but the Company shall not issue any share of less nominal value than ten pounds, nor shall any share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof: Provided that, if in any year ending on the thirty-first day of January there are not profits available for the payment of the full amount of preferential dividend or interest for that year on any such new preference shares or stock, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

New shares or stock to be subject to same incidents as other shares or stock.

6. Except as by this Act otherwise provided, the capital in new shares or stock created by the Company under this Act, and the new shares or stock therein, and the holders thereof respectively, shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges and incidents whatsoever, in all respects, as if that capital were part of the now existing capital of the Company of the same class or description, and the new shares or stock were shares or stock in that capital.

Capital.

7. The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

8. Every person who becomes entitled to such new shares or stock shall, in respect of the same, be a holder of shares or stock in the Company, and shall be entitled to a dividend, with the other holders of shares or stock of the same class or description, proportioned to the whole amount from time to time called and paid on such new shares, or to the whole amount of such stock, as the case may be.

Votes in respect of new shares or stock.

9. Each holder of new shares or stock in the capital by this Act authorised to be raised shall be entitled to the same number of votes in respect thereof which the possession of an equal nominal amount of the existing capital stock of the Company would have conferred upon him: Provided always, that except as otherwise

expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any such new shares or stock to which a preferential dividend shall be assigned.

New share or stock issued under this Act and any other Act of past or present sessions may be of same class.

10. Subject to the provisions of any Act already passed, by which the Company are authorised to raise capital by new shares or stock, and to the provisions of this Act, and of any other Act passed in the present session of Parliament, whether before or after the passing of this Act, by which the Company may be authorised to raise capital by new shares or stock, the Company may if they think fit raise, by the creation and issue of new shares or stock of one and the same class, all or any part of the aggregate capital which they are by such other Acts and this Act respectively authorised to raise by the creation and issue of new shares or stock.

Power to borrow.

11. The Company may from time to time borrow on mortgage any sums not exceeding in the whole thirty-three thousand three hundred and thirty pounds; but no part thereof shall be borrowed until the whole capital of one hundred thousand pounds is 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 such capital has been 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 (forming part of such capital so issued) 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 persons or corporations to whom the same was issued, or their executors, administrators, successors or assignees, and also, in so far as the said capital is raised by shares, that such persons or corporations, or their executors, administrators, successors or assignees are legally liable for the same; and upon production to such sheriff of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Appointment of a judicial factor.

12. The mortgagees of the Company under this or any previous Act may enforce payment of arrears of interest, or principal, or principal and interest, due on their mortgages, by the appointment of a judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than ten thousand pounds in the whole.

A.D. 1881.

Existing mortgages to have priority.

13. All mortgages and bonds granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall, during the continuance of such mortgages and bonds, and subject to the provisions of the Acts under which the same were respectively granted, have priority over any mortgages granted by virtue of this Act; but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture stock.

30 & 31 Vict. c. 126.

14. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863, as amended by the Railway Companies (Scotland) Act, 1867, but notwithstanding anything therein contained the interest of all debenture stock, at any time after the passing of this Act created and issued by the Company, shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

15. All moneys raised under this Act, whether by shares or stock, or debenture stock or borrowing, shall be applied for the purposes of this Act only.

Company may apply corporate funds to purposes of Act.

16. The Company may apply towards the purposes authorised by this Act any capital or funds belonging to or authorised to be raised by them, which may not be required for the purposes for which the same were authorised to be raised or directed to be applied.

Lands for extraordinary purposes.

17. The quantity of land to be acquired by agreement by the Company, for the extraordinary purposes mentioned in the Railways Clauses Consolidation (Scotland) Act, 1845, in connexion with the railways authorised by this Act, shall not exceed three acres, in addition to the lands which they are authorised by this Act to take compulsorily, and by any other Acts to take compulsorily or acquire by agreement.

Period for compulsory purchase of lands.

18. 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.

Power to take easements, &c. by agreement.

19. Persons empowered by the Lands Clauses Consolidation (Scotland) Act, 1845, to sell and convey lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right or privilege, not being an

easement of water, required for the purposes of this Act, in, over, or affecting any such lands: and the provisions of the said Acts with respect to lands and feu duties or ground annuals, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such easements, rights and privileges as aforesaid respectively.

Owners may be required to sell parts only of certain properties.

