
The East of Fife Railway Act, 1855.

Commons, in this present Parliament assembled, and by the Authority of the same, as follows ; (that is to say,)

8 & 9 Vict.
cc. 17. 19.
& 33. incor-
porated.

I. "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall, in so far as not otherwise provided by this Act, be incorporated with this Act, and with the same shall be construed as One Act.

Short Title.

II. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *East of Fife* Railway Act, 1855."

Subscribers
incorpo-
rated.

III. Sir *Ralph Abercrombie Anstruther* Baronet, *James Lindsay*, *William Baird*, *John Haig*, *John Wood*, and *William Ross*, 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 and are hereby united into a Company for the Purpose of making and maintaining the Railway herein-after described, and all proper Works and Conveniences connected therewith ; and for that Purpose such Company shall be incorporated by the Name of "The *East of Fife* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase, acquire, and hold Lands for the Purposes of the Undertaking, subject to the Provisions of this Act and the Acts incorporated herewith.

Capital.

IV. The Capital of the Company shall be Thirty-two thousand Pounds, which shall be applicable only to the Purposes authorized by this Act.

Number and
Amount of
Shares.

V. The Number of Shares into which the Capital shall be divided shall be Three thousand two hundred, and the Amount of each Share shall be Ten Pounds.

Calls

VI. Two Pounds *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, and the aggregate Amount of Calls to be made on any Share in any One Year shall not exceed Eight Pounds in the whole.

Interest not
to be paid on
Calls paid up.

VII. It shall not be lawful for the 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 to any Shareholder Interest or Dividend on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized

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authorized to be raised: Provided always, that nothing herein contained shall prevent the 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.

VIII. It shall not be lawful for the Company, out of any Money by this Act authorized to be raised, 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 Company to construct any other Railway or execute any other Work or Undertaking.

Deposits for
future Bills
not to be paid
out of Com-
pany's
Capital.

IX. It shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Ten thousand six hundred Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital of Thirty-two thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up: Provided always, that the Sums to be borrowed as aforesaid shall be applied solely to the Purposes authorized by this Act: And provided further, that in the event of the Company, under the Powers of this Act herein-after contained, or of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," incorporated herewith, agreeing with any Persons for the Purchase of Land for the Purposes of the Railway, in consideration of an annual Feu Duty or Ground Annual, the Capital of the Company to be raised by Mortgage or Bond shall be reduced by an Amount equal to Twenty-five Years Purchase of the Feu Duty or Ground Annual to be thereafter payable by the Company in respect of the Land so purchased: And provided also, that nothing herein contained shall prejudice or affect any Mortgages or Bonds granted by the Company before the granting of any such Feu Duties or Ground Annuals.

Power to
borrow on
Mortgage.

X. 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 Moneys 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 Two thousand Pounds in the whole.

Arrears may
be enforced
by Appoint-
ment of a
Judicial
Factor.

XI. The First Ordinary Meeting of the Company shall be held within Two Months next after the passing of this Act, and the subsequent

First and
subsequent
General
Meetings.

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subsequent Ordinary Meetings of the Company shall be held twice in every Year, in the Months of *March* or *April*, and *September* or *October*, as the Directors may appoint; and all Ordinary Meetings shall be held in the Town of *Leven*.

Quorum of
General
Meetings.

XII. 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
Share-
holders.

XIII. 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. The Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Forty Shares in the Capital of the Company.

Power to
vary the
Number of
Directors.

XV. 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. Sir *Ralph Abercrombie Anstruther* Baronet, *James Lindsay*, *William Baird*, *John Haig*, *John Wood*, and *William Ross* shall be the First Directors of the Company.

First Elec-
tion of
Directors.

XVII. The Directors appointed by this Act 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, or 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
Directors.

XVIII. 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

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retiring from Office, agreeably to the Provisions in the said Companies 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 last-mentioned Act.

XIX. The Quorum of a Meeting of Directors shall be Three so long as the Number of Directors shall be more than Three, and shall be Two when reduced to Three. Quorum of Directors.

XX. The Number of Directors of which Committees appointed by the Directors shall consist shall not be less than Two nor more than Three, and the Quorum of such Committees shall be Two. Committee of Directors.

