



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. xcv.

An Act for making a Railway from the *Edinburgh, Perth, and Dundee* Railway at *Thornton Junction* Station to the Town of *Leven*, with Branches to *Kirkland Works* and to the Harbour of *Leven*. [17th June 1852.]

WHEREAS the making of a Railway leading from the *Edinburgh, Perth, and Dundee* Railway, at a Point at or near to *Thornton Junction* Station in the Parish of *Markinch* in the County of *Fife*, to a Point at or near to *Burnmill* in the Parish of *Scoonie* and County aforesaid, with Branch Railways diverging from or out of the said intended Line of Railway to *Kirkland Works* and to the Harbour of *Leven*, would be of great local and public Advantage, by opening an additional, certain, and expeditious Means of Communication between the said Places, and by facilitating Communication with more distant Towns and Places: And whereas the Persons herein-after named are willing, at their own Expense, to carry such Undertaking into execution: And whereas it is expedient that the Company hereby to be incorporated shall be enabled to enter into Agreements as after mentioned with the *Edinburgh, Perth, and Dundee* Railway Company incorporated by "The *Edinburgh, Perth, and*

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and Dundee Railway (Consolidation) Act, 1851;" but the various Purposes 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,

8 & 9 Vict.
cc. 17. 19. &
33. incorpo-
rated with
this Act.

I. That the several Acts of Parliament following, that is to say, "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Railway Clauses Consolidation (*Scotland*) Act, 1845," shall be incorporated with and form Part of this Act.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Leven* Railway Act, 1852."

Subscribers
incorporated.

III. That Sir *Ralph Abercrombie Anstruther* Baronet, *John Haig*, *John Wood*, *George Wilson*, *Adam Johnstone*, *James Anderson*, *Henry Tandy Peter*, *Alexander Boswell*, and *James Greenhill*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway and Branches herein-after particularly described, with all proper Works and Conveniences belonging thereto, according to the Provisions of the said Acts and of this Act, and for the other Purposes herein and in the said Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Leven* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking, within the Restrictions herein and in the said Acts contained.

Capital.

IV. And whereas the estimated Expense of making the said Railway and Branches is Twenty-one thousand Pounds Sterling: Be it enacted, That the Capital of the Company shall be Twenty-three thousand Pounds Sterling, and the whole thereof, when raised, shall be applicable only to the Purposes authorized by this Act.

Number and
Amount of
Shares.

V. That the Number of Shares into which the Capital shall be divided shall be Two thousand three hundred, and the Amount of each Share shall be Ten Pounds.

Calls.

VI. That Forty Shillings *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Two Months at the least shall be the Interval between successive
Calls;

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Calls; and the aggregate Amount of Calls to be made on any One Share in any One Year shall not exceed Nine Pounds in the whole.

VII. That it shall not be lawful for the said Company, out of any Money by this Act authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend 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.

Interest not to be paid on Calls paid up.

VIII. That it shall not be lawful for the said Company out of any Money by this Act authorized to be raised for the Purposes thereof 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.

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

IX. That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Five thousand Pounds Sterling, but no Part of such Sum shall be borrowed until the whole of the said Capital of Twenty-three thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up; provided always, that the Sums so to be borrowed shall be applied solely to the Purposes by this Act authorized.

Power to borrow Money on Mortgage.

X. That it shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any Mortgages by the Appointment of a Judicial Factor; and in order to authorize the Appointment of such Judicial Factor, in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Judicial Factor shall be made shall not be less than Seven hundred Pounds in the whole.

Arrears may be enforced by the Appointment of a Judicial Factor.

XI. That the First Ordinary Meeting of the Company shall be held within Two Months next after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held Twice in every Year in the Months of *March* or *April* and *September*

First and subsequent General Meetings.

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tember or October, as the Directors may appoint; and all Meetings, whether ordinary or extraordinary, shall be held in the Town of Leven.

Quorum of
General
Meetings.

XII. That the Quorum of General Meetings of the Company shall be Twelve Shareholders, present personally or by Proxy, holding in the aggregate not less than Two thousand Pounds in the Capital of the Company.

Votes of
Shareholders.

