ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. cclxxiv.

An Act to enable the *Edinburgh and Northern* Railway Company to improve the Ferry between *Ferry-Port-on-Craig* and the North Shore of the River *Tay*. [22d *July* 1847.]

WHEREAS an Act was passed in the Session of Parliament
holden in the Eighth and Ninth Year of the Reign of Her
present Majesty, intituled " The *Edinburgh and Northern* 8 & 9 Vict.
Railway Act, 1845," whereby a Company was incorporated by the c. 158.
Name of " The *Edinburgh and Northern* Railway Company," with
Power to make a Railway from *Burntisland* to *Perth*, with a Branch
to *Kirkcaldy*, and another Branch to *Cupar*: And whereas another
Act was passed in the last Session of Parliament, intituled " The 9 & 10 Vict.
Edinburgh and Northern Railway (*Newport* Railway Extension) Act, c. 136.
1846," whereby the said Company were empowered to extend their
Line of Railway from *Cupar* to *Newport*: And whereas another Act
was passed in the last Session of Parliament, intituled " The *Edin-* 9 & 10 Vict.
burgh and Northern Railway (*Tay* Ferry) Act, 1846," whereby the c. 72.
said Company were empowered to purchase the Right of Ferry be-
tween *Ferry-Port-on-Craig* and *Broughty*, with all Privileges, Property,
and Appurtenances thereto belonging: And whereas it would greatly
facilitate the Communication between the Northern and Southern

Parts of *Scotland* if the Ferry between *Ferry-Port-on-Craig* and *Broughty* on the River *Tay* were improved by the Construction of Low-water Piers and other Accommodations on the North and South Shores of the River *Tay*, in connection with the *Edinburgh* and Northern Railway: And whereas the *Edinburgh and Northern* Railway Company are desirous of carrying into effect the Objects aforesaid, if authorized by Parliament so to do: 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, That all the Provisions, Matters, and Things contained in or incorporated with "The *Edinburgh and Northern* Railway Act, 1845," "The *Edinburgh and Northern* Railway (*Newport* Railway Extension) Act, 1846," and "The *Edinburgh and Northern* Railway (*Tay* Ferry) Act, 1846," in so far as the same respectively are or may be applicable, and are now in force, and are not inconsistent with or altered by the Provisions of this Act, shall extend to this Act, and to the making, maintaining, and using of the Piers and other Works by this Act authorized to be made and maintained, and to the several other Purposes of this Act, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes; and the Piers and other Works authorized to be made and maintained and Things to be established or acquired by this Act by the *Edinburgh* and Northern Railway Company shall form Part of the Undertaking of the *Edinburgh and Northern* Railway, and shall as such be subject to all the Provisions of the said Acts relating thereto, except as aforesaid.

Edinburgh and Northern Railway Acts extended to this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Deeds, Instruments, and Proceedings, it shall be sufficient to use the Expression "The *Edinburgh and Northern* Railway (Improvement of the Ferry between *Ferry-Port-on-Craig* and the North Shore of the River *Tay*) Act, 1847."

Interpretation.

III. And be it enacted, That in this Act the Words "the Company" shall mean the *Edinburgh* and Northern Railway Company, incorporated by the said *Edinburgh* and Northern Railway Act, 1845.

Power to raise additional Capital.

IV. And be it enacted, That it shall be lawful for the Company from Time to Time to raise, for the Purposes of this Act, the Sum of Fifty-two thousand Pounds by the Creation of new Shares, in addition to the Sums which they are already authorized to raise, upon such Terms and in such Manner as may have been or may be agreed upon at any General Meeting or Meetings of the Company specially called for that Purpose; and the Capital so to be raised shall be considered part of the general Capital of the Company.

As to Votes of Proprietors of new Shares.

V. And be it enacted, That the Proprietors of any new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the Amount of Capital represented by such Shares would have entitled them to if the same Amount of Capital had been original Shares in the said Company; and no Shareholder shall

shall be entitled to any Vote, unless possessed of Shares representing Fifty Pounds at the least in the Capital Stock of the Company.

Calls.

VI. And be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Holders of Shares created by this Act.

Power to borrow Money on Mortgage.