XXI. Whereas Plans and Sections of the Railway, showing the Line and Levels thereof, together with a Book of Reference to the said Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited in the Office at *Cupar* of the Principal Sheriff Clerk of the County of *Fife*: It shall be lawful for the Company, with the Powers of Deviation and other Powers and subject to the Provisions contained in this Act and in the Acts incorporated herewith, to make and maintain the said Railway in the Line 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 all proper Works and Conveniences in connexion therewith, and to enter upon, take, and use such of the said Lands as they may find necessary for the Purposes aforesaid. Power to make Rail-way according to deposited Plans, &c.

XXII. The Railway shall commence by a Junction with the Line of the *Leven* Railway at the Station situated at or near the Town of *Leven* in the Parish of *Scoonie* and County of *Fife*, and terminate at a Point in or near the Minister's Glebe at or near the Town of *Kilconquhar* in the Parish of *Kilconquhar* and County aforesaid. Line of Railway.

XXIII. The Junction of the Railway by this Act authorized to be made with the *Leven* Railway shall be made and completed at the Sight and to the Satisfaction of the Engineer for the Time being of the *Leven* Railway, and according to Plans to be approved of by such Engineer previously to the Commencement of the Works connected with such Junction. As to Connection with the Leven Railway.

XXIV. Nothing herein contained shall be held to authorize the Company to enter upon, purchase, or take any Lands belonging to Lands and Works of the Leven Rail-
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way Com-
pany not to
be interfered
with, except
by Consent.

the *Leven* Railway Company, nor to alter or vary the Line or Levels of the *Leven* Railway, nor to interfere with the said Railway, except for the Purpose of making and maintaining the Junction before mentioned, without the Consent of the *Leven* Railway Company, nor in any Manner to interrupt or interfere with the Traffic passing on the said Railway; and the Company shall bear all the Expenses of effecting such Junction as aforesaid, and of maintaining, watching, and working the same, and of the necessary Works for preventing Danger, Inconvenience, or Interruption to the Traffic on the *Leven* Railway.

Certain
Roads may
be crossed on
the Surface.

XXV. It shall be lawful for the Company to carry the Railway across the Surface of the Roads numbered on the said deposited Plans as follows; (that is to say,)

In the Parish of *Scoonie*, the Road numbered 10, 10:

In the Parish of *Newburn*, the Road numbered 5:

Provided always, that it shall not be lawful for the Company to lay down more than a double Line of Rails at the Point where the Railway crosses on the Level the said Road numbered 10 in the Parish of *Scoonie*, nor to make any Points, nor to shunt any Engines, Carriages, or Waggons, nor to allow Trains to stop across the said Road.

Lodges or
Stations to
be made at
level Cross-
ings.

XXVI. For the Security of the Public, the Company shall erect and maintain either a Station or a Lodge at each of the Places where the Railway shall cross the before-mentioned Roads on the Level; and the 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 Company shall fail to erect or at all Times maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rules or Regulations 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.

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

XXVII. 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 shall direct, and at the Expense of the Company, to carry any of the said Roads 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

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Case shall appear to the said Board best adapted for removing or diminishing the Danger arising from such level Crossing.

XXVIII. The Company may make the Rate of Inclination of the Road numbered 87 in the Parish of *Largo* on the said deposited Plans with an Inclination when altered not steeper than One Foot in Seven Feet. Regulating Inclinations of certain Roads.

XXIX. Previously to commencing the Crossing over the River at the Head of *Largo* Harbour or the Works connected therewith, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Crossing and Works connected therewith, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Crossing and Works shall be constructed only in accordance with such Approval. Plans for crossing *Largo* Water to be approved by the Admiralty.

XXX. Where the Limits of Deviation extend into the Tideway, the Railway and other Works shall not deviate Seaward or Outward, beyond the Black continuous Centre Line of Way marked on the Plans deposited at the Admiralty, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty. Works at *Largo* Water not to be deviated without Consent of Admiralty.

XXXI. The Company shall not, under or by virtue of this Act or otherwise, claim any exclusive Right of Water Frontage where the Railway or any Work crosses any Creek, or where it skirts the Water, but only such Frontage as the Company may require for the Site of the Railway; and any other Persons, if legally qualified, may, with the previous Consent of the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty, construct Quays, Wharfs, and other Works to Seaward of the Railway. Company not to claim any exclusive Right of Water Frontage.

