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VICTORIÆ REGINÆ.

Cap. clxxvi.

An Act for enabling the *Caledonian* Railway Company to make certain Railways and other Works in the County of *Forfar*; and for other Purposes. [12th August 1867.]

WHEREAS by "The *Caledonian* Railway Act, 1845," the *Caledonian* Railway Company (in this Act called "the Company") were incorporated: And whereas by "The *Caledonian* and *Scottish Central* Railways Amalgamation Act, 1865," the Undertaking of the *Scottish Central* Railway Company, including their Station at *Dundee*, was transferred to and vested in the Company: And whereas by "The *Scottish North-eastern* Railway (*Dundee and Forfar*) Act, 1864," the *Scottish North-eastern* Railway Company were empowered to make and maintain a Railway (herein-after called the "*Dundee and Forfar* Railway") from that Part of their Undertaking called the *Dundee and Arbroath* Railway to that Part of their Undertaking called the *Arbroath and Forfar* Railway: And whereas by "The *Scottish North-eastern* Railway (*Newtyle and Meigle* Junction) Act, 1864," the *Scottish North-eastern* Railway Company were empowered to make and maintain a Railway (herein-after called the "*Newtyle and Meigle* Branch") from the improved Line of the *Dundee and Newtyle* Railway to the Main Line of the *Scottish North-eastern* Railway, near *Meigle* Station: And whereas by "The *Caledonian* and *Scottish North-eastern* Railways Amalgamation Act, 1866," the Undertaking

8 & 9 Vict. c. clxii.
28 & 29 Vict. c. cclxxxvii.
27 & 28 Vict. c. clxxiii.
27 & 28 Vict. c. cxv.
29 & 30 Vict. c. cccl.

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of the *Scottish North-eastern* Railway Company, including the Powers conferred on that Company by the Third and Fourth recited Acts, was transferred to and vested in the Company: And whereas it would be attended with Advantage and Convenience to the Public and to the Company if the Company were authorized to extend their Station at *Dundee*, and to make and maintain an Embankment or Sea Wall for the Protection thereof, and also to make and maintain certain Lines of Railway in substitution for Parts of the authorized *Dundee and Forfar* Railway, and of the existing *Newtyle* Branch of the *Scottish North-eastern* Railway, and for the authorized *Newtyle and Meigle* Branch, and to relinquish the *Newtyle and Meigle* Branch, and those Portions of the *Dundee and Forfar* Railway and of the said *Newtyle* Branch for which the said Lines of Railway are to be substituted as aforesaid, and if the Time for the Completion of the Remainder of the *Dundee and Forfar* Railway were extended: And whereas for the Purposes aforesaid, and for the Construction of the *Dundee and Forfar* Railway authorized by the third-recited Act, and for the Acquisition of additional Plant, it is expedient that the Company should be empowered to raise a further Sum of Money: And whereas Plans and Sections showing the Lines and Levels of the said proposed Embankment or Sea Wall and Lines of Railway, and the Lands which may be required to be taken for the Purposes thereof, and for extending the said Station, with Books of Reference to the said Plans, have been deposited for public Inspection in the Offices at *Dundee* and *Forfar* respectively of the Principal Sheriff Clerk of the County of *Forfar*, and are herein-after referred to as the deposited Plans, Sections, and Books of Reference; but 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 Caledonian Railway (Forfarshire Works) Act, 1867.*"

8 & 9 Vict.
cc. 17. 19.
and 33.,
23 & 24 Vict.
c. 106., and
26 & 27 Vict.
cc. 92. and
118. 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,*" Part I. (relating to Construction of a Railway) and Part II. (relating to Extension of Time) of "*The Railways Clauses Act, 1863,*" and the Clauses and Provisions of "*The Companies Clauses Consolidation (Scotland) Act, 1845,*" with respect to the following Matters, (that is to say,) the Distribution of the Capital of the Company into Shares, the Transfer or Transmission of Shares, the Payment of Subscriptions, and the Means of enforcing the Payment of Calls, the Forfeiture of Shares for Nonpayment of Calls, the Remedies of Creditors of the Company