VII. And be it enacted, That after the whole of the Capital by this and the said recited Acts authorized to be raised shall have been subscribed, and One Half thereof paid up, it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, not exceeding in the whole, in addition to the Sums they are already authorized to borrow, the Sum of Seventeen thousand three hundred and thirty-three Pounds Six Shillings and Eight-pence, and to secure the Payment of the Sum so to be borrowed, with Interest, by Mortgage of their Undertaking, subject to the same Provisions as by the said recited Acts are made applicable to the Monies thereby authorized to be raised on Mortgage or Bond, and to the Securities thereby authorized to be granted in respect of the same.

Former Mortgages to have Priority.

VIII. Provided always, and be it enacted, That all Mortgages or Bonds granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall, during the Continuance thereof, have Priority over any Mortgages or Bonds to be created or granted by virtue of this Act.

Bonds, &c. to be duly stamped.

IX. And be it enacted, That every Mortgage, Bond, or other Security for Money to be made or granted by virtue of the said recited Acts or this Act shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated, any thing herein or in the said Acts contained to the contrary notwithstanding.

Power to make Works according to deposited Plans.

X. And whereas Plans and Sections of the Piers and Works by this Act authorized, showing the Lines, Situations, and Levels thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same are intended to be constructed, have been deposited in the Offices of the principal Sheriff Clerks of the Counties of *Fife*, *Forfar*, and *Perth*; be it enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the Company to make and maintain the said Piers and Works in the Lines or Course and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Works to be made and maintained.

XI. And be it enacted, That the Piers and Works to be made under the Authority of this Act shall be the following; *(videlicet,)* a Low-water Pier at, near, or upon the Shore or Bed of the River *Tay* at or near to *Broughty* and *Broughty Castle*, with all necessary Quays, Wharfs, Basins, Breakwaters, Warehouses, Locks, and Approaches, in and through

through the Parish of *Monifieth* in the County of *Forfar*, and the Parish of *Caputh* in the County of *Forfar* or County of *Perth*, and another Low-water Pier at, near, or upon the South or opposite Shore or Bed of the said River *Tay* at, in, or near to the Village or Town of *Ferry-Port-on-Craig* in the Parish of *Ferry-Port-on-Craig* and County of *Fife*, or some of them, with all necessary Quays, Wharfs, Basins, Breakwaters, Warehouses, Locks, and Approaches, Works and Conveniences, connected therewith.

Restriction on Length of the Pier on the South Side of the Tay.

XII. And be it enacted, That the Company shall not construct on the South Side of the River *Tay* any Structure which shall project into the River beyond a Line drawn from the outer Extremity of the Passage Pier, marked on the Plan deposited at the Admiralty Office, extending in a Direction to the Eastward tangent to *Tentsmuir Point*.

Restriction on Length of the Pier on the North Side of the Tay.

XIII. And be it enacted, That the Company shall not construct on the North Side of the River *Tay* any Structure which shall project into the River beyond a Line drawn from High-water Mark at *Broughty Castle*, extending in a Direction Westward to the outward Extremity of the wooden Jetty, marked on the same Plan.

Certain Restrictions in working the Ferry.

XIV. And be it enacted, That no Ferry Boat used by the Company shall be attached to any Chain, but every Ferry Boat shall be a free Boat, and no such Ferry Boat shall cross the said River with any Vessel or Barge in tow or attached to any Part of such Ferry Boat, or cross in any Manner between Sunset and Sunrise, except under such Regulations with respect to Lights as shall at any Time or Times be approved of by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, the Approval being signified by Writing under the Hand of the Secretary of the Admiralty; and the Company shall forfeit and pay the Sum of Ten Pounds for each and every Vessel at any Time taken in tow by any Ferry Boat, and the like Sum of Ten Pounds for each and every Time such Ferry Boat shall cross the said River after Sunset and before Sunrise contrary to such Regulations with respect to Lights as aforesaid.

If any Work be abandoned, the Admiralty may remove it.

XV. And be it enacted, That if any Bridge or Work to be constructed by the Company across any tidal Water or navigable River, or if any Portion of the Railway which affects any such Water, River, or Access thereto, shall be abandoned by the Company, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company; and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly.

Lights and Beacons not to be exhibited or

XVI. And be it enacted, That it shall not be lawful for the Company to exhibit or alter, or to permit to be exhibited or altered, any Light, Beacon, or Sea Mark, without the Sanction in Writing of the Commis-

Commissioners of Northern Lighthouses, signified under the Hand of their Secretary, first having been obtained in that Behalf; and if any such Light, Beacon, or Sea Mark shall be exhibited or altered with such Sanction as aforesaid, the same shall be of such Power, Description, and Character, and shall be from Time to Time discontinued or altered, as the Commissioners of Northern Lighthouses shall from Time to Time direct by due Notice to the Company.

altered without Consent of Commissioners of Northern Lights.

