

[43 & 44 VICT.] *Anstruther and Saint Andrews* [Ch. clxxx.]  
*Railway Act, 1880.*



### CHAPTER clxxx.

An Act for making a Railway from Anstruther to Saint Andrews in the county of Fife; and for other purposes. A.D. 1880.  
[26th August 1880.]

**W**HEREAS the construction of the railway herein-after described from Anstruther to Saint Andrews in the county of Fife would be of public and local advantage :

And whereas the persons herein-after named, with others, are willing at their own expense to construct the said railway, and it is expedient that they should be incorporated into a company, and that the powers herein-after contained should be conferred on them for that purpose :

And whereas it is expedient that the Company herein-after incorporated and the North British Railway Company should be empowered to enter into and carry into effect the agreements by this Act authorised :

And whereas plans and sections showing the lines and levels of the railway by this Act authorised, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the principal sheriff clerk for the county of Fife at his office at Cupar, and are herein-after respectively referred to as the deposited plans, sections, and books of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Anstruther and Saint Andrews Short title.  
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Incorporation of general Acts.  
 8 & 9 Vict. c. 17.  
 26 & 27 Vict. c. 118.  
 32 & 33 Vict. c. 48.  
 8 & 9 Vict. c. 19.  
 23 & 24 Vict. c. 106.  
 8 & 9 Vict. c. 33.  
 26 & 27 Vict. c. 92.

Interpretation of terms.

Incorporation of Company.

Power to make railway.

2. The Companies Clauses Consolidation (Scotland) Act, 1845, Part I. (relating to cancellation and surrender of shares) and Part. III. (relating to debenture stock) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869, the Lands Clauses Consolidation (Scotland) Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways Clauses Consolidation (Scotland) Act, 1845, and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act, 1863, are (except where expressly varied by this Act) incorporated with and form part of this Act.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction: the expression "the Company" means the Company incorporated by this Act; the expression "the railway" means the railway by this Act authorised.

4. Sir Thomas Erskine, Baronet, John Anstruther Thomson, James Robert Blackwell Monypenny, younger, of Pitmilley, George Fortune, Andrew Walker Russell, George Downie, Robert Duncan, John McGregor, and Hugh Francis Clark Cleghorn, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in 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 and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "The Anstruther and Saint Andrews Railway Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

5. Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the railway herein-after described, with all proper stations, junctions, sidings, approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The railway herein-before referred to and authorised by this Act is—

A railway, fifteen miles three furlongs or thereabouts in length, commencing in the parish of Anstruther Wester by a junction

with the Leven and East of Fife Branch of the North British Railway, and terminating in the parish of Saint Andrews at a point on the south side of the road or street leading from the West Port of South Street, Saint Andrews, and through the district of Saint Andrews called Argyle, to Ceres, one hundred and three yards or thereabouts, measured in a westerly direction along the said road or street, from the archway at the said West Port. A.D. 1880.

6. In constructing the railway by this Act authorised it shall be lawful for the Company to deviate from the line delineated on the deposited plans between the point marked fifteen miles two furlongs on the said plans and the termination of the railway to any extent within the limits of deviation marked upon the said deposited plans, and elsewhere to any extent authorised by the Railways Clauses Consolidation (Scotland) Act, 1845. Powers of lateral deviation.

7. The capital of the Company shall be fifty-seven thousand pounds, in five thousand seven hundred shares of ten pounds each. Capital.

8. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof. Shares not to be issued until one fifth paid up.

9. One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share. Calls.

10. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate, or of his tutor or curator or curator bonis, shall be a sufficient discharge to the Company. Receipt clause in case of persons not sui juris.

11. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share"; but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried Power to divide shares.

A.D. 1880. — to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends  
on half  
shares.

12. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend, after such rate not exceeding six pounds per centum per annum as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder, if any, in payment of dividend on the deferred half share; and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividend on  
preferred half  
shares to be  
paid out of  
the profits of  
the year  
only.

13. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number; but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company.

Half shares  
to be regis-  
tered and  
certificates  
issued.

14. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof; but the directors shall not be bound to issue a certificate of any half share until the certificate of the existing entire share be delivered to them to be cancelled, unless it be shown to their satisfaction that such certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Terms of  
issue to be  
stated on  
certificates.

15. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of  
preferred  
half shares.

16. The provisions of the Companies Clauses Consolidation (Scotland) Act, 1845, with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half shares created

under the authority of this Act, and every such preferred half share shall for that purpose be considered an entire share distinct from the corresponding deferred half share, and until any forfeited preferred half share shall be sold by the directors all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof and of the arrears of calls for the time being due thereon with interest. A.D. 1880.

17. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Preferred half shares not to be cancelled, &c.

18. The several half shares under this Act shall be half shares in the capital of the Company; and every two half shares (whether preferred or deferred, or one of each) held by the same person shall confer such right of voting at meetings of the Company and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Half shares to be half shares in capital.

19. The Company may from time to time borrow on mortgage any sum not exceeding in the whole nineteen thousand pounds, but no part thereof shall be borrowed until the whole capital of fifty-seven thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act, 1845, before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such sheriff of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Power to borrow on mortgage.

20. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal, the amount owing to the mortgagees by whom the

Appointment of a judicial factor.

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A.D. 1880. application for a judicial factor is made shall not be less than five thousand pounds in the whole.

Debenture stock. **21.** The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys. **22.** All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First and subsequent ordinary meetings. **23.** The first ordinary meeting of the Company shall be held within three months 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, and all meetings of the Company, whether ordinary or extraordinary, shall be held in Anstruther, or in such other place as the directors may from time to time appoint.

Quorum of meetings. **24.** The quorum of every general meeting of the Company shall be ten shareholders present personally or by proxy, holding in the aggregate not less than two thousand pounds in the capital of the Company.

Number of directors. **25.** The number of directors shall be three.

Qualification of directors. **26.** The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Quorum of directors. **27.** The quorum of a meeting of directors shall be two.

First directors. **28.** Sir Thomas Erskine, Baronet, James Robert Blackwell Monypenny, younger, of Pitmilley, and Robert Duncan shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies

Clauses Consolidation (Scotland) Act, 1845, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act. A.D. 1880.

**29.** The quantity of land to be taken by the Company by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation (Scotland) Act, 1845, shall not exceed three acres. Lands for extraordinary purposes.

**30.** Persons empowered by the Lands Clauses Consolidation (Scotland) Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, servitude, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands, and the provisions of the said Acts with respect to lands and rentcharges, ground annuals, or feu duties, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, servitudes, rights, and privileges as aforesaid respectively. Power to take easements, &c. by agreement.

**31.** 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. Period for compulsory purchase of lands.

**32.** Subject to the provisions in the Railways Clauses Consolidation (Scotland) Act, 1845, and in Part I. (relating to construction of a railway) of the Railways Clauses Act, 1863, contained in reference to the crossing of roads on the level, the Company may in the construction of the railway carry the same with a single line only, whilst the railway shall consist of a single line, and afterwards with a double line only, across and on the level of the road next herein-after mentioned; (that is to say,) Power to cross road on the level.

Number on deposited Plan.	Parish.	Description of Road.
17	Kingsbarns     "     "	Public road.

**33.** In altering for the purposes of this Act the road next herein-after mentioned, the Company may make the same of any Inclination of road.

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A.D. 1880. inclination not steeper than the inclination herein-after mentioned ;  
 — (that is to say,)

Number on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
35	Crail - -	Turnpike road -	Level on one side and 1 in 20 on the other.

Width of roadway of bridges.

**34.** The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit, not being less than the respective widths herein-after mentioned in connexion therewith respectively ; (that is to say,)

Number on deposited Plan.	Parish.	Description of Road.	Width of Road.
10	Kilrenny - -	Turnpike road -	30 feet.
35	Crail - -	Turnpike road -	30 feet.
40	Saint Andrews -	Turnpike road -	30 feet.

Owners may be required to sell to Company part only of certain pre-mises.

**35.** And whereas in the exercise by the Company of the powers of this Act it may happen that a portion only of the premises shown on the deposited plans and numbered 168 in the parish of Saint Andrews will be sufficient for the purposes of the Company, and that such portion may be severed from the remainder of the said premises without material detriment thereto :

Therefore, notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act, 1845, the owners of and persons interested in the said premises whereof a part only is required for the purposes of the Company may (if such portion can, in the judgment of the jury, arbiters, oversman, or other authority assessing or determining the compensation under that Act, be severed from the remainder of the property without material detriment thereto) be required to sell and convey to the Company the portion only of the premises so required without the Company being obliged or compelled to purchase the whole or any greater portion thereof, the Company paying for the portion required by them and making compensation for any damage

sustained by the owners thereof or other parties interested therein A.D. 1880.  
by severance or otherwise.