XIII. That at all General Meetings of the Company the Scale according to which the Shareholders may vote in respect of their Shares shall be as follows; (that is to say,) for Two Shares or more, but not exceeding Ten Shares, One Vote; for more than Ten Shares, an additional Vote for every Ten Shares to the Extent of One hundred Shares; for more than One hundred Shares, an additional Vote for every Twenty Shares over and above the said One hundred Shares: Provided always, that no Shareholder shall be entitled to vote at any Meeting unless he shall have paid up all the Calls then payable upon the Shares held by him.

Number and
Qualification
of Directors.

XIV. That the Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Capital of the Company.

Power to
vary the
Number of
Directors.

XV. That it shall be lawful for the Company to reduce the Number of Directors, provided that the reduced Number be not less than Three.

First Direc-
tors.

XVI. That Sir *Ralph Abercrombie Anstruther* Baronet, *John Haig*, *John Wood*, *George Wilson*, *Adam Johnstone*, and *James Anderson* shall be the First Directors of the Company.

First Elec-
tion of Di-
rectors.

XVII. That the Directors hereby appointed shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present, personally or by Proxy, may either continue in Office the Directors appointed by this Act, or any Number of them, or may elect a new Body of Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

Future Di-
rectors.

XVIII. That at the First Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected, the Shareholders present, personally or by Proxy, shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in the said "Com-
panies

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panies Clauses Consolidation (*Scotland*) Act" contained, and the several Persons elected at any such Meeting, being neither removed nor disqualified nor having resigned, shall continue to be Directors until others are elected in their Stead, in manner provided by the said "Companies Clauses Consolidation (*Scotland*) Act."

XIX. That if the whole of the Directors of the said Company herein named or hereafter to be appointed in Terms of the Provisions of this Act shall resign or die, or shall from any Cause become disqualified to act, or if so many of them shall so resign or die or become disqualified that the Number of acting Directors shall be reduced below the Quorum hereby appointed, then and in that Case it shall be lawful for One or more Shareholders of the Company holding in all not less than Three hundred Shares, by Advertisement for Three successive Weeks in any One of the *Edinburgh* and One of the *Fife* Newspapers, to call a Special General Meeting of the Company; and the Majority of the Shareholders present, personally or by Proxy, at such Meeting shall and may elect new Directors to act in the Room and Stead of the Directors so dying or resigning or becoming disqualified: Provided always, that in electing Directors at the said Meeting, it shall be specified in whose Room and Place each of the said Directors is elected, and that they shall only retain Office for the same Period as the Directors would have done in whose Room and Place they shall be so elected.

As to Election of new Directors in case of Resignation, &c. of those ordinarily elected.

XX. That the Quorum of a Meeting of Directors shall be Three.

Quorum of Directors.

XXI. That the Number of Directors of which Committees appointed by the Directors shall consist shall not be less than Three nor more than Five, and the Quorum of such Committees shall be the major Number of those appointed.

Committee of Directors.

XXII. And whereas Plans and Sections of the Railway, and of the Branches herein-after described, showing the Lines and Levels thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of Lands through which the same are intended to pass, have been deposited in the Office of the Principal Sheriff Clerk of the County of *Fife*: 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 Railway and Branches and Works in the Lines and upon the Lands delineated upon the said Plans and described in the said Books 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.

Power to make Railway according to deposited Plans, &c.

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XXIII. That

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Line of Rail-
way and
Branches.

XXIII. That the Line of Railway and Branches to be made and maintained under the Authority of this Act shall be the following; (that is to say,)

A Railway commencing by a Junction with the Line of the *Edinburgh, Perth, and Dundee* Railway at or near to *Thornton Junction* Station in the Parish of *Markinch* in the County of *Fife*, and terminating at or near to *Burnmill* in the Parish of *Scoonie* and County aforesaid:

A Branch Railway diverging from or out of the said Railway at a Point thereon at or near to where *Burnmill* Lead leaves the River *Leven* in the Parish of *Scoonie* and County of *Fife*, and terminating at or near to *Kirkland* Works in the Parish of *Wemyss* and County aforesaid:

A Branch Railway diverging from or out of the said Railway at or near to *Burnmill* in the Parish of *Scoonie* and County of *Fife*, and terminating at or near to the Harbour of *Leven* in the said Parish of *Scoonie* and County aforesaid.

Junction
with the
Edinburgh,
Perth, and
Dundee Rail-
way.

XXIV. That as the *Leven* Railway is proposed to join the *Edinburgh, Perth, and Dundee* Railway at or near to *Thornton Junction* Station aforesaid, such Junction shall be made and completed at the Sight and to the Satisfaction of the Engineer for the Time being of the *Edinburgh, Perth, and Dundee* Railway, and according to a Plan to be approved of by him previously to the Commencement of the Works connected with such Junction.

