



ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

Cap. clvii.

An Act for making a Deviation of Part of the *Newport* Railway ; for relinquishing a Portion of said Railway ; and for other Purposes.

[25th July 1867.]

WHEREAS by "The *Newport* Railway Act, 1866," (herein called "the recited Act,") the *Newport* Railway Company (herein called "the Company") were incorporated, and authorized to make and maintain the *Newport* Railway as therein described, and to raise Ninety-six thousand Pounds by the Creation of Shares, and Thirty-two thousand Pounds by borrowing on Mortgage: And whereas it is expedient that the Company should be empowered to make and maintain a Line in substitution for a Portion of the *Newport* Railway authorized by the recited Act, and to abandon Portions of the said authorized Line of Railway: 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 Capital which the Company will require for

29 & 30 Vict.
c. cccxxix.

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making the intended Railway, and the remaining Portion, so far as not abandoned, of the Railway authorized by the recited Act, will be less than the Capital authorized to be raised as aforesaid by the recited Act, and it is expedient that their Capital and borrowing Powers should be reduced: 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, 1867."

8 & 9 Vict.

cc. 19. & 33.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
c. 92. incor-
porated.

2. "The Lands Clauses Consolidation (Scotland) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation (Scotland) Act, 1845," and Part I. of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpreta-
tion of
Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Expression "the Railway" shall mean the Railway by this Act authorized, or any Part thereof; the Expression "the original deposited Plan and Section" shall mean the Plan and Section deposited with reference to the recited Act with the Principal Sheriff Clerk of the County of *Fife* and in other public Offices.

Power to
make Rail-
way ac-
cording 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 said Plans and described in the deposited Books of Reference as may be required for that Purpose. The Railway herein-before referred to and authorized by this Act is,—

A Railway One Mile Seven Furlongs and Two hundred and thirteen Yards in Length, wholly situate in the County of *Fife*, commencing in the Parish of *Ferry Port on Craig* by a Junction with the authorized Line of the Railway called "Railway No. 1." in the recited Act, at a Point thereon marked 0 Miles 2 Furlongs on the original deposited Plan and Section of the said Railway called "Railway No. 1." and terminating in the Parish of *Forgan* at a Point One hundred and ten Yards or thereabouts in

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in a Northerly Direction from the Point where the Approach to *Craighead Cottage* joins the Turnpike Road leading from *Ferry Port on Craig to Newport*, and Thirty-four Yards or thereabouts in a North-easterly Direction from the North-east Corner of *Craighead Cottage*.

5. The Railway shall be and be deemed for the Purposes of Tolls and Charges, and for all Purposes whatsoever, Part of the Undertaking of the Company as if authorized by the recited Act.

Railway to form Part of Undertaking.

6. The recited Act shall for all Purposes be read and construed as if the Capital of the Company thereby authorized were Forty-six thousand Pounds and not Ninety-six thousand Pounds, and as if the Sum which the Company were thereby authorized to raise by Mortgage were Fifteen thousand three hundred Pounds and not Thirty-two thousand Pounds.

Capital and borrowing Powers of the Company reduced.

7. The Reduction of the Capital of the Company from Ninety-six thousand Pounds to Forty-six thousand Pounds shall be effected by the Reduction of the Number of Shares to Four thousand six hundred, but in all other respects the Capital and borrowing Powers of the Company shall be subject to the Powers and Provisions of the recited Act.

How Reduction of Capital to be effected.

8. And whereas the Sum deposited in Bank in the Name and with the Privity of the Queen's Remembrancer of the Court of Exchequer in *Scotland* with reference to the recited Act amounts to Seven thousand six hundred and eighty Pounds, being *Eight per Centum* upon Ninety-five thousand three hundred and eighty-four Pounds, the Amount of the Estimate for the whole of the Undertaking thereby authorized; and the Difference between the said Sum of Seven thousand six hundred and eighty Pounds and *Eight per Centum* upon Forty-six thousand Pounds, to which Sum the Capital of the Company is hereby reduced, is Four thousand Pounds: Be it therefore enacted, That the Court of Session in *Scotland* may at any Time after the passing of this Act, on Application by the Company, or on their Behalf by a Petition in a summary Way, order that the said Sum of Four thousand Pounds, being Part of the said Sum of Seven thousand six hundred and eighty Pounds so deposited as aforesaid, shall be paid to the Company, or to such Persons or Person as the Company may appoint in that Behalf; and upon such Order being made, the said Sum of Four thousand Pounds shall be paid to the Company, or to such Persons or Person as the Company shall appoint.

Court of Session may order Payment of surplus Deposit.

9. 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.

Powers for compulsory Purchases limited.

10. The

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Period for Completion of Works.

10. The Railway shall be completed within Four Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the Deviation, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Power to stop up certain Roads.

