



ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

Cap. xcvi.

An Act for making a Railway from *Dunfermline* to *Killairnie* with a Branch to *Kingseat* in the County of *Fife*, to be called “*The West of Fife Mineral Railway.*” [14th July 1856.]

WHEREAS the making of a Railway from the *Elgin Junction* on the Line of the *Stirling and Dunfermline* Railway in the Parish and near to the Town of *Dunfermline* in the County of *Fife* to a Point on the Estate of *Killairnie* in the Parish of *Saline* in the same County, with a Branch Railway diverging out of such intended Railway at *Lillyhill* to the Lands of *Kingseat* in the Parish of *Dunfermline* and County before mentioned, would be of great local and public Advantage: And whereas the Persons hereinafter named, together with others, are willing at their own Expense to carry such Undertaking into execution: And whereas it is expedient that Provision be made for Agreements between the Company hereby incorporated and the Proprietors of the *Elgin* Railway as herein-after mentioned; but these Objects cannot be effected without an Act 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,

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

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33. incorpo-
rated.
- 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.
- Short Title.
- II. In citing this Act for any Purpose it shall be sufficient to use the Expression "*The West of Fife Mineral Railway Act, 1856.*"
- Subscribers
incorporated.
- III. The Right Honourable *James Earl of Elgin and Kincardine, Robert Robertson Provost of Dunfermline, John Sligo of Carmyle, Thomas Spowart, Coalmaster, Springbank, Robert Addie, Ironmaster, Viewpark, Andrew Wallace, Coalmaster, Brucefield, John Whitelaw, Ironfounder, Dunfermline, Adam Rolland of Gask,* 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 West of Fife Mineral 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 Forty-five 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 Four thousand five 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
- 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

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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 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.

Calls paid up.

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 Company'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 Fifteen thousand Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital of Forty-five 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.

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 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 Four thousand Pounds in the whole.

Arrears may be enforced by Appointment 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 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 *Dunfermline*.

First and subsequent 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 Three thousand Pounds in the Capital of the Company.

Quorum of General Meetings.

XIII. At

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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 Thirty 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 Seven, 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. 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. The said *Robert Robertson, John Sligo, Thomas Spowart, Robert Addie, Andrew Wallace, John Whitelaw, and Adam Rolland* shall be the First Directors of the Company.

First Elec-
tion of Di-
rectors.

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 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.

Quorum of
Directors.

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.

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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 and Branch 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 are intended to pass, have been deposited in the Offices of the Principal Sheriff Clerk of the County of *Fife* at *Cupar* and *Dunfermline* respectively: 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 and Branch 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 Railway according to deposited Plans, &c.

XXII. The said Railway shall commence by a Junction with the Main Line of the *Stirling and Dunfermline* Railway, at a Point at or near the *Elgin* Railway Junction, in the Parish of *Dunfermline*, and terminate at a Point in a Field or Enclosure on the Estate of *Killairnie* adjoining the Junction of the Turnpike Road from *Redcraigs* to *Saline* with the new Road leading therefrom to *North Steelend*, and on the West Side of the Road last mentioned in the Parish of *Saline*, all in the County of *Fife*; and the said Branch Railway shall diverge out of the said proposed Railway at or near to the Farm Steading of *Lillyhill* in the Parish of *Dunfermline* aforesaid, and terminate at a Point on the West Side of the Field or Enclosure of the Farm of *Kingsseat* adjoining to *Lochfittie*, and commonly called the *West Loch Park*, in the said Parish of *Dunfermline* and County aforesaid. Line of Railway.

XXIII. The Junction of the Railway by this Act authorized to be made with the *Stirling and Dunfermline* Railway shall be made and completed at the Sight and to the Satisfaction of the Engineers for the Time being of the *Stirling and Dunfermline* Railway Company and *Edinburgh and Glasgow* Railway Company, and according to Plans to be approved of by such Engineers previously to the Commencement of the Works connected with such Junction. As to Connexion with the *Stirling and Dunfermline* Railway.

XXIV. Nothing herein contained shall be held to authorize the Company to enter upon, purchase, or take any Lands belonging to the *Stirling and Dunfermline* Railway Company, nor to alter or vary Lands and Works of the *Stirling and Dunfermline* Railway.