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Company against the Shareholders, the borrowing of Money by the Company on Mortgage or Bond, the Conversion of the borrowed Money into Capital, the Consolidation of the Shares into Stock, the General Meetings of the Company, and the Exercise of the Right of voting by the Shareholders, the making of Dividends, the giving of Notices, and the Provision to be made for affording Access to the Special Act by all Parties interested, and also Part I. (relating to Cancellation and Surrender of Shares), Part II. (relating to additional Capital), and Part III. (relating to Debenture Stock) of "The Companies Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form Part of this Act; and all the Provisions of "The Companies Clauses Consolidation (Scotland) Act, 1845," so incorporated with this Act, which relate to Stock into which Shares in the Capital of the Company have been converted or consolidated, shall apply to the Stock which the Company are by this Act authorized to issue, and to the Holders thereof.

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; and in this Act and those Acts as applied to this Act the Expression "the Company" shall mean the *Caledonian Railway Company*, the Expression "the Special Act" shall mean this Act, the Expression "the Railway" or "the Undertaking" shall mean the Railways and Embankment or Sea Wall or Undertaking by this Act authorized, the Expression the "*Dundee and Forfar Railway*" shall mean the Railway and Works authorized by the third-recited Act, and the Expression the "*Newtyle and Meigle Branch*" shall mean the Railway from the improved Line of the *Dundee and Newtyle Railway* to the Main Line of the *Scottish North-eastern Railway* authorized by the fourth-recited Act.

Same Meaning to Words in incorporated Acts as in this Act.

Interpretation of Terms.

4. Subject to the Provisions of this Act, the Company may extend their Station at *Dundee* upon the Ground to be acquired for that Purpose as shown on the deposited Plans, and construct and maintain thereon Sidings, Sheds, and other Station Works and Conveniences, and may make and maintain in the Lines and according to the Levels shown on the deposited Plans and Sections the Embankment or Sea Wall and Railways herein-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith respectively, 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 those Purposes. The Embankment or Sea Wall and Railways herein-before referred to and authorized by this Act are:

Power to make Works according to deposited Plans.

1. An Embankment or Sea Wall, Four Furlongs and One hundred and fifty Yards or thereabouts in Length, commencing about
Ten

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Ten Chains Eastward from the House in the Town of *Dundee* called "The Vine," and terminating about One Chain North-westward from *Craig Pier House* in the said Town:

2. A Railway (called in this Act "Railway No. 1"), Six Miles and One hundred and seventy Yards or thereabouts in Length, commencing by a Junction with that Portion of the Company's Undertaking known as the *Dundee and Arbroath Railway* at or near the Junction of the Branch of that Railway to *Broughty Ferry Pier* with the Main Line of the said Railway, and terminating by a Junction with the authorized *Dundee and Forfar Railway* at or near the Point in the Parish of *Monikie* where the Turnpike Road leading from *Broughty Ferry* to *Lucky-slap* is crossed by the Line of the said authorized Railway:

3. A Railway (called in this Act "Railway No. 2."), Two Furlongs and Sixty-six Yards or thereabouts in Length, commencing by a Junction with the improved Line of the *Dundee and Newtyle Railway* authorized by "The *Scottish Central Railway (Dundee and Newtyle Improvement) Act, 1864*," about One hundred and sixty Yards North-westward from the Parish Schoolhouse in the Village of *Newtyle*, and terminating by a Junction with the existing *Newtyle Branch* of the *Scottish North-eastern Railway* about Twenty-five Chains Northward from the level Crossing by that Branch of the Road which passes the said Schoolhouse:

4. A Railway (called in this Act "Railway No. 3."), Two Furlongs and One hundred and ninety-two Yards or thereabouts in Length, commencing by a Junction with the said *Newtyle Branch* about Nineteen Chains South-eastward from the Bridge by which the said Branch is carried over the Turnpike Road leading from *Newtyle* to *Meigle*, and terminating by a Junction with the said Branch about Nine Chains Westward from the said Bridge:

5. A Railway (called in this Act "Railway No. 4."), Five Furlongs and Seventy-seven Yards or thereabouts in Length, commencing by a Junction with Railway No. 3. about Fourteen Chains South-eastward from the last-mentioned Bridge, and terminating by a Junction with the Siding on the Northern Side of the *Alyth Railway* about Two Chains Eastward from the Eastern End of the Northern Platform at the *Meigle Station* on the *Scottish North-eastern Railway*.

