CHAPTER ccxv.

An Act to revive the powers and extend the periods for the compulsory purchase of Lands, and for the construction of the Railway authorised by the Glencairn Railway Act, 1872; and for other purposes. [10th August 1877.]

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WHEREAS by "The Glencairn Railway Act, 1872," (in this Act referred to as "the Act of 1872,") the Glencairn Railway Company (in this Act called "the Company") were incorporated for the purpose of making the railway therein and herein-after described (in this Act called "the railway"):

And whereas by the Act of 1872 the periods for the compulsory purchase of lands for and for the completion of the railway were limited to three and four years respectively from the passing of that Act, which received the Royal assent on the sixth day of August 1872:

And whereas it is expedient that the said powers should be revived, and the time for the compulsory purchase of lands for and for the completion of the railway should be limited as herein-after provided:

And whereas plans and sections of the railway, and a book of reference to the plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands and property which may be taken for the purposes of the railway, have been deposited with reference to the application to Parliament for this Act with the principal sheriff clerk of the county of Dumfries, which plans, sections, and book of reference are in this Act referred to as the deposited plans, sections, and book of reference:

And whereas the objects 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,

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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 Glencairn Railway (Revival of Powers) Act, 1877."

Act of 1872 and this Act to form one Act.

2. The Act of 1872, as amended by this Act, and this Act shall be read together as and shall form one Act.

Incorporation of Part II. of Railways Clauses Act, 1863.

3. Part II. (relating to extension of time) of "The Railways Clauses Act, 1863," so far as not expressly varied by this Act, is incorporated with this Act.

Powers of Act of 1872 revived, and contracts, &c. extended.

4. All the rights, powers, and authorities conferred upon the Company by the Act of 1872 for the compulsory purchase of lands, the construction and completion of the railway, the levying of tolls, rates, and charges, the raising of capital, and the borrowing of money, shall be and the same are hereby revived; and all contracts, obligations, and liabilities contracted or incurred by or imposed upon the Company under that Act, or in the exercise of the powers thereby conferred, shall be and the same are hereby continued and made applicable to the Company and their undertaking as authorised to be constructed or completed under this Act.

Power to make railway and works.

5. The railway and works which the Company may, under the Act of 1872 and this Act, make or complete and maintain, is—

A railway, with all proper stations, approaches, works, and conveniences connected therewith, ten miles four furlongs and 3·2 chains in length, commencing in the parish of Glencairn and county of Dumfries, near to the village of Moniaive, at a point about twelve chains north-eastward from Waulk Mill Bridge, over Craigdarroch Water, and terminating in the parish of Kirkmahoe, in the same county, by a junction with the Glasgow and South-western Railway, at a point about fifteen chains south-eastward from the bridge carrying the public road from Auldgirth Bridge to Dalswinton Village over that railway;

and the said railway and works shall be constructed and maintained subject to the provisions of the Acts wholly or partially incorporated with the Act of 1872, and (subject to the provisions of the Act of 1872) in the line and according to the levels shown on the deposited plans and sections.

Period within which lands for purposes of railway may be purchased compulsorily.

6. The powers of the Company for the compulsory purchase of lands for the purposes of the railway may be exercised within but shall not be exercised after two years from the passing of this Act.

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7. With respect to the Post Office telegraph system the following provisions shall take effect:

Restriction on works affecting Post Office telegraph system.

(A.) The Company shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Company have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Company, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Company executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Company shall forthwith give notice to the Postmaster General of any such interference and the reason for the same:

Power for Postmaster General to annex conditions.

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Company shall observe and perform the same:

Power of entry for Postmaster General.

(C.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the railways, lands, and works of the Company for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon:

Compensation by Company to Postmaster General, and penalty.

(D.) The Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Company, by any work or thing executed or done by them, interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty

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pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company:

Power for Postmaster General to construct and work telegraphs, &c.