**36.** Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of three thousand three hundred and sixty-four pounds three shillings, being five per centum upon the amount of the estimate in respect of the railway, has been deposited with the Court of Exchequer in Scotland in respect of the application to Parliament for this Act, which sum is referred to in this Act as the "deposit fund": Be it enacted, that, notwithstanding anything contained in the said Act, the deposit fund shall not 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 (which persons, survivors, or survivor are or is in this Act referred to as "the depositors"), unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railway open the same for the public conveyance of passengers; provided that if within such period as aforesaid the Company open any portion of the railway for the public conveyance of passengers, then, on production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway, the Court shall, on the application of the depositors, or the majority of them, order the portion of the deposit fund specified in the certificate to be paid or transferred to them, or as they shall direct, and the certificate of the Board of Trade shall, if signed by the secretary or by an assistant secretary of the said Board, be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Deposit .  
money not  
to be repaid,  
except so far  
as railway is  
opened.

**37.** If the Company do not previously to the expiration of the period limited for the completion of the railway complete and open the same for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors, shall be applicable, and after due notice in the "Edinburgh Gazette" shall be applied, towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the

Application  
of deposit.

A.D. 1880. commencement, construction, or abandonment of the railway or any portion thereof, or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation has been paid, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the Court thinks fit to order on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a judicial factor has been appointed, shall wholly or in part be paid or transferred to such judicial factor, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof; provided that until the deposit fund has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

Period for  
completion  
of works.

**38.** If the railway is not completed within five years from the passing of this Act, then, on the expiration of that period, the powers by this Act granted to the Company for making and completing the railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Tolls.

**39.** The Company may demand and take in respect of the use of the railway any tolls not exceeding the following; that is to say,

In respect of passengers and animals conveyed on the railway :

For every person, twopence per mile; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum of one penny per mile :

Class 1. For every horse, mule, ass, or other beast of draught or burden, twopence per mile; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum of threepence per mile :

Class 2. For every ox, cow, bull, or head of neat cattle, twopence per mile; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum of threepence per mile: A.D. 1880.

Class 3. For every calf, pig, sheep, lamb, or other small animal, one penny per mile; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum of one penny halfpenny per mile.

In respect of goods conveyed on the railway:

Class 4. For all coal, dung, compost, manure, lime, limestone, and undressed materials for the repair of public roads or highways, per ton per mile twopence; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile of one penny:

Class 5. For all coke, culm, charcoal, cinders, stones for building, pitching, and paving, 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 twopence halfpenny; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile of one penny:

Class 6. For all sugar, grain, corn, flour, hides, dyewood, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, per ton per mile threepence; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile of one penny halfpenny:

Class 7. For all cotton and other wools, drugs, manufactured goods, fish, and all other wares, merchandise, articles, matters, and things (except small parcels and single articles of great weight as herein-after defined), per ton per mile fourpence; and if conveyed in or upon a carriage belonging to or provided by the Company, an additional sum per ton per mile of twopence:

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, if conveyed on a truck or platform, sixpence per mile, 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 or provided by the Company, an additional sum of sixpence per mile.

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Toll for  
propelling  
power.

40. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal, or for each ton of goods, in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations  
as to tolls.

41. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act; (that is to say,)

For all passengers, animals, or goods conveyed on the railway for a less distance than three miles, the Company may demand tolls and charges as for three miles :

For a fraction of a mile beyond three miles or beyond any greater number of miles, the Company may demand tolls and charges on animals and goods 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 tolls and charges 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 and 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.

42. With respect to small parcels not exceeding five hundred pounds in weight, and single articles of great weight, notwithstanding anything in this Act, the Company may demand and take any tolls not exceeding the following ; (that is to say,)

For the carriage of small parcels on the railway :

For any parcel not exceeding seven pounds in weight, threepence ;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight, fivepence ;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight, sevenpence ;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight, ninepence ;

And for any parcel exceeding fifty-six pounds, such sum as the Company think fit :

Provided that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages. A.D. 1880.