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Railway
Company
not to be
interfered
with, except
by Consent.

the Line or Levels of the *Stirling and Dunfermline* 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 *Stirling and Dunfermline* Railway Company and of the *Edinburgh and Glasgow* Railway Company, the Lessees of the said Railway, 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 *Stirling and Dunfermline* Railway, and shall also, at their own sole Costs and Charges, construct and for ever after maintain such and so many Switches, Turn-tables, Sidings, and other Works and Conveniences as may be necessary or convenient in connexion with the said Junction, and for preventing any such Danger, Interruption, or Inconvenience to the Traffic of the said *Stirling and Dunfermline* Railway; provided that, if any Difference shall arise between the Company and the said *Stirling and Dunfermline* Railway Company or the said *Edinburgh and Glasgow* Railway Company as to the Nature or Necessity of any such Works as aforesaid, the same shall be referred to Arbitration, or to the Decision of the Board of Trade, at the Option of the said *Stirling and Dunfermline* Railway Company, or the said *Edinburgh and Glasgow* Railway Company, as the Case may be.

A certain
Road may
be crossed
on the Sur-
face.

XXV. It shall be lawful for the Company to carry the Railway across the Surface of the Road numbered 198 in the Parish of *Dunfermline*, and 4 in the Parish of *Saline*, on the said deposited Plans: 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 the said Road on the Level, nor to make any Points, nor to shunt any Engines, Carriages, or Waggons, nor to allow Trains, Engines, Carriages, or Waggons to stop or remain upon the said Road: Provided also, that the Terminus of the Railway at *Killairnie* shall be carried to the extreme Limit of Deviation at that Point.

Lodge or
Station to
be made at
level Cross-
ing.

XXVI. For the greater Convenience and Security of the Public, the Company shall erect and maintain either a Station or a Lodge at the Place where the Railway shall cross the before-mentioned Road 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 Road on the Level, or with regard to the Speed at which Trains shall pass such Road, 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 such Station or Lodge, or to appoint a proper Person
to

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to watch or superintend the Crossing at 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.

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 Road 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 the said Road 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 Bridge to be erected in lieu of level Crossing.

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

Lands for extraordinary Purposes.

XXIX. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Powers for compulsory Purchases limited.

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

Period for Completion of Works.

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

Tolls.

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

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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; 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 Sum of One Penny Halfpenny *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:

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.

XXXII. 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,

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Articles, in addition to the several other Tolls or Sums by this Act authorized to be taken.

XXXIII. 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.

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

XXXIV. 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.

Passengers
Luggage.

XXXV. 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,)

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 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* Sixpence ; and if weighing more than One

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Ton,

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Ton, Sixpence *per* Mile for the First Ton, and One Penny Halfpenny *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh :

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.

Restrictions
as to Charges
not to apply
to Special
Trains.

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

Company
may take
increased
Charges by
Agreement.

XXXVII. 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.

Regulations
as to the
Tolls.

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

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 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.

XXXIX. And

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XXXIX. 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,)

Tolls for small Parcels and Articles of great Weight.

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

For any Parcel exceeding Seven and not exceeding Fourteen Pounds in Weight, Eightpence :

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

For any Parcel exceeding Twenty-eight and 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 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.

XL. Notwithstanding of anything to the contrary contained in this Act, or in the "*Stirling and Dunfermline Railway Act, 1846,*" the "*Stirling and Dunfermline Railway (Amendment and Deviations) Act, 1848,*" or in any of the Acts incorporated with the said Acts, it shall not be lawful to the *Stirling and Dunfermline Railway Company*, or to the *Edinburgh and Glasgow Railway Company*, as Lessees of the *Stirling and Dunfermline Railway*, in fixing the Tolls and maximum Charges for Articles and Persons conveyed over the said Railway from or to the Railway by this Act authorized for a less Distance than Three Miles from the said Point of Junction, to demand Tolls or maximum Charges for more than Three Miles, and for Distances greater than Three Miles from the said Point, Tolls or maximum Charges exceeding the ordinary Rates *per Mile* authorized by the said recited Acts ; nor shall it be lawful, in fixing such Tolls and Charges for Coals and Ironstone conveyed thereon between such Point of

Provision as to Charges for short Distances on certain Railways herein named.