(E.) Her Majesty's Postmaster General, on, over, along, and across any of the railways, works, and lands for the time being of the Company, may from time to time construct such line or lines of telegraphs as he thinks fit, with all necessary and proper posts, wires, apparatus, and other works connected therewith, and remove or vary the same and construct others instead thereof or in addition thereto, and may maintain, inspect, test, repair, reinstate, work, and use the same as they for the time being exist, and may, by his engineers and other officers, servants, and workmen, at and for all reasonable times, for all or any of the purposes aforesaid, enter on and into and remain on those railways, works, and lands; but in the exercise of the powers of this section the Postmaster General shall not interfere with the traffic on any of the Company's railways, and shall cause as little inconvenience as may be to the Company, and shall execute and do every work or thing to the reasonable satisfaction of the engineer of the Company; and if at any time the Company desire to make at their own expense any alteration in any work executed by the Postmaster General under the authority of this section, without interrupting or impeding postal telegraphic communication, they may do so, first giving notice in writing to the Postmaster General of their intention; and in the exercise of the powers given by this section the Postmaster General shall do as little damage as may be, and shall make full compensation to the Company for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount and application of such compensation to be determined in manner provided by "The Lands Clauses Consolidation Act, 1845," and any Act amending the same, for the determination of the amount and application of compensation for lands taken or injuriously affected:

Provisions to remain in force for one year and to the

(F.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in

relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament.

end of the then next session of Parliament.

8. The railway shall be completed within three years from the passing of this Act, and on the expiration of such period the powers granted to the Company for making the railway shall cease, except as to so much thereof as shall then be completed.

Period for completion of railway.

9. Whereas the sum of two thousand six hundred and seventy-seven pounds and ten shillings, being five per centum upon the amount of the estimate in respect of the completion of the railway, was deposited with the Court of Exchequer in Scotland in respect of the application to Parliament for the Act of 1872, as recited in the 24th section of that Act, and that sum still remains deposited in that Court: Be it enacted, that, notwithstanding anything contained in the recited Act of the 9th and 10th years of Her Majesty, or in the Act of 1872, the said sum so deposited shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act of the 9th and 10th years of Her Majesty, or the survivors or survivor of them, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the railway, either open the railway for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by the Act of 1872 authorised to be raised by means of shares, and have expended for the purposes of the Act of 1872 and of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the said railway for the public conveyance of passengers, or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified, and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of the Act of 1872 or of this Act having passed, anything in the said recited Act to the contrary notwithstanding.

Deposit money not to be repaid until line opened or half the capital paid up and expended.

10. The said sum of money deposited as aforesaid shall be applicable, and after due notice in the "Edinburgh Gazette" shall be applied, towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the said railway or any portion thereof, or who may have been

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subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by the recited Acts 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 in Scotland may seem fit; and if no such compensation shall be payable, or if a portion of the said sum of money shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said sum of money, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the Court of Exchequer in Scotland thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall 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: Provided that until the said sum of money shall have been repaid to the depositors, or shall have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

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

11. The Company shall not, out of any money by the Act of 1872 authorised to be raised, 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 authorising the Company to make any other railway, or to execute any other work or undertaking.

Interest not to be paid on calls paid up, except on advances beyond calls made.

12. The Company shall not, out of any money by the Act of 1872 authorised to be raised, pay interest or dividends to any shareholder on the amount of calls made in respect of shares held by him in the capital by this Act authorised to be created: Provided always, that the Company may pay to any such shareholder any interest on money advanced by him beyond the amount of calls actually made as is in conformity with the provisions in that behalf of "The Companies Clauses Consolidation Act, 1845."

Company not exempt from provisions of present and future general Acts.

13. Neither the Act of 1872 nor this Act shall exempt the Company from the provisions of any present or future general Act relating to railways, or to the better or more impartial audit of the accounts of railway companies, or from any future revision and alteration, under the authority of Parliament, of the rates of fares and charges in the first-recited Act authorised, or of the rates for small parcels thereby authorised.

Expenses of Act.

14. All costs, charges, and expenses of and incident to the obtaining and passing of this Act shall be paid by the Company.

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