5. The Company may from Time to Time raise, in addition to the Sums which they are or may be authorized to raise by any other Act of Parliament, any further Sums of Money, not exceeding in the whole the Sum of Two hundred and sixty thousand Pounds, by the Creation and Issue of new Ordinary Shares or Stock or new Preference Shares or Stock in their Capital, or, at the Option of the Company,

Power to raise Money by the Issue of Ordinary or Preference Shares or Stock.

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Company, by any One or more of those Modes: Provided that if in any Year ending on the Thirty-first Day of *January* there are not Profits available for the Payment of the full Amount of preferential Dividend or Interest for that Year on any such new Preference Shares or Stock, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company.

6. The Company shall not issue any Share created under the Authority of this Act, nor shall any such Share vest in the Person accepting the same, unless and until a Sum not being less than One Fifth of the Amount of such Share shall have been paid in respect thereof.

Shares not to issue until One Fifth paid up.

7. Each Holder of new Shares or Stock in the Capital by this Act authorized to be raised shall be entitled to the same Number of Votes in respect thereof which the Possession of an equal nominal Amount of the Capital authorized by the first-recited Act would have conferred upon him.

Votes in respect of new Shares or Stock.

8. If by any other Act or Acts passed in the present Session of Parliament, whether before or after the passing of this Act, the Company be authorized to raise any Capital by the Issue of new Shares or Stock (whether Ordinary or Preference), the Company may, if they think fit, subject to the Provisions of such other Act or Acts and of this Act, raise by the Issue of Shares or Stock of One and the same Class, and entitled to the same Privileges, all or any Part or Parts of the aggregate Capital which they are by such other Act or Acts and this Act authorized to raise by the Issue of Shares or Stock.

Capital under several Acts of this Session may be raised by Shares or Stock of One Class.

9. The Company may from Time to Time borrow on Mortgage any Sum not exceeding in the whole Eighty-six thousand six hundred Pounds in addition to the Amount which they are or may be authorized to borrow by any other Act of Parliament, but no Part of such Sum shall be borrowed until the whole additional Capital of Two hundred and sixty thousand Pounds by this Act authorized to be raised is subscribed for, issued, and accepted, and One Half thereof is paid up, and the Company have proved to the Sheriff who is to certify under the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," before he so certifies, that the whole of the said additional Capital has been subscribed for, issued, and accepted, and that One Half thereof has been paid up, and that not less than One Fifth Part of the Amount of each separate Share so issued has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such additional Capital was issued *bonâ fide*, and is held by the Persons to whom the same was issued, or their Executors, Administrators, or Assignees, and that such Persons, or their Executors, Administrators, or Assignees,

Power to borrow on Mortgage

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are legally liable for the same; and upon Production to such Sheriff of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which Certificate shall be sufficient Evidence thereof.

Arrears may be enforced by Appointment of a Judicial Factor.

10. The Mortgagees of the Company may enforce Payment of Arrears of Interest or Principal, or Principal and Interest, due on their Mortgages, by the Appointment of a Judicial Factor; and in order to authorize the Appointment of a Judicial Factor in respect of Principal, or Principal and Interest, the Amount owing to the Mortgagees by whom the Application for a Judicial Factor is made shall not be less than Ten thousand Pounds in the whole.

Existing Securities to have Priority.

11. All Mortgages and Bonds granted by the Company in pursuance of the Powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages and Bonds have Priority over any Mortgages to be granted by virtue of this Act.

Debenture Stock.

12. The Company may create and issue Debenture Stock.

Application of Monies.

13. All Monies raised under this Act, whether by Shares or Stock, or Debenture Stock or borrowing, shall be applied in the first instance for the Purposes of this Act, and subject thereto shall be applicable to the Purposes authorized by the other Acts relating to the Undertaking of the Company, and to those Purposes only, and the Company may apply towards the Cost of the Works by this Act authorized any Part of the Monies which they are by the third, fourth, and fifth recited Acts authorized to raise, and which are not required for the Purposes of those Acts as altered by this Act.

Amendment of Sect. 17. of 29 & 30 Vict. c. ccl.