For the carriage of single articles of great weight on the railway :

For any 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 waggons in the stowage, the Company may demand such sum as they think fit, not exceeding one shilling per ton per mile :

For 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.

43. The maximum rate of charge to be made by the Company for the conveyance of passengers on the railway, including the tolls for the use of the railway and for carriages and locomotive power, and every other expense incidental to such conveyance, shall not exceed the following ; (that is to say,) Maximum rates for passengers.

For every passenger conveyed in a first-class carriage, the sum of threepence per mile :

For every passenger conveyed in a second-class carriage, the sum of twopence per mile :

For every passenger conveyed in a third-class carriage, the sum of one penny halfpenny per mile.

44. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railway, including the tolls for the use of the railway and for waggons or trucks and locomotive power, and for every other expense incidental to the conveyance (except a reasonable charge for loading and unloading goods at any terminal station in respect of such goods, and for delivery and collection, and any other service incidental to the business or duty of a carrier, where any such service is performed by the Company), shall not exceed the following sums ; (that is to say,) Maximum rates for animals and goods.

For every animal in Class 1, fourpence per mile ;

For every animal in Class 2, twopence per mile ;

- A.D. 1880. — For every animal in Class 3, three farthings per mile ;  
For everything in Class 4, one penny halfpenny per ton per mile ;  
For everything in Class 5, twopence per ton per mile ;  
For everything in Class 6, threepence per ton per mile ;  
For everything in Class 7, fourpence per ton per mile ;  
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.
- Passengers luggage. 45. Every passenger travelling upon the railway may take with him his ordinary luggage, not exceeding one hundred and twenty 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.
- Terminal station. 46. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor, or are directed to be delivered thereat or therefrom to the consignee.
- Foregoing charges not to apply to special trains. 47. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway, in respect of which the Company may make such charges as they think fit, but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.
- Company may take increased charges by agreement. 48. Nothing in this Act shall prevent the Company from taking any increased charges, over and above the charges by this Act limited, for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof, either by reason of any special service performed by the Company in relation thereto, or in respect of the conveyance of animals or goods (other than small parcels) by passenger trains.
- Charges for extra services. 49. In addition to the tolls, rates, and charges in this Act mentioned, the Company may demand and take a reasonable sum for the use of any warehouse or depôt belonging to them.
- Charges for cranes and weighing machines. 50. The Company may demand and take for the use of any cranes or weighing machines erected by them, of and from the owner or person having charge of any goods, articles, or things weighed by means of the same, such reasonable charges as may from time to time be fixed by the Company.

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**51.** Nothing contained in this Act shall make it compulsory on the Company to carry on the railway any nightsoil, dung, manure, compost, or other offensive matter.

Company not bound to carry manure.

**52.** The Company on the one hand and the North British Railway Company (herein-after called the North British Company) on the other hand may, subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended or varied by the Regulation of Railways Act, 1873, from time to time enter into agreements with respect to the following purposes, or any of them; (that is to say,)

Working and traffic arrangements with North British Company. 36 & 37 Vict. c. 73.

The maintenance and management by the North British Company of the railway or any part thereof, and the works connected therewith, or any of them:

The use or working of the railway, or of any part thereof, and the conveyance of traffic thereon, and the employment of officers and servants:

The supply, under any agreement for the railway being worked and used by the North British Company, of stock, plant, and machinery necessary for the purposes thereof:

The fixing and collection and apportionment of the tolls, rates, charges, receipts, and revenues levied, taken, or arising in respect of traffic:

The payments and allowances to be made and the conditions to be performed with respect to the matters aforesaid.

**53.** Any joint committee which may be appointed by the Company on the one hand and the North British Company on the other hand, for carrying into effect the purposes of any agreement that may be entered into under the powers contained in the next preceding section shall be composed of such equal number of their directors respectively as they may think proper, and in the event of any difference of opinion arising between the members appointed by and for the said companies composing the said joint committee, the same shall be determined by an arbitrator to be appointed by such committee, or, on the application of either of the companies, by the Board of Trade.

Joint committee.