XXXII. Where the Railway shall or may cut off Access between Land and Water, the Company shall make and maintain, and allow to be used by all Persons and at all Times, free of Charge, all such Crossings for Footways and Carriageways over, under, or across the Railway as the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral shall at any Time or from As to Crossings where Railway comes between Land and Water.

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from Time to Time require, such Requirement to be signified by Writing under the Hand of the Secretary of the Admiralty.

Local Survey may be ordered by Admiralty at Expense of Company.

XXXIII. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

If Works affecting tidal Waters are abandoned, Admiralty may remove same, at Expense of Company.

XXXIV. If any Work to be constructed by the Company in, under, or over, through, or across any tidal Water or navigable River, or of any Portion of any Work which affects or may affect any such Water or River, or Access thereto, shall be abandoned, or suffered to fall into Disuse or Decay, 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, with Costs of Suit.

As to Construction of Railway through the Estate of Lundin.

XXXV. In executing the Line of Railway hereby authorized, in so far as it passes through the Estate of *Lundin* in the Parish of *Largo* between the Points marked on the Plan One Mile Five Furlongs and Two Miles and Half a Furlong, the Company shall be bound to deviate the Line to the North to the full Extent allowed by "The Railways Clauses Consolidation (*Scotland*) Act, 1845," and shall not be entitled, without the Consent of the Owners of the said Estate for the Time being, to carry the Line further to the South than the Northern Limits of Deviation shown on the Plans deposited as aforesaid.

Station to be erected at Sunnybraes.

XXXVI. And whereas the *Standard* Life Assurance Company, the Owners of the Estate of *Lundin* in the Parish of *Largo*, have laid out a Portion of the said Estate on the proposed Line of the Railway to be Let in Lots or Feus for Building: Be it enacted, That the Company shall erect and maintain a temporary Goods and Passenger Station at or near to *Sunnybraes*, or at any other Point on the said Estate which may be agreed upon by and between the Company and the Owners of the said Estate for the Time; and at the said Station all ordinary Trains shall stop for the Purpose of Traffic: But providing
always,

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always, that if, upon the Expiration of Five Years from the opening of the Line of Railway, the Traffic done at such Station shall not be of sufficient Extent to remunerate the Company for the Maintenance of the said Station, the Obligation to maintain the said Station shall be no longer binding on the Company: And it is further provided, that for determining whether such Station shall be maintained or shall be abandoned as aforesaid the Decision of *James Horne*, Land Valuator in *Edinburgh*, whom failing, of *John Dickson*, Farmer of *Saughton Mains*, as sole Arbiters in succession, shall be final and binding on the Company and the Owners of the said Estate for the Time being.

XXXVII. It shall be lawful, with Consent in Writing of the Owner of the Estate of *Elie* for the Time, and of the Lessees and Occupiers upon the Line of the Deviation after mentioned, to deviate the Line of Railway from a Point at or near to the Point marked Five Miles Five Furlongs upon the said deposited Plans through the said Estate by the South Side of *Muircambus* Mill, and to terminate the same at a Point not exceeding One hundred and fifty Yards to the North of the Junction of the *Elie and Kilconquhar* Road with the Road leading from the *Kilconquhar* Road to *Broomlee's* Tilework; and if within Three Months after the passing of this Act the said Consent shall have been intimated in Writing as aforesaid, it shall not be lawful to construct the Railway otherwise than upon such deviated Line: Provided always, that after such Consent is intimated the Owner of the said Estate, and the said Lessees and Occupiers, shall, when required by the Company, be bound to give to them Possession of the Land required for such Deviation, the Purchase Money and Compensation in respect of which Land shall, in case of Difference, be ascertained and settled according to the Provisions of "The Lands Clauses Consolidation (*Scotland*) Act, 1845:" And provided further, that it shall be lawful and in the Power of the Company, with the Sanction of a General Meeting of the Shareholders, to terminate such deviated Line at a Point at or near *Broomlee's* Tilework aforesaid, and on the South-west Side of the Turnpike Road from *Elie* to *Balchristie*.

As to Construction of Line through the Estate of *Elie*.

XXXVIII. The Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Three Acres.

Lands for extraordinary Purposes.