20. And whereas it may happen that portions only of the lands, buildings or manufactories, shown on the deposited plans as subject to be taken by the Company for the purposes of this Act, will be sufficient for those purposes, and that such portions may be severed from the remainder of the said properties without material detriment thereto; therefore, notwithstanding section ninety of the Lands Clauses Consolidation (Scotland) Act, 1845, the owners of and other persons interested in the lands, buildings, or manufactories described in the schedule to this Act, and whereof portions only are required for the purposes of this Act, may (if such portions can, in the judgment of the jury, arbiter, or other authority assessing or determining the compensation under that Act, be severed from the remainder of the said properties without material detriment thereto) be required to sell and convey to the Company such portions only, without the Company being required to purchase the whole or any greater portions of such properties; the Company always paying for the portions taken by them, and making compensation for any damage sustained by the owners thereof or other persons interested therein by severance or otherwise: Provided always, that nothing in this section contained shall be held as determining whether the properties described in the said schedule are or are not subject to the provisions of section ninety of the Lands Clauses Consolidation (Scotland) Act, 1845.

Notice to be given of taking houses of labouring classes.

21. The Company shall, not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice, placed in public view upon or within a reasonable distance from such houses; and they shall not take any such houses until they have obtained the certificate of the sheriff that it has been proved to his satisfaction that they have so made known their intention.

Company to procure accommodation for persons of labouring

22. Before displacing any person or persons belonging to the labouring classes, who may for the time being be the occupier or occupiers of any house or part of any house which the Company are by this Act authorised to take, the Company shall (unless they and

A.D. 1881.

classes to be displaced.

such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons: Provided always, that if any question shall arise as to the sufficiency of such accommodation, such question shall be determined by the sheriff; and the Company may, for the purpose of procuring such accommodation, appropriate any lands for the time being belonging to them or which they have power to acquire, and may purchase by agreement such further lands as may be necessary for such purpose, and may on such lands erect labouring class dwellings, and may apply for the purposes of this section or any of them any moneys which they may have already raised or are authorised to raise.

Protection of Stirlingshire road trustees.

23. The Company shall not make the inclinations of the public roads next herein-after mentioned steeper than the inclinations herein-after specified in connexion with those roads respectively (that is to say):—

No. on deposited Plans.	Parish.	Inclinations.
23	Larbert - -	1 in 30.
373	Falkirk - -	1 in 30.
376	Falkirk -	On the north side 1 in 30, and on the south side a uniform inclination from the bridge by which this road will be carried over Railway No. 1 to the bridge by which it is carried over the said Grangemouth Branch.

Height and span of a certain bridge.

24. The Company may make the arch of the bridge for carrying Railway No. 1 over the road next herein-after mentioned, of any height and span not less than the height and span herein-after specified (that is to say):—

No. on deposited Plans.	Parish.	Description of Road.	Height.	Span.
			feet.	feet.
217	Falkirk -	Public - -		20

Width between fences of certain bridges.

25. The Company may make the bridges by which the road and railway next herein-after mentioned will be carried over Railway No. 1, and also the said road and railway so far as altered under the powers of this Act, of such width between the fences thereof as the Company think fit, not being less than the respective widths

herein-after specified in connexion with the said road and railway respectively (that is to say) :— A.D. 1881.

No. on deposited Plans.	Parish.	Description.	Width between Fences.
			feet.
23	Larbert - -	Public road - -	20
11	Falkirk - -	Private railway - -	15

26. The Company may permanently stop up and appropriate the site of the railway siding next herein-after mentioned, to the extent herein-after specified (that is to say) :— Power to stop up railway siding.

No. on deposited Plans.	Parish.	Description.	Extent.
1	Larbert -	Railway siding -	So much as may be required for Railway No. 2 and relative works.

27. Whereas, in virtue of the powers conferred upon them by the Caledonian and Scottish Central Railways Amalgamation Act, 1865, the North British Railway Company use, by their engines, trucks and carriages, the railway siding authorised to be stopped up as aforesaid, which forms part of what was formerly the undertaking of the Scottish Central Railway Company, and the Company have agreed to make another siding in substitution therefor: Be it enacted, that before interfering with the said siding the Company shall construct, at their sole cost, a similar railway siding in substitution therefor, in a position to be agreed on between the engineers for the time being of the Company and of the North British Railway Company, or failing such agreement to be determined by an arbiter to be appointed on the application of either Company by the Board of Trade, which siding to be made as aforesaid shall be held to be in substitution for the siding to be stopped up as aforesaid, and shall form part of the undertaking of the Company, and be subject to the same right of user by the North British Railway Company, as that Company now have in respect of the siding to be stopped up as aforesaid. Company to make substituted siding 28 & 29 Vict. c. cclxxxvii.

28. Whereas the Company's Grangemouth Branch has been formed as a double line throughout, except as respects the junction thereof with the North British Railway Company's Stirlingshire Junction of Grangemouth Branch with

A.D. 1881.