**54.** The agreement entered into between the North British Company and the promoters of the Company, a copy whereof is set forth in the schedule to this Act, is hereby confirmed, and shall be carried into effect by the Company and the North British Company respectively.

Confirmation of agreement with North British Company.

**55.** During the continuance of the said agreement hereby confirmed, and of any agreement to be entered into under the

Tolls on traffic conveyed partly

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on the rail-  
way and  
partly on the  
railways of  
the North  
British  
Company.

provisions of this Act for the working and use of the railway by the North British Company, the railways of the Company and of that Company shall for the purposes of short-distance tolls and charges be considered as one railway; and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway and partly on the railways of the North British Company for a less distance than three miles, tolls and charges may be charged as for three miles; and for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railway and partly on the railways of the North British Company.

Interest not  
to be paid on  
calls paid up.

**56.** The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him, but nothing in this Act 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 is in conformity with the Companies Clauses Consolidation (Scotland) Act, 1845.

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

**57.** The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision  
as to general  
Railway  
Acts.

**58.** Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised by this Act.

Expenses of  
Act.

**59.** All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

SCHEDULE referred to in the foregoing Act.

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MINUTE OF AGREEMENT between the North British Railway Company and the Promoters of a Bill now pending in Parliament, intituled "An Act " for making a railway from Anstruther to Saint Andrews in the county " of Fife ; and for other purposes."

The parties agree as follows :

FIRST.—That the Anstruther and Saint Andrews Railway Company, proposed to be incorporated by the said Bill, shall, in the event of the Bill passing into law, and as soon as conveniently may be thereafter, at their own expense acquire the necessary land for and make, construct, and complete in a good, sufficient, substantial, and workmanlike manner the said railway as the same shall be authorised to be constructed, and bridges over the same for a single line of rails, laid with rails of a weight not less than seventy-five pounds to the yard, with fish joints and with sleepers placed at a not greater average distance than three feet from each other, together with all such stations, station-masters houses, signal cabins, platelayers and gatekeepers cottages, goods sheds, engine sheds, water tanks supplied with water, with the necessary works and arrangements for affording a permanent supply thereof, sidings, loading banks, turning tables, cranes, weighing machines, stationary signals, wires, and telegraphic apparatus, and all other conveniences of the nature of fixtures required for economically working and carrying on the traffic of the said intended line of railway.

SECOND.—That for six months after the opening of the line under the sanction of the Board of Trade the railway, works, stations, offices, conveniences, permanent way, and others foresaid shall be maintained by and at the cost of the Anstruther and Saint Andrews Railway Company to the reasonable satisfaction of the engineer of the North British Railway Company.

THIRD.—That at the end of the said six months, and afterwards during the term of this Agreement, the said railway, works, stations, offices, conveniences, permanent way, and others foresaid shall be maintained by the North British Railway Company, and they shall leave the same, when they cease to work the railway, in fair working order.

FOURTH.—That when and so soon as the said Anstruther and Saint Andrews Railway shall have been completed as aforesaid and approved of by the Government Inspector, the North British Railway Company shall enter into possession of the said railway for the purpose of working and managing the same for the period of ten years ; and they shall during the said period of ten years work the said railway, and manage and regulate the traffic upon the same in an efficient manner, and so as to fully develop the traffic of the district ; and shall provide the necessary locomotive power, rolling stock, and plant of every kind for the purpose of effectually working the traffic coming to or upon the said line.

A.D. 1880. FIFTH.—That in the event of any additions or extension to stations, sidings, off-sets, or other conveniences of the said railway after the opening of the line, in consequence of increased traffic or otherwise, being found to be necessary or expedient for the proper working of the said traffic, such additions and extensions shall be provided by and at the expense of the Anstruther and Saint Andrews Railway Company.

SIXTH.—That the North British Railway Company shall be required to run such number of trains (which may be mixed passenger, goods, mineral, and live stock trains) on the Anstruther and Saint Andrews Railway in connexion with their own railway as may be necessary to work the traffic of the said railway, not being fewer than four trains daily each way during the months of summer and autumn, and three trains daily each way during the months of winter and spring; and said trains to be arranged so as to suit the arrival and departure of their own trains at Anstruther, and thereby make as near as possible a continuous running.