XVII. And be it enacted, That on the said Ferry being completed and opened to the Public, the same, together with all the Piers and Works thereof on the North Side of the said Ferry, shall be subject to all the Provisions relating thereto contained in "The *Dundee and Arbroath* Railway Extension Act, 1846," as fully as if the said Provisions had been re-enacted in this Act, and made specially applicable to the said Ferry and the Piers and other Works authorized to be made by this Act.

Ferry and Works subject to Provisions of Dundee and Arbroath Railway Extension Act.

XVIII. And be it enacted, That nothing herein contained shall be held to abridge or prejudice the Rights, Powers, and Privileges conceived in favour of the *Dundee* and *Arbroath* Railway Company under "The *Dundee* and *Arbroath* Railway Extension Act, 1846;" and it shall not be lawful for the said *Edinburgh and Northern* Railway Company, in the Exercise of the Powers conferred upon them by this Act, to take any Lands which the *Dundee and Arbroath* Railway Company have Power, under the said last-mentioned Act, to acquire, without the Consent in Writing of the said last-mentioned Company, excepting such Portions of the Lands as may be required for the Purpose of constructing the Piers, Docks, Wharfs, and other Works and Accommodations authorized by this Act; and in case any Difference shall arise in regard to the Lands so to be taken, then the same shall be determined by the Commissioners of Railways, or any Engineer to be named by them.

Saving Rights of Dundee and Arbroath Railway Company.

XIX. And be it enacted, That the Quantity of Land which the Company may purchase for extraordinary Purposes shall not exceed Fifty Acres, in addition to the Lands which they are authorized to purchase for such Purposes under any other Act of Parliament.

Lands for extraordinary Purposes.

XX. And be it enacted, That the Powers of compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Limiting Period for Purchase of Lands.

XXI. And be it enacted, That the Piers and Works by this Act authorized to be made and maintained shall be completed within Five Years from and after the passing of this Act, and on the Expiration of such Period the Powers by this Act granted for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Piers and Works as shall then be completed.

Period for Completion of Works.

XXII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of

Interest not to be paid on Calls paid up.

Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the "Companies Clauses Consolidation (*Scotland*) Act, 1845," in that Behalf contained.

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

XXIII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Railway Company to be subject to Provisions of 1 & 2 Vict. c. 98. 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XXIV. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and Two other Acts were passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the *Edinburgh and Northern* Railway Company from the Provisions of the said several Acts respectively, but that such Provisions shall be enforced in respect to the said Company so far as the same shall be applicable thereto.

Railways to be subject to Provisions of any future general Act.

XXV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways or Branch Railways by any of the recited Acts authorized to be made from the Provisions of any general Act relating to Railways which may be passed during the present or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the maximum Rates of Tolls and Charges authorized to be levied by virtue of the said recited Acts on or in respect of any of the said Railways.

Expences of Act.

XXVI. And be it enacted, That all the Charges and Expences of and attending the passing of this Act, or incidental thereto, shall be paid by

by the Company, *pari passu* with the Costs, Charges, and Expences of any other Act of Parliament to be passed in the present Session to which they may be liable, out of the first Monies that shall come to their Hands, and in preference to any other Payment whatsoever.

Saving Rights of Trustees of Tay Ferries.

XXVII. And be it enacted, That nothing herein contained shall alter, diminish, prejudice, or affect any of the Rights, Powers, or Privileges vested in or belonging to the Trustees appointed by and acting under the several Acts of Parliament for erecting, improving, regulating, and maintaining the Ferries and Passages across the River *Tay* in the Counties of *Fife* and *Forfar*, passed respectively in the Fifty-ninth Year of the Reign of His Majesty King *George* the Third, the Third and Fourth Years of the Reign of His Majesty King *George* the Fourth, and the Seventh Year of the Reign of Her present Majesty, or vested in or belonging to any Parties deriving Right from the said Trustees: Provided always, that nothing herein contained shall be held to infer the Existence of any Rights in the said Trustees, or shall prejudice any Pleas now pending in the Court of Session in *Scotland*.

Saving Rights of the Crown.

XXVIII. And be it enacted, That nothing contained in the said recited Acts or in this Act shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners, or any Two of them, are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs and Successors.

Public Act.

XXIX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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