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of Junction and the *Colton* Station on the *Elgin* Railway from or to the Railway by this Act authorized, to demand a Sum exceeding One Penny Halfpenny *per* Ton of Tolls, or Twopence Halfpenny *per* Ton of maximum Charges, when the Traffic shall be worked by the *Stirling and Dunfermline* or *Edinburgh and Glasgow* Railway Companies: Provided always, that nothing in this Act contained shall prejudice or affect the Lease of the *Stirling and Dunfermline* Railway to the *Edinburgh and Glasgow* Railway Company under the said "*Stirling and Dunfermline* Railway Act, 1846."

Providing for Traffic Agreements with Proprietors of *Elgin* Railway.

XLI. It shall be lawful for the Company hereby incorporated to make, enter into, and complete with the Proprietors of the *Elgin* Railway such Contracts, Agreements, or Arrangements as may be mutually deemed necessary and advisable with respect to any Alteration or Limitation of or Interference with the Line of such Railway, or with respect to the Conveyance of Traffic passing continuously over the Railway by this Act authorized and the *Elgin* Railway, or over Portions of the said Railways, and the collecting and receiving and forwarding and Delivery of the Traffic upon or from the said respective Railways, and for the fixing and levying of the Tolls, Rates, Duties, and Charges to be taken upon the said respective Railways in respect of Traffic arriving by or dispatched to the Railway by this Act authorized upon and from the *Elgin* Railway or any Part of the said Railways respectively.

Duration of Agreements to be approved by Board of Trade.

XLII. No Agreement to be entered into between the Company hereby incorporated and the Proprietors of the *Elgin* Railway, in so far as the same shall relate to the working and Conveyance of Traffic, and the fixing and levying of Tolls, Rates, and Duties, 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 Company hereby incorporated shall for the Time being be 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 Railway 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 of 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 Company hereby incorporated present, personally or by Proxy, at a Meeting of the Company specially assembled for that Purpose.

Agreements not to affect Persons not Parties thereto.

Agreements with Owners of *Elgin*

XLIII. Notwithstanding anything in this Act contained, all Agreements or Contracts entered into between the Company hereby incorporated

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porated and the Owners of the *Elgin* Railway with respect to any Alteration or Limitation of or Interference with the Line of such Railway, or with reference to the Construction of the Railway by this Act authorized through the Lands of such Owners, shall, if in conformity with this Act, be as binding and effectual upon the Company as if the same had been entered into after the passing of this Act.

Railway to continue.

XLIV. Notwithstanding anything to the contrary herein contained, it shall not be lawful to the Company hereby incorporated to demand Tolls or other Charges for Traffic dispatched from the Railway hereby authorized to *Charlestown*, or any other Point on the Line of the *Elgin* Railway, at Rates *per* Mile higher than the Rate which for the Time shall be charged upon similar Traffic from the same Points on the Line of the Railway hereby authorized carried continuously over the same and the *Stirling and Dunfermline* Railway or any Portion thereof; and the Company shall according to their Powers afford all reasonable Facilities for the receiving and forwarding and delivering of Traffic upon and from the *Elgin* Railway, so that Coalmasters and others of the Public desirous of using the Railway hereby authorized and the *Elgin* Railway as a continuous Line of Communication may do so without Obstruction, and upon Terms in all respects equally favourable with those which for the Time shall regulate the Tolls and Charges upon and the Transmission of Traffic between the Railway hereby authorized and the public Railways with which it shall be connected.

Traffic to the *Elgin* Railway not to be charged higher than to *Stirling* and *Dunfermline* Railway.

XLV. Nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made from the Provisions of any General Act relating to Railways, or 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 exempt from Provisions of present and future General Acts.

XLVI. 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 *Stirling and Dunfermline* and *Edinburgh and Glasgow* 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 *Stirling and Dunfermline* and *Edinburgh and Glasgow* Railway Companies.

XLVII. 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 Three thousand
 [Local.] 17 M Pounds,

Sum deposited pursuant to Standing Orders not

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to be repaid
except in
certain
Events.

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 anything contained in the said Act of the Ninth Year of Her present Majesty, the said Sum of Three thousand 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 Three thousand 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 Three thousand 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 Act authorized to be raised by means of Shares, and have expended

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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 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 Monies 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.

XLVIII. 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. 1856.