14. Whereas by "The Caledonian and Scottish North-eastern Railways Amalgamation Act, 1866," the Company were required to create, and to issue to the Proprietors of the Preference Shares or Stock of the Scottish North-eastern Railway Company, an equal Amount of Preference Shares or Stock of the Company and for that Purpose the Company were by the Seventeenth Section of the said Act authorized and required, *inter alia*, to pay a Preference Dividend of Four and a Half *per Centum per Annum* on Stock to an Amount not exceeding One hundred and ninety-two thousand and seventy-nine Pounds, to be issued to the Proprietors of the Stock denominated "Scottish North-eastern Railway Four and a Half *per Cent.* Preference Stock," and to pay a Preference Dividend of Five *per Centum per Annum* on Shares or Stock to an Amount not exceeding One hundred and eighty-eight thousand five hundred Pounds, to be issued to the Proprietors of the Shares or Stock denominated "the Scottish North-eastern Railway Five *per Cent.* Preference Shares:" And whereas at the Commencement of the said Act

the

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the Amount of "*Scottish North-eastern Railway Four and a Half per Cent. Preference Stock*" held by the Proprietors thereof was actually One hundred and ninety-nine thousand five hundred and seventy-nine Pounds, and the Amount of "*the Scottish North-eastern Railway Five per Cent. Preference Shares*" held by the Proprietors thereof was actually One hundred and eighty-eight thousand nine hundred Pounds, and it is right and expedient that the Amount of the said Stocks of the Company to be created and issued to the said Proprietors of Preference Stock and Shares of the *Scottish North-eastern Railway Company* as aforesaid should be made equal to the Amount of Preference Stock and Shares in the *Scottish North-eastern Railway Company* held by such Proprietors previously to the Commencement of the said Act: Therefore the Seventeenth Section of "*The Caledonian and Scottish North-eastern Railways Amalgamation Act, 1866,*" shall be read and construed as if the Company had been thereby authorized to create and issue Preference Stock, bearing a Preference Dividend of Four and a Half *per Centum per Annum*, to an Amount not exceeding One hundred and ninety-nine thousand five hundred and seventy-nine Pounds, to be issued to the Proprietors of the Stock denominated "*Scottish North-eastern Railway Four and a Half per Cent. Preference Stock,*" and to create and issue Preference Stock, bearing a Preference Dividend of Five *per Centum per Annum*, to an Amount not exceeding One hundred and eighty-eight thousand nine hundred Pounds, to be issued to the Proprietors of the Shares or Stock denominated "*the Scottish North-eastern Railway Five per Cent. Preference Shares,*" and to pay the said Preference Dividends respectively on such respective Amounts of Preference Stock to be so created and issued.

15. The Quantity of Land to be acquired by Agreement by the Company for the extraordinary Purposes mentioned in "*The Railways Clauses Consolidation (Scotland) Act, 1845,*" shall not exceed Three Acres, in addition to the Lands which they are authorized by this Act to take compulsorily, and by any other Acts to take compulsorily or acquire by Agreement.

Lands for extraordinary Purposes.

16. 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 Three Years from the passing of this Act.

Powers for compulsory Purchases limited.

17. The Embankment or Sea Wall by this Act authorized shall be completed within the Period of Seven Years from the passing of this Act, and if the same shall not have been completed within that Period all the Powers and Authorities by this Act granted for the Construction thereof shall thenceforth cease and determine, save only as to so much thereof as shall have been completed within the said Period.

Period for Completion of Sea Wall.

18. Nothing

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Saving
Rights of the
Crown to
Mines, &c.

18. Nothing contained in this Act, or to be done under the Authority thereof, shall in any Manner affect the Title to any of the Subjects, or any Rights, Powers, and Authorities reserved by or mentioned in Sections Twenty-one and Twenty-two of "The Crown Lands Act, 1866," or shall divest, alter, or affect any other Estate, Right, or Interest belonging to the Queen's most Excellent Majesty, Her Heirs or Successors.

Saving
Rights of the
Crown in the
Foreshore.

19. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorize the Company to take, use, or in any Manner interfere with any Portion of the Shore or Bed of the Sea, or of any River, Channel, 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.

Saving
Rights as to
future
Accretions.