Lands, &c.
of *Edin-*
burgh, *Perth,*
and *Dundee*
Railway not
to be inter-
fered with
without Con-
sent.

XXV. That nothing herein contained shall be held to authorize the said Company to enter upon, purchase, or take any Lands belonging to the said *Edinburgh, Perth, and Dundee* Railway Company, nor to alter or vary the Line or Levels of the said *Edinburgh, Perth, and Dundee* Railway, nor to interfere with the said *Edinburgh, Perth, and Dundee* Railway, except for the Purpose of making and maintaining the Junction before mentioned, and necessary Approaches thereto and Works connected therewith, without the Consent of the said *Edinburgh, Perth, and Dundee* Railway Company, nor in any Manner to interrupt or interfere with the Traffic passing on the said last-mentioned Railway; and the Company hereby incorporated shall bear all Expense of effecting such Junction as aforesaid.

As to Devia-
tions of Rail-
way.

XXVI. That the Railway between the Point marked One Mile Six Furlongs and the Point marked Two Miles Six Furlongs on the Plans deposited in the Private Bill Office of the House of Commons shall not deviate more than Three Feet from the continuous Black centre Line as shown on the said Plans, without the Consent in Writing of Captain *Charles Ramsay Drinkwater Bethune* first obtained.

XXVII. That

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XXVII. That it shall be lawful for the Company to carry the Railway across the Surface of the Roads numbered on the Plans deposited as aforesaid as after mentioned; (that is to say,) in the Parish of *Markinch* the Roads numbered 12 and 107, and in the Parish of *Scoonie* the Road numbered 16.

Certain Roads may be crossed on the Surface.

XXVIII. That for the Security of the Public the Company shall erect and maintain either a Station or Lodge at each of the Places where the Railway shall cross the before-mentioned Roads on the Level; and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the said Company shall fail to erect and at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Lodges or Stations to be made at level Crossings; Company to abide by Rules, &c. of the Board of Trade.

XXIX. That it shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the public Safety, at any Time either before or after the Railway hereby authorized to be carried across the said Roads on the Level shall have been completed and opened for public Traffic, to require the Company, within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry the herein-before mentioned Roads, or any of them, either over or under the Railway by means of a Bridge or Arch in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board best adapted for removing or diminishing the Danger arising from such level Crossing.

Board of Trade may require Bridges to be erected in lieu of level Crossings.

XXX. That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Six Acres.

Land for extraordinary Purposes.

XXXI. That 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 Purchase of Lands limited.

XXXII. That the Railway and Branch Railways shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said Acts granted to the Company for executing the Railway and Branch Railways, or otherwise

Period for Completion of Works.

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otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway and Branch Railways as shall then be completed.

Tolls.

XXXIII. That it shall be lawful for the Company to demand any Tolls for the Use of the Railway, not exceeding the following; (that is to say,)

Tonnage on Articles of Merchandise.

1. In respect of the Tonnage of all Articles conveyed upon the Railway and Branch Railways, or any Part thereof, as follows :

For all Dung, Compost, and all Sorts of Manure, Lime, and Limestone, and undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* not exceeding Twopence; and if conveyed by Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny :

For all Coal, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone, and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile* not exceeding Twopence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny :

For all Sugar, Grain, Corn, Flour, Hides, Dye Woods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* not exceeding Threepence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding One Penny Halfpenny :

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per Ton per Mile* not exceeding Fourpence; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* not exceeding Twopence :

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per Mile* not exceeding Sixpence :

And a like Sum of Sixpence *per Mile* for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh, and if conveyed on a Truck or Platform belonging to the Company an additional Sum *per Mile* not exceeding Sixpence.

Tolls for Passengers or Cattle.