Stirlingshire Midland Junction Line.

Midland Junction Line, the North British Railway Company shall, within twelve months after the passing of this Act, complete the junction of the said branch as a double line with their said railway, and the cost of making and maintaining the said junction shall be borne by the Company. The said junction shall be constructed in the position and according to a plan to be approved of by the engineer of the Company, or, in the event of difference between him and the engineer of the North British Railway Company, by an engineer to be appointed by the Board of Trade on the application of either of the said companies.

Junction between Railway No. 1 and Grangemouth Branch.

30 & 31 Vict. c. cvi.

29. The management and control of the junction between Railway No. 1 and the Company's Grangemouth Branch shall be vested in the joint committee, acting under the provisions of the agreement scheduled to the Caledonian Railway and Forth and Clyde Navigation Companies Act, 1867.

Power to stop up portions of existing roads where deviations substituted.

30. When any new portions of road, authorised by the provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, as incorporated with this Act, to be formed in lieu of existing roads altered or diverted, are respectively completed and opened, the Company may permanently stop up those portions of existing roads for which such new portions of road are respectively substituted; and the sites of the said portions of existing roads so stopped up, so far as the same shall be bounded on both sides by property of the Company, shall belong to and be vested in the Company, and may be used or sold, feued out or disposed of by them as they think fit: Provided always, that where any such new portion of road is formed through or along lands belonging wholly or partly to any person, through or along whose lands the superseded portion of existing road for which such new portion of road is substituted passes, the value of the site of so much of the said superseded portion of road as passes through or along the lands of such owner, and is given up to him, shall be taken into account in estimating the compensation payable to him for the land taken from him for such new portion of road.

New portions of road to be subject to same provisions as existing roads.

31. All new portions of road, authorised by the provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, as incorporated with this Act, to be formed in lieu of roads altered or diverted, shall, as respects management, maintenance and tolls (where tolls are exigible), and in all other respects, be held as parts of, and be subject to the same provisions as, the existing roads so altered or diverted respectively.

32. The Company shall, in the construction of the railways by this Act authorised, be subject to the following provisions:

Protection of Carron Company and Mr. Dawson's trustees.

(1.) The Company shall not, without the previous consent of Carron Company under their corporate seal, commence the construction of Railway No. 3, nor enter upon, take or use any lands for the purposes thereof, before the expiration of six months after the passing of this Act; and if within that period Carron Company shall intimate to the Company, under their corporate seal, their desire that they should themselves construct that railway, or a similar line for connecting Railway No. 1 with their said railway leading from the Stirlingshire Midland Junction Line to Carron Ironworks, the powers of this Act with reference to Railway No. 3 shall thereupon cease and determine; and if no such intimation be made, and if within five years after the Company shall have completed Railway No. 3 and opened the same for traffic, Carron Company shall intimate to the Company, under their corporate seal, their desire to purchase that railway, and shall pay to the Company the sums expended by them in constructing the same and in acquiring the lands taken for the purposes thereof, (of which sums expended as aforesaid the Company shall keep, and shall communicate to Carron Company within one calendar month after the date of opening for traffic the said Railway No. 3, a separate and distinct detailed account, certified by Messieurs Blyth and Cunningham, civil engineers, Edinburgh, or by the consulting engineers for the time being of the Company, and in case of difference between the parties as to any of the charges in the said account, the same shall be referred to two arbiters mutually chosen, or to an oversman to be named by such arbiters, whose decision shall be final and binding on the parties), the Company shall transfer the same to Carron Company, and Railway No. 3 shall thenceforth be the property of that Company, and shall not be subject to any of the powers of the Company, or to any of the provisions of this Act.

(2.) The Company shall not, without the previous consent of Carron Company under their corporate seal, stop up that company's tramway numbered on the deposited plans 21 in the parish of Falkirk, nor shall the Company in any way interfere therewith further or otherwise than may be necessary for the construction of Railway No. 1; and the Company shall carry the said tramway over Railway No. 1, by means of a bridge, of width sufficient for a single line of

A.D. 1881.

railway, and of strength sufficient to carry the traffic of Carron Company by means of locomotive engines and ordinary railway rolling stock.

