CHAPTER xlv.

An Act to extend the time limited by the West Highland Railway Acts 1894 and 1896 for the compulsory purchase of lands and for the completion of the railways authorised by the said Acts and for other purposes. A.D. 1899.

[20th June 1899.]

WHEREAS by the West Highland Railway Act 1889 (herein-after called the Act of 1889) the West Highland Railway Company (herein-after called the Company) was incorporated and empowered to construct the railways and works therein described and in particular a certain junction railway therein called Railway No. 4 five furlongs five chains and seventy links in length:

And whereas by the West Highland Railway Act 1890 (herein-after called the Act of 1890) the Company was authorised to construct the railways and works therein described and in particular certain branch lines therein called Railways No. 4 No. 5 No. 6 and No. 7 in or near Fort William and having a total length of two miles two furlongs three chains seventy links or thereabouts:

And whereas by the North British Railway Act 1892 the period for the completion of the railways authorised by the Act of 1889 was extended to the twelfth day of August one thousand eight hundred and ninety-six:

And whereas the opening of the Railway No. 4 authorised by the Act of 1889 was sanctioned by the Board of Trade for the public conveyance of passengers and the said railway was opened accordingly on the twentieth day of December one thousand eight hundred and ninety-seven:

And whereas the opening of the Railway No. 5 authorised by the Act of 1890 was sanctioned by the Board of Trade for the public conveyance of passengers and the said railway was opened accordingly on the thirty-first day of May one thousand eight hundred and ninety-five:

A.D. 1899.

And whereas the opening of the Railways No. 4 No. 6 and No. 7 authorised by the Act of 1890 was sanctioned by the Board of Trade on the thirty-first day of May one thousand eight hundred and ninety-five but for goods traffic only and the said railways were opened accordingly and it has been found that the opening of these railways for passenger traffic is not required for the public convenience:

And whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of one hundred and eighty-eight pounds fifteen shillings being five per centum upon the estimate for Railway No. 4 sanctioned by the Act of 1889 and a further sum of nine hundred and one pounds seven shillings being five per centum upon the estimate for the Railways No. 4 No. 5 No. 6 and No. 7 sanctioned by the Act of 1890 have been deposited with the Queen's and Lord Treasurer's Remembrancer on behalf of the Court of Exchequer in Scotland as deposit funds in respect of the applications to Parliament for the said railways and it is expedient that the said sums of one hundred and eighty-eight pounds fifteen shillings and nine hundred and one pounds seven shillings should be released and repaid to the depositors:

And whereas by the West Highland Railway Act 1894 (hereinafter called the Act of 1894) the Company was empowered to construct the railway and works therein described and by the North British Railway (General Powers) Act 1897 the time limited for the compulsory purchase of lands and the completion of the railway and works authorised by the Act of 1894 was extended and it is expedient that the time limited by the Act of 1894 for the compulsory purchase of lands as extended and limited by the said North British Railway (General Powers) Act 1897 should be further extended:

And whereas by the West Highland Railway Act 1896 (hereinafter called the Act of 1896) the Company was empowered to construct the railway and works therein described and it is expedient that the time limited by the Act of 1896 for the compulsory purchase of lands and for the completion of the railway and works should be extended:

And whereas the objects of this Act cannot be attained 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:— A.D. 1899.

Short title.

1. This Act may be cited as the West Highland Railway Act 1899.

Incorporation of Part II. of Railways Clauses Act 1863.

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

Release of deposit under Act of 1889.

3. Subject to the provisions of section twelve of the North British Railway Act 1892 with respect to the payment of compensation to landowners and other persons interested and for the protection of creditors the Court of Exchequer in Scotland may and shall at any time after the passing of this Act on the application of the persons referred to in the eleventh section of the North British Railway Act 1892 as "the depositors" order that the sum of one hundred and eighty-eight pounds fifteen shillings being the deposit fund in respect of Railway No. 4 authorised by the Act of 1889 or as the case may be the securities in or upon which the said deposit fund may be or may have been invested together with the interest and dividends thereon be paid or transferred to the depositors or as they may appoint and upon such order being made the said deposit fund and the interest and dividends thereon shall be paid or transferred accordingly.

Release of deposit under Act of 1890.

4. Subject to the provisions of section twenty-four of the Act of 1890 with respect to the payment of compensation to landowners and other persons injured and for the protection of creditors the Court of Exchequer in Scotland may and shall at any time after the passing of this Act on the application of the persons referred to in the twenty-third section of the Act of 1890 as "the depositors" order that the sum of nine hundred and one pounds seven shillings being the deposit fund in respect of Railways No. 4 No. 5 No. 6 and No. 7 authorised by the Act of 1890 or as the case may be the securities in or upon which the said deposit fund may be or may have been invested together with the interest and dividends thereon be paid or transferred to the depositors or as they may appoint and upon such order being made the said deposit fund and the interest and dividends thereon shall be paid or transferred accordingly.

Further extension of time for compulsory purchase of lands for railway authorised by Act of 1894.

5. The powers granted to the Company by the Act of 1894 and extended by the North British Railway (General Powers) Act 1897 for the compulsory purchase of lands for the purposes of the first-mentioned Act are hereby further extended and continued and may be exercised by the Company for a period of two years from the thirty-first day of July one thousand eight hundred and ninety-nine and on the expiration of that period these powers shall cease.

Extension of time for compulsory purchase of lands for railway authorised by Act of 1896.

6. The powers granted to the Company by the Act of 1896 for the compulsory purchase of land for the purposes of that Act are hereby extended and may be exercised by the Company for a period of two years from the seventh day of August one thousand eight hundred and ninety-nine and on the expiration of that period these powers shall cease.

Extension of time for completion of railway authorised by Act of 1896.

7. The powers granted to the Company by the Act of 1896 for the completion of the railway and works by that Act authorised are hereby extended and continued and may be exercised for a period of two years from the seventh day of August one thousand nine hundred and one If the said railway and works shall not be completed within the period by this Act extended and limited for their completion then on the expiration of that period the powers of making and completing the same and otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Penalty imposed unless railway authorised by Act of 1896 is opened within time limited.

8. If the Company fail within the period extended and limited by this Act to complete the railway authorised by the Act of 1896 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 railway is completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per cent. 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 or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section three 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 of the Queen's and Lord Treasurer's Remembrancer on behalf 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 was prevented from completing or opening such line 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 penalty.

9. 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 has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by the Act of 1896 as amended by this Act and for which injury or loss no compensation or inadequate compensation has 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 is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has 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 if a judicial factor has been appointed or the Company is insolvent or the railway in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such judicial factor or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

Provision as to general Railway Acts.

10. Nothing in this Act contained shall except so far as the same may be limited by the Acts of 1894 and 1896 exempt the Company or the railway 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 to be taken by the Company.

Costs of Act.

11. 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.

Printed by Eyre and Spottiswoode,

FOR

T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

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