



CHAPTER xi.

An Act to extend the Time for the completion of the Railway authorised by the Cathcart District Railway Act 1887. A.D. 1892.
[20th May 1892.]

WHEREAS by the Cathcart District Railway Act 1887 (in this Act called "the Act of 1887") the Cathcart District Railway Company (in this Act called "the Company") were empowered amongst other things to make and maintain the railway in the Act of 1887 described (in this Act called "the railway") being an extension of the previously authorised railways of the Company and the period limited by the Act of 1887 for the completion of the railway will expire on the nineteenth day of July one thousand eight hundred and ninety-two: 50 & 51 Vict.
c. cxxix.

And whereas the Company have acquired the lands required for the purposes and are proceeding with the construction of the railway but they will be unable to complete the same before the expiration of the period limited for the completion thereof and it is expedient that such period should be extended as by this Act provided:

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:—

1. This Act may be cited as the Cathcart District Railway (Extension of Time) Act 1892. Short title.

2. Part II. (relating to extension of time) of the Railways Clauses Act 1863 is incorporated with and forms part of this Act.

Incorporation
of Part II. of
Railways
Clauses Act
1863.

3. The time limited by the Act of 1887 for the completion of the railway is hereby extended until the expiration of two years from the nineteenth day of July one thousand eight hundred and ninety-

Extending
period for
completion
of railway.

A.D. 1892. two If the railway be not completed within the extended period limited by this Act for its completion then on the expiration of such period the powers for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Imposing penalty unless railway is opened within time limited.

4. Section 16 of the Act of 1887 is hereby repealed and in lieu thereof it is hereby enacted as follows:—

If the Company fail within the period limited by this Act to complete the railway 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 railway is completed and opened for the public conveyance of passengers or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the railway 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 and in the same manner as the penalty provided in section 3 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 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 the railway 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.

Providing for application of penalty.

5. Section 17 of the Act of 1887 is hereby repealed and in lieu thereof it is hereby enacted as follows:—

Every sum of money recovered by way of penalty under the next preceding section 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 1887 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 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.

A.D. 1892.
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6. Nothing in this Act shall 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.

Provision as
to general
Railway
Acts.

7. 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.

Costs of Act.

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