20. If any Land to the Seaward of the Lands by this Act authorized to be embanked or reclaimed shall, at any Time after the Execution of any Works under the Authority of this Act, become raised in Height or reclaimed, whether gradually or imperceptibly or otherwise, so as to be above, instead of being (as all Land to the Seaward of the Lands by this Act authorized to be reclaimed now is) below, the line of ordinary High-water Mark, the Company shall not, by virtue of the Ownership of any Lands which they are by this Act empowered to reclaim, have any Estate, Right, or Interest in or to the Lands so raised in Height or reclaimed by reason that such raising or Reclamation has been gradual or imperceptible, or has been either wholly or partially caused by the Works by this Act authorized or otherwise, but the Right and Title to the Soil and Freehold of such Land, when so raised or reclaimed, shall continue vested in the Queen's Majesty, or such other Corporation or Person or Persons as is or are at the Time of the passing of this Act entitled to the same, and as if the same had continued, as the same now is, subject to the Flow and Re-flow of the ordinary Tides.

Period for
Completion
of Railways
and Security
for their
Completion.

21. The Railways by this Act authorized shall be completed within Three Years from the passing of this Act, and if such Railways are not completed and opened for public Traffic within the said Period of Three Years the Company shall be liable to a Penalty of Fifty Pounds *per Day*, to be recoverable as a Debt due to the Crown, for every Day after the Expiration of the said Period of Three Years until the said Railways shall be completed and opened for public Traffic: Provided always, that no Penalty shall accrue in respect of
any

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any Time during which it shall appear, by a Certificate from the Board of Trade, that the Company were prevented from completing or opening the said Railways by unforeseen Accident or Circumstances beyond their Control; but the Want of sufficient Funds shall not be held to be a Circumstance beyond their Control.

22. The Powers granted and the Time limited by the third-recited Act for the Construction and Completion of so much of the *Dundee and Forfar* Railway as the Company are not by this Act required to relinquish are hereby continued and extended for the Period of Three Years from the passing of this Act, and the Penalty imposed by Section Sixteen of the third-recited Act shall not commence to accrue until the Expiration of the said extended Period.

Extending Time for Completion of Dundee and Forfar Railway.

23. The Company shall relinquish the Construction of the Portion of the *Dundee and Forfar* Railway between the authorized Point of Junction thereof with that Part of the Company's Undertaking known as the *Dundee and Arbroath* Railway and the Point in the Parish of *Monikie* where Railway No. 1. will join the *Dundee and Forfar* Railway, and the Penalty imposed by Section Sixteen of the third-recited Act shall not accrue in respect of the Company not completing and opening the Portion of Railway authorized to be relinquished as aforesaid.

Abandonment of Portion of Dundee and Forfar Railway.

24. The Company shall relinquish the Construction of the *Newtyle and Meigle* Branch, and all the Powers and Provisions of the fourth-recited Act with respect to the Construction and Completion of the *Newtyle and Meigle* Branch, and the Penalty for not completing and opening the same, are hereby repealed.

Abandonment of Newtyle and Meigle Branch.

25. When the Company shall have completed Railway No. 3., and opened the same for public Traffic, they may relinquish and disuse as a public Railway the Portion of the existing *Newtyle* Branch of the *Scottish North-eastern* Railway between the Points of Commencement and Termination of Railway No. 3., as herein-before described.

Abandonment of Portion of Newtyle Branch.

26. Where before the passing of this Act any Contract may have been entered into or Notice given by the *Scottish North-eastern* Railway Company or the Company for the purchasing of any Land for the Purposes of or in relation to any Portion of Railway authorized to be relinquished 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 of or other Persons interested in such Lands for all Injury or Damage sustained by them respectively by reason of the Purchase

Compensation to be made in respect of Portions of Railway abandoned.

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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 (Scotland) Act, 1845," for determining the Amount and Application of Compensation paid for Lands taken under the Provisions thereof.

Compensation for Damage to Land by Entry, &c. for Purposes of Railways abandoned.

27. The Relinquishment by the Company, under the Authority of this Act, of any Portion of any Railway or Works, 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 *Scottish North-eastern Railway Company* or 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 *Scottish North-eastern Railway Company* or 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 in any of the recited Acts.