SEVENTH.—That the North British Railway Company shall have the power during the period aforesaid of selecting and appointing all officers, agents, book-keepers, booking and other clerks, servants, and porters, and others employed at stations on the said Anstruther and Saint Andrews Railway, or required for keeping in the offices of the North British Railway Company in Edinburgh the accounts connected with the traffic conveyed by them, or employed in superintending and directing or actually engaged in conducting such traffic, and the said parties shall be paid by the North British Railway Company and shall be exclusively under their control; and the Anstruther and Saint Andrews Railway Company shall in the same manner have the appointment and control of and shall pay the secretary, treasurer, or other officers or servants required by them in the management of the capital, financial, and directorial departments of their undertaking, and in maintaining for a period of six months after the opening of the line the said railway and works; and the said Anstruther and Saint Andrews Railway Company shall also during the said period of six months bear and make good the damage arising through any part of its line or works failing or giving way, or through any defect in the permanent way.

EIGHTH.—That the North British Railway Company during the period and subsistence of this Agreement shall collect and receive all revenues due and payable for and in respect of the traffic and the working of the said railway, and shall on or before the last day of every month, or as soon thereafter as possible, make up a statement of the gross earnings during the preceding month, and render to the Anstruther and Saint Andrews Railway Company statements and abstracts of the same, and the share thereof due and payable to the Anstruther and Saint Andrews Railway Company as hereafter provided shall thereupon be paid over to the directors for the time being of that Company, or to their treasurer or secretary, or such banker or other person as they shall direct and appoint.

NINTH.—That out of the gross revenue of the Anstruther and Saint Andrews Railway Company, to be ascertained and determined as herein-after provided, there shall be first paid to the North British Railway Company the

actual expenses of cartage at the stations of the Anstruther and Saint Andrews Railway Company of such goods as may be carried at rates including cartage, and the amount payable as passenger tax. A.D. 1880.

TENTH.—That the residue of the said gross revenue, provided such residue shall amount to not less than twelve thousand pounds per annum, shall be divided as follows :—First, fifty per cent. thereof shall be paid to the North British Railway Company as remuneration for working, managing, and maintaining the railway, and for the performance by the North British Railway Company of every other obligation undertaken by them under this Agreement. Second, fifty per cent. thereof shall be paid to the Anstruther and Saint Andrews Railway Company for the payment of, first, taxes and local burdens and interest upon loans so far as expended on the works of the Company; second, expenses of directorial and financial management, including salaries of the secretary and treasurer, or other officers who may be employed by them; and, third, dividends upon the share capital of the Company. If the residue of gross revenues be less than twelve thousand pounds per annum, then the proportion of the receipts payable to the North British Company for working expenses shall be the actual cost to that Company, as the same shall be ascertained by arbitration, failing agreement.

ELEVENTH.—The gross revenue of the Anstruther and Saint Andrews Railway shall be ascertained and determined as follows; videlicet,

- (1.) The entire receipts derived from all traffic which both arises and terminates upon the Anstruther and Saint Andrews Railway, or from other sources of revenue, shall, subject only to deduction by the North British Company of the actual expense of cartage where incurred, belong and be credited to the Anstruther and Saint Andrews Railway Company.
- (2.) The receipts derived from through traffic passing from the Anstruther and Saint Andrews Railway to the North British Railway, or vice versâ, shall be first subject to deductions as follows; videlicet,
  - (A.) *Parcels Traffic.*—A terminal allowance to each Company of one penny per parcel.
  - (B.) *Goods Traffic.*—When conveyed distances of not more than thirty miles, a terminal allowance to each Company of ninepence per ton; when conveyed for distances above thirty miles, a terminal allowance to each Company of one shilling and sixpence per ton.
  - (C.) If traffic included in sub-sections (A.) and (B.) be carted, the actual expense of such cartage shall be repaid to the Company incurring the same.
  - (D.) *Mineral Traffic.*—When conveyed distances less than eight miles, a terminal allowance to each Company of twopence per ton; when conveyed distances of eight miles and above, a terminal allowance to each Company of fourpence per ton.
  - (E.) *Live Stock Traffic.*—A terminal allowance to each Company of sixpence per waggon, subject to the deductions aforesaid. The receipts derived from the said through North British Railway traffic shall be divided between the two Companies in the proportion of the respective mileage of their railways used.