11. It shall be lawful for the Company permanently to stop up the Roads numbered as after mentioned on the deposited Plans, without substituting others therefor; (that is to say,)

No. on deposited Plan.	Parish.	Description.
$\frac{133}{1}$	Ferry Port on Craig	Footpaths.
$\frac{142}{1}$	Ferry Port on Craig	Footpaths.
$\frac{152}{1}$	Ferry Port on Craig	Occupation Road and Footpaths.
$\frac{153}{1}$	Ferry Port on Craig	Footpath.
$\frac{162}{1}$	Ferry Port on Craig	Footpath.
$\frac{164}{1}$	Ferry Port on Craig	Footpath.
$\frac{166}{1}$	Ferry Port on Craig	Footpath.
$\frac{168}{1}$	Ferry Port on Craig	Footpath.
$\frac{186}{1}$	Ferry Port on Craig	Occupation Road.
$\frac{195}{1}$	Ferry Port on Craig	Footpath.
220	Ferry Port on Craig	Occupation Road and Footpath.
232	Ferry Port on Craig	Occupation Road and Footpath.
253-254	Ferry Port on Craig	Occupation Road and Footpath.
$\frac{253}{1}$	Ferry Port on Craig	Footpath.
$\frac{262}{1}$	Ferry Port on Craig	Footpath.

Certain Roads not to be stopped up until others be substituted.

12. It shall not be lawful for the Company permanently to stop up the Roads numbered as after mentioned on the deposited Plans unless and until they make or cause to be made Roads or Footpaths to be substituted for the Roads or Footpaths respectively to be shut up, and such substituted Roads or Footpaths shall be made to the Satisfaction of *John Berry of Tayfield*, or, in case of Difference between the Company and him, to the Satisfaction of *John Dick Peddie*, Architect in *Edinburgh*, whom failing, of *Charles George Hood Kinnear*, Architect in *Edinburgh*, as sole Arbiter between the Company and the said *John Berry* :

No. on deposited Plan.	Parish.	Description.
$\frac{3}{1}$	Forgan	Footpath.
$\frac{5}{1}$	Forgan	Occupation Road or Access.
$\frac{6}{1}$	Forgan	Footpath.
$\frac{8}{1}$	Forgan	Footpath.
$\frac{9}{1}$	Forgan	Footpath.
$\frac{14}{1}$	Forgan	Footpath.
$\frac{14}{1}$	Forgan	Footpath.
$\frac{54}{2}$	Forgan	Footpath.

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- 13.** In making the Diversion of the Road numbered on the deposited Plan 220 in the Parish of *Ferry Port on Craig* the Company shall not be required to make such Diversion of greater Width than Twelve Feet. Width of diverted Road in Parish of Ferry Port on Craig.
- 14.** It shall be lawful for the Company (except in passing through a Town, Village, Street, or Land continuously built upon) to deviate from the Levels of the Railway as described on the deposited Sections to any Extent not exceeding Ten Feet. Powers of vertical Deviation
- 15.** The Company shall abandon the Construction of so much of the Railway authorized by the recited Act, therein called Railway No. 1., as lies between the Point herein-before described as the Junction therewith of the Railway and the Termination of the said Railway No. 1., also the whole of Railway No. 2. and Railway No. 3. authorized by the recited Act. Company may abandon Portions of authorized Lines.
- 16.** The Abandonment by the Company under the Authority of this Act of any Portion of the Railway or Works authorized by the recited Act 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 recited Act. Compensation for Damage to Land by Entry, &c. for Purposes of Railways abandoned.
- 17.** 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 Railways or Works authorized to be abandoned by this Act, and which shall not be required for the Purposes of any of the Works by this Act authorized, 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 Compensation to be made in respect of Portions of Railways abandoned.

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shall be determined in manner provided by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," for determining the Amount and Application of Compensation paid for Lands taken under the Provisions thereof.

Saving Rights of the Crown in the Fore-shore.

18. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorize 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.

19. If in the course or by means of the Execution of any of the Works by this Act authorized 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.

20. If in the course or by means of the Execution of any of the Works by this Act authorized 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.

Interest not to be paid on Calls paid up.

21. The Company shall not, out of any Money which they are authorized to raise by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him; provided always, that this Act shall not prevent the Company from paying to any Shareholder such Interest
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on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

22. The Company shall not, out of any Money by this Act authorized 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 authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

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

23. Nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized 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, authorized by this Act.

Railway not exempt from Provisions of present and future General Acts.

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.

Expenses of Act.

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BY APPOINTMENT TO HER MAJESTY THE QUEEN
VICTORIA REGINA

Cap. 1871.

And it is enacted that the said Act shall have effect as if it had been passed in the year of our Lord one thousand eight hundred and eighty-one, and for other purposes.

Whereas it is expedient that the said Act should have effect as if it had been passed in the year of our Lord one thousand eight hundred and eighty-one, and for other purposes, it is hereby enacted that the said Act shall have effect as if it had been passed in the year of our Lord one thousand eight hundred and eighty-one, and for other purposes.