New Lines to be in substitution for those relinquished.

28. Railway No. 1. shall be in substitution for the Portion of the *Dundee and Forfar Railway* by this Act authorized to be relinquished, and Railway No. 2., Railway No. 3., and Railway No. 4. shall, together with the Portion of the existing *Newtyle Branch* of the *Scottish North-eastern Railway* between the Termination of Railway No. 2. and the Commencement of Railway No. 3., as herein-before described, be in substitution for the *Newtyle and Meigle Branch* and the Portion of the said existing *Newtyle Branch* by this Act authorized to be relinquished; and, except as by this Act otherwise expressly provided, all the Powers and Provisions of the third and fourth recited Acts (so far as at the Time of the passing of this Act in force), and of the fifth-recited Act, which apply to the *Newtyle and Meigle Branch* and other Portions of Railway so authorized to be relinquished and to the said existing *Newtyle Branch*, shall, *mutatis mutandis*, extend and apply to the Railways substituted for the same respectively as aforesaid, and to the said existing *Newtyle Branch* between *Newtyle Station* and the said Commencement of Railway No. 3.

Inclinations of certain Roads.

29. In altering for the Purposes of this Act the Roads next herein-after mentioned the Company may make the same of any Inclinations

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Inclinations not steeper than the Inclinations herein-after mentioned in connexion with those Roads respectively ; (that is to say,)

No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
39	Monifieth	Statute Labour	1 in 18 on the one Side and level on the other Side.
89	Monifieth	Statute Labour	1 in 18 on the one Side and 1 in 30 on the other Side.

30. The Company may make the Arches of the Bridges for carrying the Railway over the Roads next herein-after mentioned of any Heights and Spans not less than the Heights and Spans herein-after mentioned in connexion with those Roads respectively ; (that is to say,)

Height, Span, and Width of certain Bridges.

No. on deposited Plan.	Parish.	Description of Road.	Height.	Span.
			Feet.	Feet.
RAILWAY No. 1.				
96	Monifieth	Statute Labour	15	20
10	Murroes	Turnpike	16	30
5a	Murroes	Statute Labour	14	20
16	Monifieth			
RAILWAY No. 3.				
14	Newtyle	Turnpike	16	30
RAILWAY No. 4.				
14	Newtyle	Turnpike	16	30

And the Company may make the Bridge for carrying the Statute Labour Road, numbered on the deposited Plan 57, in the Parish of *Monifieth*, over Railway No. 1., of such Width between the Fences as they may think fit, provided such Width be not less than Twenty Feet.

31. The Company may demand and take in respect of the Use of the Railways by this Act authorized to be made, and of Carriages and Engines thereon, and in respect of Accommodation and Services provided by them in connexion with those Railways, any Tolls, Rates, and Charges, not exceeding the Tolls, Rates, and Charges which the Company are by "The *Caledonian and Scottish North-eastern Railways Amalgamation Act, 1866*," authorized to demand and take in respect of the Use of the Railways transferred to them by that Act, and of Carriages and Engines thereon, and in respect of Accommodation and Services provided by them in connexion therewith, as if the Railways by this Act authorized to be made had been Parts of the Railways transferred to them by that Act.

Tolls.

32. Nothing

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Act not to affect Agreements between the Company and the Magistrates and Town Council and Harbour Trustees of Dundee.

32. Nothing in this Act contained shall prejudice or affect an Agreement dated the Twenty-sixth Day of *February* Eighteen hundred and sixty-seven, and made between the Company and the Magistrates and Town Council of *Dundee*, or an Agreement of the same Date made between the Company and the said Magistrates and Town Council and the Trustees of the Harbour of *Dundee*, with reference to the reclaiming and Appropriation of a Portion of the Alveus or Solum of the River or Birth of *Tay*, and the Formation of a Sea Wall, Esplanade, and Street proposed to be made by the said Magistrates and Town Council.

Interest not to be paid on Calls paid up.

33. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised 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 on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with "The Companies Clauses Consolidation (*Scotland*) Act, 1845."

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

34. The Company shall not, out of any Money by this Act or any other Act relating to the Company 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.

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

35. Nothing herein contained shall be deemed or construed to exempt the Railways 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.

Expenses of Act.

36. 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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