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*Railway Act, 1880.*

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(3.) The receipts derived from through foreign traffic, that is to say, traffic passing from the Anstruther and Saint Andrews Railway to railways beyond the North British Railway, or vice versâ, shall be divided in accordance with the regulations of the Railway Clearing House for the time being.

TWELFTH.—That the traffic of said Anstruther and Saint Andrews Railway, including the fixing of the local tolls, rates, and charges to be levied or taken in respect of said traffic, shall be managed and fixed by a joint committee consisting of four members, namely, two directors of the Anstruther and Saint Andrews Railway Company, not being directors of the North British Railway Company, and two directors of the North British Railway Company, the chairman having no casting vote, and, in the event of the committee being equally divided in opinion in regard to any matter provided by this Agreement to be fixed or determined by the joint committee, the same shall be referred to an arbitrator to be named by the sheriff principal of the county of Fife.

THIRTEENTH.—That the through rates and fares, i.e., the rates and fares on traffic between the railway and other railways (including the North British), shall be fixed by the North British Railway Company.

FOURTEENTH.—That the said North British Railway Company shall cause to be kept regular books of accounts of all receipts, payments of money, and other transactions of or in relation to the traffic of the said Anstruther and Saint Andrews Railway, and shall permit the secretary of the said Anstruther and Saint Andrews Railway for the time being, or any other party duly authorised by the directors of the said Anstruther and Saint Andrews Railway Company, during the currency of this Agreement to have free access to and to inspect such books of accounts and all other documents relating to the traffic of the said railway at all reasonable times, and to take copies thereof or excerpts therefrom.

FIFTEENTH.—That in the event of any dispute arising betwixt the North British Railway Company and the Anstruther and Saint Andrews Railway Company as to the interpretation or the terms of this Agreement, or as to the mode of carrying out the same, such dispute shall be referred to an arbitrator to be named by the sheriff principal of the county of Fife.

SIXTEENTH.—This Agreement shall be subject to the approval of Parliament and such modification thereon as Parliament may require.

SEVENTEENTH.—The said parties bind and oblige themselves to implement and fulfil the whole heads, articles, and provisions hereof to each other under the penalty of one thousand pounds sterling, to be paid by the party failing to the party observing or willing to implement, over and above performance; and it is hereby further expressly provided and declared that the foresaid sum of one thousand pounds sterling shall be payable as by way of ascertained or liquidate damages consequent on the breach of this Agreement, and not by way of penalty, with interest at the rate of five per centum per annum from the date of the said breach of Agreement having been committed until payment; and all parties consent to registration hereof for preservation and execution. IN WITNESS whereof these presents, written on this and the preceding six pages by George Heriot Wotherspoon, clerk in the head office of the North

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British Railway Company, Edinburgh, are subscribed under the declaration that the words "of each" at the foot of the second page were deleted before subscription as follows: by William Muir, merchant, Leith, and George Robertson, Writer to the Signet, Edinburgh, two of the directors, and George Bradley Wieland, secretary of the North British Railway Company, and sealed with the corporate seal of the said Company, all at Edinburgh, the fourth day of March eighteen hundred and eighty, in presence of these witnesses—James Fergusson and John Martin, both clerks in the head office at Edinburgh of the North British Railway Company, and by George Fortune, farmer, Barnsmuir, in the parish of Kilrenny, Fife, Robert Duncan, of Kirkmay, in the parish of Crail, Fife, two members of the provisional committee of the Anstruther and Saint Andrews Railway, and Philip Oliphant, banker, Anstruther, secretary to the said provisional committee, all at Crail, Fife, the fifth day of month and year last mentioned, in presence of these witnesses—David Mathewson, accountant, Commercial Bank of Scotland Branch, Crail, and William Wallace, farm servant to the said George Fortune, at Barnsmuir.

J. FERGUSSON, Witness.

JN. MARTIN, Witness.

D. MATHEWSON, Witness.

W. WALLACE, Witness.

WILLIAM MUIR, Director.

GEO. ROBERTSON, Director.

G. B. WIELAND, Sec<sup>y</sup> N. B. Ry. Coy.

GEORGE FORTUNE.

R. DUNCAN.

PHILIP OLIPHANT, Secretary.



Seal  
of the  
North British  
Railway  
Company.