In respect of Passengers and Animals conveyed in Carriages upon the Railway and Branch Railways, as follows :

For any Person conveyed in or upon any such Carriage, *per Mile* not exceeding Twopence; and if conveyed in or upon any Carriage

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Carriage belonging to the Company, an additional Sum not exceeding One Penny *per* Mile :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding Threepence *per* Mile :

For every Calf or Pig, Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny ; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding Three Halfpence *per* Mile :

For the Use of Wharfs, Stations, and such like Accommodation, such a reasonable Sum in addition to the above-mentioned Rates as to the Company shall seem just: Provided always, that any Party feeling dissatisfied with such additional Sum charged or proposed to be charged by the Company in respect of Wharfs, Stations, and such like Accommodations, may complain thereof in a summary Form to the Sheriff of the County of *Fife*, and the Sheriff shall summon the Company to appear before him by any of their Officers at a Time and Place mentioned in the said Summons, and upon the Appearance of the Company in manner aforesaid, or in their Absence, shall determine the Sum to be charged by the Company in respect of the Wharfs, Stations, and such like Accommodations to which the Complaint shall relate, and every such Determination of the Sheriff shall be final.

Tolls for
the Use of
Wharfs, &c.

XXXIV. That the Toll which the Company may demand for the Use of Engines for propelling Carriages shall not exceed One Penny *per* Mile for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

Tolls for
propelling
Power.

XXXV. That the following Provisions and Regulations shall be applicable to the fixing of Tolls ; (that is to say,)

Regulations
as to Tolls.

For Articles or Persons conveyed on the Railway for a less Distance than the entire Length of the Line, the Company may demand as for Three entire Miles ; and in addition to the prescribed Tolls for Conveyance, a reasonable Charge for the Expense of stopping, loading, and unloading ;

For a Fraction of a Mile the Company may demand Tolls as for One Mile ;

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in such Fraction, and if there be a Fraction of a Quarter of a Ton, such Fraction shall be deemed a Quarter of a Ton ;

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With

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With respect to all Articles, except Stone or Timber, the Weight shall be determined according to the usual Avoirdupois Weight; With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Tolls for
small Parcels
and Articles
of great
Weight.

XXXVI. And with respect to small Packages, and single Articles of great Weight, be it enacted, That, notwithstanding the Rate of Tolls prescribed by this Act, the Company may lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels on the Railway as follows:

For any Parcel not exceeding Seven Pounds in Weight, Fourpence;

For any Parcel not exceeding Fourteen Pounds in Weight, Eightpence;

For any Parcel not exceeding Twenty-eight Pounds in Weight, One Shilling and Fourpence;

For any Parcel not exceeding Fifty-six Pounds in Weight, Two Shillings;

And for Parcels exceeding Fifty-six Pounds in Weight, but not exceeding Five hundred Pounds in Weight, the Company may demand any Sum which they think fit;

That Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages;

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Twelvepence *per Ton per Mile*;

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which with the Carriage shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Limiting
Charges for
the Convey-
ance of Pas-
sengers.

XXXVII. That it shall not be lawful for the Company to demand or receive any greater Sum in respect of the Carriage of Passengers conveyed on the Railway by this Act authorized than Threepence *per Passenger per Mile* in respect of any Passenger travelling in a First-class Carriage, Twopence *per Passenger per Mile* in respect of any Passenger travelling in a Second-class Carriage, and One Penny Halfpenny *per Passenger per Mile* in respect of any Passenger travelling in a
Third-

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Third-class Carriage, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance.

XXXVIII. That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Passengers
Luggage.

XXXIX. That it shall not be lawful for the Company to charge in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals herein-after mentioned, conveyed on the Railway by this Act authorized, any greater Sum, including the Charges for the Use of Carriages, Waggon, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance than the several Sums herein-after mentioned; (that is to say,)

Limiting
Charges for
the Convey-
ance of
Goods.

For Dung, Compost, and all Sorts of Manure, Lime, and Limestone, and undressed Materials for the Repair of public Roads and Highways, One Penny Halfpenny *per Ton per Mile*;

For Coals, Coke, Culm, Charcoal, and Cinders, Stones for building, pitching, and paving, Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per Ton per Mile Twopence*;

For Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile Threepence*;

For Cotton and other Wools, Drugs, manufactured Goods, and other Wares, Merchandise, Fish, Articles, Matters, and Things, *per Ton per Mile Fourpence*;

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per Mile Sevenpence*;

For every Horse, Mule, Ass, or other Beast of Draught or Burden, *per Mile Fivpence*;

For every Ox, Cow, Bull, or Neat Cattle, *per Mile Twopence per Head*;

For every Calf or Pig, Sheep, Lamb, or other small Animal, *per Mile Three Farthings each*.

XL. That the Restriction as to the Charges to be made for Passengers, Animals, or Goods, shall not extend to any Special or Extra Train.

