CHAP. cliii.

An Act for making a Railway extending from the authorised Newport Railway to Long Craig, in the County of Fife; for abandoning the Newport Deviation Railway; and for other purposes. [1st August 1870.] A.D. 1870.

WHEREAS by "The Newport Railway Act, 1866," (herein called "the Act of 1866,") the Newport Railway Company (herein called "the Company") were incorporated and authorised to make and maintain the Newport Railway, consisting, as therein described, of railways 1, 2, and 3 respectively, and to raise ninety-six thousand pounds by the creation of shares, and thirty-two thousand pounds by borrowing on mortgage: 29 & 30 Vict. c. cccxxix.

And whereas by "The Newport Railway Act, 1867," (herein called "the Act of 1867,") the Company were authorised to abandon a portion of the said railway 1, as therein specified, and the whole of the said railways 2 and 3 respectively, and in substitution thereof to construct a railway (herein called "the deviation railway"), from a certain point on the said railway 1 to a point near to Craighead Pier, on the Firth of Tay, and the capital of the Company was reduced from the said sum of ninety-six thousand pounds to the sum of forty-six thousand pounds, and the borrowing power from the said sum of thirty-two thousand pounds to the sum of fifteen thousand three hundred pounds: 30 & 31 Vict. c. clvii.

And whereas it is expedient that the Company should be authorised to make the railway herein-after described:

And whereas plans and sections describing the lines and levels of the intended railway and the lands to be taken for the purposes thereof, and a book of reference to such plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of such lands, have been deposited with the principal sheriff-clerk of the county of Fife, and are herein-after referred to as the deposited plans and sections, and the deposited book of reference:

And whereas the time limited by the Act of 1866 for the completion of the said railway 1, so far as not abandoned (herein called

A.D. 1870.

the existing railway 1), will expire on the sixth of August one thousand eight hundred and seventy, and it is expedient that the period so limited should be extended:

And whereas it is expedient that the Company should be authorised to abandon the deviation railway, and also to enter into agreements with the North British Railway Company as herein-after set forth:

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, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Newport Railway Act, 1870."

Provisions of general Acts herein named incorporated.

2. "The Lands Clauses Consolidation (Scotland) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation (Scotland) Act, 1845," and Parts I., II., and III. (relating respectively to the construction of a railway, extension of time, and working agreements) of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act.

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; the expression "the Company" means the Newport Railway Company; the expression "the railway" means the railway by this Act authorised; and the expression "the recited Acts" means the Act of 1866 and the Act of 1867.

Power to construct railway according to deposited plans.

4. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the 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 deposited plans and described in the deposited books of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act is,—

A railway, four miles four furlongs and 2·70 chains in length, to commence in the parish of Ferryport-on-Craig and county of Fife, by a junction with the authorised line of railway called railway No. 1 in the Newport Railway Act, 1866, at a point thereon

marked 2 furlongs on the plan and section deposited with reference to the said authorised railway, and to terminate in the parish of Forgan and said county of Fife, or in the bed or soil of the river or firth of Tay, adjoining the said parish of Forgan, at or near the low-water mark of the ordinary spring tides of the said River Tay, at a point seven hundred yards or thereabouts northward of the north-east corner of the farm-steading called Wormit and six hundred and ninety yards or thereabouts westwards of the west end of the buildings called Scroggieside, which proposed railway is intended, at the said point of termination, to form a junction with the proposed Tay Bridge Railway, and will pass from, in, through, or into the said parishes of Ferryport-on-Craig and Forgan, in the said county of Fife:

And the railway shall, with respect to tolls, rates, and charges, and for all other purposes whatsoever, be part of the undertaking of the Company, as if authorised by the recited Acts.

Application of funds.

5. The Company may apply to the purposes by this Act authorised any moneys raised or to be raised by virtue of the recited Acts.

Lands for extraordinary purposes.

6. The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in "The Railways Clauses Consolidation (Scotland) Act, 1845," shall not exceed two acres.

Powers for compulsory purchases limited.

7. 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 two years from the passing of this Act.

Inclination of road.

8. In altering, for the purposes of this Act, the road next hereinafter mentioned, the Company may make the same of any inclination not steeper than the inclination herein-after mentioned in connexion therewith respectively; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
56	Forgan - -	Public road -	1 in $5\frac{3}{4}$.

For protection of Tayfield Den.

9. In constructing the said railway, the Company shall carry the same over and across Tayfield Den, belonging to John Berry of Tayfield, between the points marked two furlongs and three furlongs on the deposited plans and sections, by an arch or arches, according to a plan to be submitted to and approved of by John Dick Peddie, architect, Edinburgh, whom failing, by Charles George Hood Kinnear, architect, Edinburgh, previous to commencing the construction of the said railway over and across the said Den.

A.D. 1870.