(3.) The Company shall make so much of a line of railway, proposed by Carron Company for connecting their said railway leading from the Stirlingshire Midland Junction Line to Carron Ironworks, as altered under the powers of this Act, with their said tramway and with their basin at Bainsford or one or both of them, as shall be required for carrying the same over and through the works and lands of Railway No. 1, in the position and manner agreed on between the said companies, and delineated on a plan signed as relative hereto by Joseph Alfred Hardcastle Esquire, chairman of the Select Committee of the House of Commons to whom the Bill for this Act was referred; and if the Company find it necessary to deviate Railway No. 1, at or near the point where Carron Company's said existing railway and proposed connecting line are intended to be carried over it, the Company shall construct the bridge herein-after mentioned, and carry the said existing railway and proposed connecting line over Railway No. 1, and the sidings and works connected therewith, in a manner equally convenient for Carron Company with that shown on the said plan, and to the reasonable satisfaction of the engineer of that company. The Company shall not, without the previous consent of Carron Company under their corporate seal, take any part of Carron Company's said existing railway, numbered on the deposited plans 11, in the parish of Falkirk, nor of the lands on which that railway is formed, but shall have, so long as may be required for the purposes of Railway No. 1, an easement of making and maintaining, under Carron Company's said existing railway (as altered under the powers of this Act), and under Carron Company's said proposed connecting line, Railway No. 1, with sidings and relative works, and of exclusively using, permitting to be used, and levying tolls, rates and charges upon that portion of Railway No. 1, and sidings and relative works, in the same manner as any other portion of that railway. The Company shall construct a bridge for carrying Carron Company's said existing railway, and for carrying their said proposed connecting line, over Railway No. 1, and the sidings and works connected therewith, which bridge shall be of strength sufficient to carry the traffic of Carron Company by means of locomotive engines and ordinary railway and rolling stock. The structure of the said bridge shall be maintained by the Company, but Carron

Company shall maintain their own railways thereon. In making and maintaining the bridges referred to in this and the next preceding subsection, the Company shall make provision for securing, by means if necessary of temporary deviations of Carron Company's railways or tramway, that the traffic on the said railways and tramway shall not be interrupted; and if any land belonging to Carron Company be required for such temporary deviations, they shall allow the same to be used for that purpose, the Company always paying surface damages for such use, and restoring such land to its previous condition within twelve months after the commencement of their operations on such railways and tramway respectively.

(4.) Railway No. 1, where passing through the lands numbered respectively on the deposited plans 25, 30, and 32 in the parish of Larbert, shall be constructed so far to the northward of the line of that railway as shown on those plans, as to touch certain lands called Crownest; and the said railway, where passing through the lands numbered respectively on the said plans 41 and 48 in the said parish, shall be constructed to the southward of the line of that railway as shown on the said plans; and the said railway, where shown on those plans as passing through the reservoir numbered thereon 35 in the said parish, shall be constructed to the northward of the line of that railway as shown on the said plans; all to the extent and in the manner shown on the said plan signed by the said Joseph Alfred Hardcastle Esquire.

(5.) Railway No. 1 shall be so constructed as to leave a space of land, belonging to Carron Company, not less than twenty-five feet in width between that railway and the southernmost point of the southern boundary of the lands numbered on the deposited plans 29 in the parish of Larbert.

(6.) The Company shall not construct any station or depôt on the lands, belonging or reputed to belong to the trustees of the late William Dawson Esquire of Gairdoch in the county of Stirling, situate between the road numbered on the deposited plans 22 and the eastern boundary of the lands numbered on those plans 280, both in the parish of Falkirk, without the previous consent in writing of the said trustees or of the owners of the said lands for the time being; but the Company shall, if required by the said trustees or by such owners within twelve months after the passing of this Act, construct and maintain a passenger station on the said lands to the westward of the road numbered on the said plans 279 in the parish of Falkirk; and, if the Company be so required to construct the said station,

A.D. 1881.

it shall be constructed simultaneously with Railway No. 1: Provided always, that in the event of the construction of the bridge under Railway No. 1, herein-after provided for, rendering it necessary for the Company to raise the levels of that railway, to such an extent as to prevent the construction on the said lands of a passenger station with accesses thereto suitable for their traffic, they shall, if and when required in writing by the said trustees or such owners as aforesaid and by Carron Company, construct a passenger station on lands belonging to Carron Company, at such place as shall be agreed on between the said parties on the one hand and the Company on the other hand.