XXXIX. It shall be lawful for all Parties having a limited Right or Interest in any Lands required to be taken for the Purposes of this Act, or being under any Disability or Incapacity to sell or convey, within the Meaning of Section Seven of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and being only entitled to sell or convey such Lands, or any Right or Interest therein, under the Powers by this Act and the said Consolidation Act granted, to sell and convey to the Company such Lands or any Part thereof, or any

Power to Parties having limited Interests to convey Lands by Feu Right.

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Right

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Right or Interest therein, in consideration of an annual Feu Duty or Ground Annual payable by the Company to such Parties and their Successors in the Lands or in the Right or Interest therein so conveyed, and that in the Form prescribed by the said Consolidation Act with respect to Conveyances in Feu by Parties entitled absolutely to dispose of Lands.

Grassums
not to be
taken.

XL. Provided always, That it shall not be lawful for the Company to pay, nor for any Party having a limited Interest in or being under Disability or Incapacity to sell or convey any Lands, or any Right or Interest therein, as aforesaid, to receive or take, any Grassum, Fine, or Premium, or any Consideration in the Nature thereof, for the Lands or Rights or Interests to be so conveyed, other than the annual Feu Duties or Ground Annuals made payable by such Conveyance; and the Amount of such Feu Duties or Ground Annuals shall, in case of Difference, be ascertained and settled by Valuers in the Manner prescribed by the said Consolidation Act with respect to the Valuation of Lands sold by Agreement by Parties under legal Disability or Incapacity to convey as aforesaid.

Provisions
for recover-
ing Feu
Duties.

XLI. All Feu Duties or Ground Annuals for any Lands, or any Right or Interest therein, required for the Purposes of the Railway, and made payable by any Conveyance under this Act and the said Consolidation Act, shall be a First Charge on the Tolls and Rates leviable under this Act and other Revenues of the Company, anything in this Act or in any of the Consolidation Acts herewith incorporated to the contrary notwithstanding; and if at any Time any such Feu Duties or Ground Annuals remain unpaid for Thirty Days after they respectively become payable, it shall be lawful for the Person entitled for the Time being to Payment of such Feu Duties or Ground Annuals to recover the same from the Company, with Interest and Costs, by Action in the Sheriff Court of the County of *Fife*, or summarily by Poinding and Sale of the Goods and Effects of the Company, on Application by Petition to the Sheriff of the said County; and it shall not be lawful for any such Party to resume Possession of the Lands, or Rights or Interests therein, so conveyed, or to proceed by any Action of Declarator or Reduction, or by Real Diligence, or any other Process whatever in respect thereto, or in respect to the said Feu Duties or Ground Annuals.

Period for
purchasing
Lands
limited.

XLII. 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.

Period for
Completion
of Works.

XLIII. The Railway shall be completed within Three Years from the passing of this Act; and on the Expiration of such Period the
Powers

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Powers by this Act and the Acts incorporated herewith granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

XLIV. It shall be lawful for the Company to demand and recover Tolls. any Tolls for the Use of the Railway, not exceeding the following ; (that is to say,)

First, in respect of the Tonnage of all Articles conveyed upon the Railway or any Part thereof, as follows : Tonnage on Articles of Merchandise.

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

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* not exceeding Threepence ; and if conveyed in Carriages provided by 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 provided by 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 provided by the Company, *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 provided by the Company, an additional Sum *per Mile* not exceeding Sixpence :

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Tolls for
Passengers
and Cattle.

Second, in respect of Passengers and Animals conveyed in Carriages upon the Railway, 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 provided by 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 provided by 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 provided by the Company, an additional Sum not exceeding Three Halfpence *per* Mile.

Tolls for
propelling
Power.

XLV. 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.

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

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

Passengers
Luggage.

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

Limiting
Charges for
the Convey-
ance of
Goods.

XLVIII. 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, 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,)

For

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For 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* One Penny Halfpenny :

For Coals, Coke, Culm, Charcoal, and Cinders, Stones for building, pitching and paving, Bricks, Tiles, Slates, Clay, Sand, Ironstone, Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and 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, 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* Fivepence :

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

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

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

Restrictions
as to Charges
not to apply
to Special
Trains.

L. Nothing herein contained shall prevent the 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 of such Goods (except small Parcels) by Passenger Trains, or by reason of any other special Service performed by the Company in relation thereto.

Company
may take
increased
Charges by
Agreement.