Restriction
as to Charges
not to apply
to Special
Trains.

XLI. That

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Company may take increased Charges by Agreement.

XLI. That nothing herein contained shall be held to prevent the said Company from taking any increased Charge over and above the Charges herein-before limited for the Conveyance of Goods of any Description by Agreement with the Owners or Persons in charge of such Goods, either in respect of the Conveyance thereof, other than small Parcels by Passenger Trains, or by reason of any other special Service performed by the said Company in relation thereto.

Power to enter into Contracts with the Edinburgh, Perth, and Dundee Railway for Junction with their Line.

XLII. That as the Railway by this Act authorized is intended to form a Junction with the Line of the *Edinburgh, Perth, and Dundee* Railway at a Point at or near to the *Thornton Junction* Station in the Parish of *Markinch* as aforesaid, it shall be lawful for the Company hereby incorporated to enter into any Contracts or Agreements with the said *Edinburgh, Perth, and Dundee* Railway Company for the Passage over or along the said *Edinburgh, Perth, and Dundee* Railway of any Engines, Coaches, Waggon, or other Carriages used by the Company hereby incorporated, upon such Conditions and Restrictions as may be mutually agreed upon between the Companies.

Contracts as to working the Railway.

XLIII. That it shall be lawful for the said *Edinburgh, Perth, and Dundee* Railway Company and the Company hereby incorporated to make, enter into, and complete any Contracts and Agreements or Arrangements which may by them mutually be deemed necessary and advisable for the working and Use of the Railway by this Act authorized, the Management of the Traffic thereon, and generally for and in respect of all such Matters and Things as may be necessary for the proper and efficient working of the said Railway when completed, on such Terms and Conditions and in such Manner as may be agreed upon by and between the said Companies: Provided always, that all such Contracts and Agreements or Arrangements, before they can be put in force, shall be duly laid before the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, and that the same shall have no Force or Effect until the Lords of the said Committee shall have signified their Approbation thereof in such Form and Manner as to them shall seem meet.

Saving the Rights of the Crown.

XLIV. That nothing contained in this Act, or in the Acts herein recited or referred to, 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 the Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, first had and obtained for that Purpose, 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 or Successors.

XLV. And

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XLV. 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 said Majesty, respectively intituled *An Act constituting Commissioners of Railways*, and *An Act for regulating the Gauge of Railways*; and another Act was passed in the Fourteenth and Fifteenth Years of the Reign of Her said Majesty, intituled *An Act to repeal the Act for constituting Commissioners for Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

Railway 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., 9 & 10 Vict. cc. 57. & 105., and 14 & 15 Vict. c. 64.

XLVI. That nothing herein contained shall be deemed or construed to exempt the Railway hereby authorized to be made from the Provisions of any General Act relating to this Act or of any General Act relating to Railways, or to the better and more impartial Audit of Railway Accounts, which may pass during the present or any future Session of Parliament, or from any future Revision and Alteration under the Authority of Parliament of the maximum Rates of Fares and Charges, or of Rates and Charges for small Parcels, authorized by this Act.

Railway not exempt from Provisions of future General Acts.

XLVII. That nothing herein contained shall extend or be deemed or construed to extend to alter, vary, prejudice, or diminish any of the Rights, Powers, Privileges, Franchises, or Authorities vested in the *Edinburgh, Perth, and Dundee Railway Company*, by virtue of the aforesaid Act, intituled "*The Edinburgh, Perth, and Dundee Railway (Consolidation) Act, 1851.*"

Saving Rights of Edinburgh, Perth, and Dundee Railway Company.

XLVIII. That nothing contained in the said "*Edinburgh, Perth, and Dundee Railway (Consolidation) Act, 1851,*" and the several Acts specified in the Schedule to said Act annexed, so far as the same may not be by said Act repealed, shall be held or construed to limit or prevent the said *Edinburgh, Perth, and Dundee Railway Company* and the Company hereby incorporated from making, entering

Agreements with the Edinburgh, Perth, and Dundee Railway Company not to be prejudiced.

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into,

The Leven Railway Act, 1852.

into, and completing all such Contracts and Agreements or Arrangements as may by them mutually be deemed necessary and advisable, but subject always to the Control and Approbation of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations, as herein-before provided.

Expenses of
Act.

XLIX. That all Costs, Charges, and Expenses connected with the passing of this Act shall be paid by the Company hereby incorporated.

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