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

10. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth and tenth years of Her present Majesty, chapter twenty, a sum of one thousand seven hundred and fifty pounds, being five per centum upon the amount of the estimate in respect of the railway authorised by this Act, has been deposited with the Queen's Remembrancer of the Court of Exchequer in Scotland in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said recited Act, the said sum of one thousand seven hundred and fifty pounds so deposited as aforesaid, in respect of the application for this Act, 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, or the survivors or survivor of them, unless the said Company shall, previously to the expiration of the period limited by this Act for completion of the railway hereby authorised to be made, either open the said railway for the public conveyance of passengers, or prove to the satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the said Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes 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 said 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 Lords of the said Committee, the said sum of money deposited as aforesaid shall be applied in the manner herein-after specified, and the certificate of the Lords of the said Committee 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 this Act having passed, anything in the said recited Act to the contrary notwithstanding.

Application of deposit.

11. 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 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 pro-

portions 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 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 survivor or survivors of them: 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.

Period for completion of works.

12. The railway shall be completed within four years from the passing of this Act; and if the railway shall not be completed within that period, then on the expiration thereof the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Extension of time for completion of existing railway.

13. The time limited by the Act of 1866 for the construction of the existing railway 1 shall be extended and enlarged for the period of three years, to be computed from the expiration of the period limited by such Act.

Company may abandon deviation of 1867.

14. The Company may abandon the construction of the deviation railway.

Compensation for damage to land by entry, &c. for purposes of railway abandoned.

15. The abandonment by the Company, under the authority of this Act, of the deviation railway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation in accordance with the provisions in that behalf of "The Lands Clauses Consolidation (Scotland) Act, 1845," for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels, or probing or boring to ascertain the nature of the soil, or setting out of the line of railway, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation, in accordance with the provisions in that behalf of "The Railways Clauses Consolidation (Scotland) Act, 1845," for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the last-mentioned Act, or the Act of 1867.

A.D. 1870.

Compensation to be made for railway abandoned.

16. Where before the passing of this Act any contract may have been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to any portions of the railway or works authorised to be abandoned by this Act, and which shall not be required for the purposes of any of the works by this Act authorised, full compensation shall be made by the Company to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice; and the amount and application of the compensation shall be determined in manner provided by the "Lands Clauses Consolidation Act, 1845," for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Power to enter into traffic arrangements with the North British Railway Company.

17. The Company on the one hand, and the North British Railway Company on the other hand, may from time to time enter into contracts or arrangements with respect to the following purposes, or any of them; (that is to say,)

The management, use, working, construction, and maintenance of the railway, or of any part or parts thereof:

The supply of any rolling or working stock, and of officers and servants for the conduct of the traffic on the railway:

The payments to be made, and the conditions to be performed, with respect to the matters aforesaid:

The interchange, accommodation, conveyance, and delivery of traffic coming from or destined for the undertakings of the contracting Companies, and the fixing and division between the said Companies of the receipts arising from such traffic.

Tolls on traffic conveyed partly on railway and partly on the railway of the North British Railway Company.

18. During the continuance of any agreement to be entered into under the provisions of this Act for the use of the railway by the North British Railway Company, the railways of the Company and of the North British Railway Company shall, for the purposes of tolls and charges, be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railway of the North British Railway Company for a less distance than four miles, tolls and charges may only be charged as for four miles; and in respect of passengers, for every mile or fraction of a mile beyond four miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond four miles, tolls and charges as for a quarter of a mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the railway of the North British Railway Company.

Saving rights of the Crown in the foreshore.

19. Nothing contained in this Act or in any of the Acts herein referred to shall authorise the said Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give); neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Any land reclaimed by the works not to be taken without the consent of the Board of Trade.

20. If in the course or by means of the execution of any of the works by this Act authorised any part of the shores or bed of the said Firth of Tay, or of the sea beyond the mouth thereof, belonging to Her Majesty, shall be inned, gained, or reclaimed from the water, the said Company shall not have or exercise any right upon the same or in respect thereof, and shall not enter upon, take, use, or interfere with the land so inned, gained, or reclaimed for any purpose whatsoever, without the consent in writing of the Board of Trade on behalf of Her Majesty, but such inning, gaining, or reclamation shall enure absolutely for the benefit of the Queen's Majesty, her heirs and successors.

For the protection of the rights of John Berry, of Tayfield.

21. If in the course or by means of the execution of any of the works by this Act authorised any part of the shores or bed of the river or firth of Tay which may belong to John Berry, of Tayfield, shall be inned, gained, or reclaimed from the water, the Company shall not have or exercise any right upon the same or in respect thereof, and shall not enter upon, take, use, or interfere with the land so inned, gained, or reclaimed for any purpose whatsoever, without the consent in writing of the said John Berry, his heirs or assignees, but such inning, gaining, or reclamation shall enure absolutely for the benefit of the said John Berry, his heirs and assignees.

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

22. The Company shall not, out of any money by any Act relating to the Company 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.

Railway not exempt from provisions of present and

23. Nothing herein contained shall be deemed or construed to exempt the railway by this Act authorised to be made from the provisions of any general Act relating to railways, or the better and

A.D. 1870.

future general Acts.

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.

24. 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.

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