LI. The following Provisions and Regulations shall be applicable to the fixing of the Tolls and maximum Charges herein-before specified ; (that is to say,)

Regulations
as to the
Tolls.

For Articles or Persons conveyed on the Railway for a less Distance than Three Miles the Company may demand Tolls as for Three entire Miles :

For a fractional Part of a Mile beyond Three Miles or beyond any greater Number of Miles the Company may demand Tolls and Charges on Merchandise for such Fraction in proportion to the Number of Quarters of a Mile contained therein ; and if there

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be a Fraction of a Quarter of a Mile, such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles shall be deemed a 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:

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.

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

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:

Provided always, 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, and for the Carriage of rough or hewn Timber or other Articles which from Length or otherwise require Two or more Trucks or Waggon in the Stowage, the Company may demand such Sum as they think fit, not exceeding Twelvence *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.

LIII. It

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LIII. It shall be lawful for the *Edinburgh, Perth, and Dundee* Railway Company, and the *Leven* Railway Company, or either of them, and the Company hereby incorporated, to make, enter into, and complete such Contracts and Agreements or Arrangements as may by them be deemed necessary and advisable with respect to all or any of the following Purposes ; (that is to say,)

Provision for Working Agreements with Edinburgh, Perth, and Dundee and Leven Railway Companies.

The Use and Working by the Company hereby incorporated of the *Leven* Railway, and the Conveyance by the said Company of the whole or any Part of the Traffic upon or over the said *Leven* Railway, on such Terms as may be mutually agreed upon :

The Use and Working by the said *Edinburgh, Perth, and Dundee* Railway Company, and *Leven* Railway Company, or either of them, of the Railway by this Act authorized, and the Conveyance by the said *Edinburgh, Perth, and Dundee* Railway Company, and *Leven* Railway Company, or either of them, of the Traffic upon or over the said Railway :

The Management, Maintenance, and Repair of such of the said Railways as may be used and worked as aforesaid :

The collecting and receiving and forwarding and delivering of Traffic upon or from the said several Railways respectively :

The fixing, levying, and collecting of the Tolls, Rates, Duties, and Charges to be taken upon the said Railways or any of them in respect of the Traffic arriving by or despatched to the Railway by this Act authorized, upon and from the *Edinburgh, Perth, and Dundee* Railway, and the *Leven* Railway, or either of them, or any Part of the said Railways respectively, such Tolls, Rates, Duties, and Charges not exceeding the maximum Tolls, Rates, Duties, and Charges authorized by the Acts of Parliament relating to the said Railways respectively :

The Division and Apportionment between the said *Edinburgh, Perth, and Dundee* Railway Company, and the *Leven* Railway Company, or either of them, and the Company hereby incorporated, of the Receipts arising out of such Traffic, and generally to make all such Contracts and Agreements as may be mutually deemed necessary for the efficient Use, Working, and Management of the said Railways respectively, or any Part thereof, and for the general Conduct of the Traffic thereupon :

Provided always, that it shall not be lawful for the Company to enter into any such Contract, Agreement, or Arrangement with the *Leven* Railway Company, to come into operation and take effect during the Subsistence of any Contract, Agreement, or Arrangement between the *Leven* Railway Company and the *Edinburgh, Perth, and Dundee* Railway Company, made under or by virtue of the Forty-third Section of "The *Leven* Railway Act, 1852."

LIV. No

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Duration of Agreement to be approved by Board of Trade.

Agreements not to affect Persons not Parties thereto.

LIV. No such Agreement shall be for more than Ten Years, nor shall have any Operation until the same shall have been approved of by the Board of Trade, nor shall in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the said Companies shall for the Time being be respectively authorized to demand from any Person or any other Company, but all other Persons and Companies shall, notwithstanding any such Agreement, be entitled to the Use and Benefit of the Railways to which it may relate, upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as if no such Agreement had been entered into; but the said Board shall not approve such Agreement without being satisfied that the same has been assented to by a Majority of Three Fifths of the Votes of the Shareholders of the several Companies, Parties thereto, present, personally or by Proxy, at a Meeting of each of such Companies specially assembled for that Purpose.

Railways to be considered One during Agreement.