(7.) The Company shall make and maintain a bridge, as shown on the said plan signed by the said Joseph Alfred Hardcastle Esquire, having a good roadway not less than twenty-three feet in width including water channels, and a well-paved footpath six feet in width including kerbstones on each side thereof, over Railway No. 1, near the eastern corner of the bowling green numbered on the deposited plans 78 in the parish of Falkirk; or, in case the line of that railway as laid down on the deposited plans is deviated, then at a point corresponding as near as may be to the point above specified, or at such other point as may be agreed upon between the Company and the said trustees or such owners as aforesaid; and the Company shall also make and maintain a bridge under the said railway, to span the roadway herein-after specified as upon the west side of and parallel with the eastern boundary of the lands numbered on the deposited plans 280 and 246 in the parish of Falkirk, which last-mentioned bridge shall have a clear span of not less than thirty-five feet, and a clear headway of not less than fourteen feet throughout; and the Company shall form on the said lands numbered 280 and 246 or one of them, underneath the said bridge, and upon the west side of and parallel with the said eastern boundary, a good roadway, not less than twenty-three feet in width including water channels, and a well paved footpath six feet in width including kerbstones on each side thereof; and if, in order that the last-mentioned roadway and footpaths may be effectually drained (which the Company shall do in all time coming), and that approaches thereto may be constructed with inclinations not steeper than one in thirty, it be found necessary that the Company should raise the levels of the said railway, they shall do so, to such extent within their vertical limits of deviation

as may be necessary for the said purposes. The said bridges, with their respective roadways, water channels, footpaths, and kerbstones shall, unless otherwise agreed upon between the Company and the said trustees or such owners as aforesaid, be constructed simultaneously with Railway No. 1.

Penalty imposed unless railways are opened within the time limited.

33. If the Company fail, within the period limited by this Act, to complete the several railways authorised to be made by this Act, the Company 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 railways are 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 railways not so completed; 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, or by the Solicitor of Her Majesty's Treasury, and in the same manner as the penalty provided in the third section of 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 that section, 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 and to the credit specified 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 Company were prevented from completing or opening such railways respectively 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.

17 & 18 Vict. c. 31.

Application of penalty.

34. Every sum of money 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 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

A.D. 1881.

if no such compensation shall be payable, or if a portion of the sum or sums of money 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 either be forfeited to Her Majesty, and be paid or transferred accordingly to or for the account of Her Majesty's Exchequer in such manner as the said court thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and be carried to and form part of the Consolidated Fund of the United Kingdom, or in the discretion of the said court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

Period for completion of works.

35. If the railways by this Act authorised to be made shall not be completed within five years from the passing of this Act, then, on the expiration of that period, the powers by this Act granted to the Company for making and completing the said railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Tolls, &c.

36. The Company may demand and take, in respect of the use of the several railways by this Act authorised to be made, or any of them, or any part thereof, and of carriages and engines thereon, and in respect of accommodation and services provided by the Company in connexion therewith, any tolls, rates and charges not exceeding the tolls, rates and charges which the Company are by the Caledonian Railway (Lanarkshire and Midlothian Branches) Act, 1866, authorised to demand and take in respect of the use of the railways by that Act authorised to be made, and of carriages and engines thereon, and in respect of accommodation and services provided by the Company in connexion therewith: Provided that the said railways by this Act authorised to be made shall, as respects tolls, rates and charges, be considered in all respects part of the undertaking of the Company, and that only one short-distance charge shall be made for the conveyance of any traffic partly thereon or on any part thereof, and partly on any other railways of the Company.

29 & 30 Vict. c. cccxlii.

Interest not to be paid on calls paid up.

37. The Company shall not, out of any money by this Act or any other Act relating to the Company authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act

shall 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.

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

38. The Company shall not, out of any money by this Act authorised 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 authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as to general Railway Acts.

39. Nothing in this Act contained shall exempt the Company, or the railways by this Act authorised 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, authorised by this Act.

Expenses of Act.

40. 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.

A.D. 1881.

SCHEDULE to the preceding Act.

FOR RAILWAY NO. 1.

No. on deposited Plans.	Parish.	Description of Property.	Owners or reputed Owners.
34	Larbert	Water lade - - -	Carron Company.
35	Do.	Pond - - -	Do.
36	Do.	Footpath and banks -	Do.
11	Falkirk	Line of railway and slopes -	Do.
21	Do.	Site of old tramway -	Do.
281	Do.	Pasture land - -	Howard John Kennard, Arthur Challis Kennard, Henry Martin Kennard, Edward Kennard.
282	Do.	Refuse heap, road, and tram-plates.	Do.
283	Do.	Arable land, ash pit and privy	Do.
284	Do.	Clayhole - - -	Do.
290	Do.	Arable land - -	Do.
291	Do.	Garden ground and outhouse	Do.
288	Do.	Road, coal cellars, and out-houses.	Do. and Robert Buchan, and the Police Commissioners of the burgh of Falkirk.
352	Do.	Pasture land - -	Andrew Watson.

FOR RAILWAY NO. 3.

11	Falkirk	Line of railway and slopes -	Carron Company.

LONDON : Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1881.