LV. In case the Railways or either of them shall be worked on any such Agreement, then during the Continuance of such Agreement the Railways of the Parties thereto shall, for the Purpose of computing the Tolls and Charges for short Distances traversed upon the Railways of more than One of the said Parties, be deemed to be One continuous Railway; and in that Case the Tolls and Charges for Articles or Persons so conveyed over the said Railways for a less Distance than Six Miles shall, if such Agreement is made with the *Edinburgh, Perth, and Dundee* Railway Company, be payable as for Six Miles, and if made with the *Leven* Railway Company, then such Tolls and Charges shall be payable as for Three Miles only; and with respect to the Tolls and Charges for small Parcels, it shall not be lawful to charge any greater Sum for the Carriage of the same on the whole of the Lines which shall be worked together under the Provisions herein contained than the Tolls and Charges allowed to be charged therefor, either by the Acts relating to the *Edinburgh, Perth, and Dundee* Railway, in case the *Edinburgh, Perth, and Dundee* Railway Company shall work the Line hereby authorized, or by the Act relating to the *Leven* Railway, in case the Line hereby authorized shall be worked in connection with the *Leven* Railway alone.

Appointment of Joint Committee for carrying Agreement into effect.

LVI. The said Companies may by any such Agreement appoint a Joint Committee, composed of such Number of Directors of the Companies, Parties to such Agreement, as they may think proper, and from Time to Time may alter, vary, and renew any such Committee as Occasion may require, and may regulate the Proceedings of such Committee, and delegate to such Committee all such Powers of the said Companies respectively as may be necessary or expedient for carrying into effect such Agreement; and every such Committee may exercise the Powers so delegated to them in like Manner as the same

might

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might have been exercised by the said Companies respectively or their respective Directors.

LVII. At the Expiration of the said Agreement, the said Companies, with the Consent in Special Meeting of Three Fifths of the Votes of the Shareholders present, personally or by Proxy, of such Companies respectively, and subject to the Approval of the Board of Trade, may enter into a further Agreement for all or any of the said Purposes; but before such Companies shall enter into any such further Agreement Notice thereof shall be given by Advertisement in a Form to be approved of by the Board of Trade, inserted once in each of Two successive Weeks in some Newspaper published in the County of *Fife*, and in some Newspaper published in *Edinburgh*; and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Agreement, and desiring to object thereto, may bring such Objections before the Board of Trade; and no such Agreement shall be valid at Law or in Equity until the same shall have been approved of by the Board of Trade.

Agreement may be renewed with the Approval of the Board of Trade.

LVIII. 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 this Act, or of any General Act relating to Railways, or to 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Rates and Charges for small Parcels, authorized by this Act.

Railway not to be exempt from present and future General Acts.

LIX. Nothing herein contained shall extend or be deemed or construed to extend to alter, vary, prejudice, or diminish any of the Rights, Powers, or Authorities vested in the *Edinburgh, Perth, and Dundee* and *Leven* Railway Companies by virtue of the Acts relating to such Companies, except in so far as by this Act expressly provided and declared.

Saving Rights of *Edinburgh, Perth, and Dundee* and *Leven* Railway Companies.

LX. And whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Two thousand four hundred Pounds, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited in Bank in the Name and with the Privity of the Queen's Remembrancer of the Court of Exchequer in *Scotland*, in respect of the Application to Parliament for this Act, notwithstanding any thing contained in the said Act of the Ninth Year

Sum deposited pursuant to Standing Orders not to be repaid except in certain Events.

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of Her present Majesty, the said Sum of Two thousand four hundred Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as hereinafter mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railways hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the said Railways for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided, that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Two thousand four hundred Pounds shall have been executed by the Company, with One or more Sureties, (such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury,) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Two thousand four hundred Pounds if the Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the said Capital by this authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons
named

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named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said Act of the Ninth Year of Her present Majesty to the contrary notwithstanding; and the Moneys to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money, and the Interest or Dividends thereof, would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

LXI. Nothing whatsoever contained in this Act or in any of the Acts herein referred to shall extend to authorize the said Company to purchase, take, use, or otherwise interfere with any Foreshore or other Land, Soil, Tenements, or Hereditaments, 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, and Land Revenues, or One of them, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give, or to divest, prejudice, diminish, alter, or take away any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Saving the
Rights of the
Crown.

LXII. All the Costs, Charges, and Expenses of applying for and obtaining this Act, and in any way incidental thereto, shall be paid by the Company.

Expenses of
Act.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1855.