



CHAPTER cli.

An Act to confer further powers upon the North British Railway Company in connexion with their undertaking to construct Railways in connexion with the Kirkcaldy and District Railway to empower the East Fife Central Railway Company to make deviations in their authorised Railway for amalgamating the Kirkcaldy and District Railway Company and the East Fife Central Railway Company with the Company and for other purposes.

A.D. 1895.

[6th July 1895.]

WHEREAS it is expedient that the North British Railway Company (in this Act called "the Company") should be authorised as in this Act provided to make and maintain a widening of their Helensburgh Branch Railway and substitute open cutting for tunnel at each end of the Dalreoch Tunnel of that railway and should also be empowered to acquire additional lands for the purpose of extending their station siding and other accommodation and for other purposes connected with their undertaking :

And whereas by the Seafeld Dock and Railway Act 1883 the Seafeld Dock and Railway Company were incorporated and authorised to construct the dock at Seafeld in the county of Fife with railways thereto in that Act described with power to raise three hundred thousand pounds by shares and one hundred thousand pounds by borrowing :

And whereas by the Seafeld Dock and Railway (Extension of Time and Further Powers) Act 1888 the name of the Seafeld Dock and Railway Company was changed to that of the Kirkcaldy and District Railway Company (in this Act called "the Kirkcaldy Company") and the period limited by the Seafeld Dock and Railway Act 1883 for the purchase of lands under that Act was extended for one year from the sixteenth day of July one thousand eight hundred and eighty-eight and the period for the completion of railways for

A.D. 1895. three years from the said sixteenth day of July one thousand eight hundred and eighty-eight:

And whereas by the Kirkcaldy and District Railway Act 1890 further powers were conferred upon the Kirkcaldy Company and they were authorised to extend their railway as in that Act mentioned and to raise one hundred and fifty thousand pounds by shares and fifty thousand pounds by borrowing:

And whereas by the Kirkcaldy and District Railway Act 1891 the Kirkcaldy Company were authorised to make the railway in that Act mentioned and the respective periods for the purchase of lands and completion of the railways authorised by the Seafeld Dock and Railway Act 1883 were further extended as regards the acquisition of lands for one year from the passing of that Act and as regards the completion of the said railways for two years from the sixteenth day of July one thousand eight hundred and ninety-one and they were authorised to raise fifty-four thousand pounds by shares and eighteen thousand pounds by borrowing:

And whereas the said four Acts are in this Act referred to collectively as "the Kirkcaldy Acts":

And whereas the Kirkcaldy Company have under the powers of the Seafeld Dock and Railway Act 1883 created and issued share capital to the amount of one hundred and ten thousand eight hundred and twenty pounds but have not raised any other part of their authorised capital or exercised any part of their borrowing powers under the Kirkcaldy Acts:

And whereas the Kirkcaldy Company have constructed a portion of the works authorised by the Kirkcaldy Acts but have not yet completed the said works other than those authorised by the Kirkcaldy and District Railway Act 1891:

And whereas it is expedient that the Kirkcaldy Company be dissolved and their undertaking transferred to and vested in the Company and that the Company should be authorised to construct in connexion with such undertaking the railways and works hereinafter described and referred to as "the Kirkcaldy New Railways" and that provision should be made for the release and payment out of the sums of money deposited and now remaining in court in respect of the works authorised by the Kirkcaldy Acts:

And whereas by the East Fife Central Railway Act 1893 (in this Act called "the East Fife Act") the East Fife Central Railway Company (in this Act called "the East Fife Company") were incorporated and were authorised to construct the railways in connexion with the railway of the Company in that Act described with power to raise two hundred and fifty thousand pounds by shares and eighty-three thousand three hundred pounds by borrowing and were

authorised to enter into working and other agreements with the Company: A.D. 1895.

And whereas by an agreement scheduled to and confirmed by the East Fife Act the Company agreed upon the completion of the railways by that Act authorised to work and manage the same in perpetuity upon the conditions set forth in the said agreement:

And whereas the East Fife Company have created and issued one hundred and forty shares of ten pounds each on which two pounds per share has been paid but have not yet raised any other part of their authorised share or loan capital:

And whereas it is expedient that the East Fife Company should be authorised to construct the deviations of their authorised railways in this Act described and that the time limited by the East Fife Act for the compulsory purchase of lands and completion of the railways thereby authorised should be extended:

And whereas it is expedient that at the time provided by this Act the East Fife Company should be dissolved and their undertaking transferred to and vested in the Company and that the Company should thereupon be authorised to exercise all the powers conferred upon the East Fife Company by the East Fife Act and this Act:

And whereas it is expedient that further powers should be conferred upon the Company with respect to the sale or other disposal of lands acquired by them which are not or eventually may not be required for the purposes of their undertaking:

And whereas it is expedient to convert or provide for the conversion of the four per centum consolidated lien stock of the Company created under the powers of the North British Railway (General Powers) Act 1870 and of any lien stock to which the provisions of that Act have by any subsequent Act been made applicable and of any class or classes of unconsolidated lien stock into a new consolidated lien stock and to give the holders of such new consolidated lien stock a lien upon the general undertaking of the Company:

And whereas the debenture stocks of the Company prior to and including debenture stock created under the North British Railway (General Powers) Act 1891 have been consolidated:

And whereas by the North British Railway Act 1892 and by the Dumbarton and Balloch Joint Line &c. Act 1892 the Company were authorised to create and issue debenture stock and it was by those Acts enacted that such debenture stock should rank *pari passu* with debenture stock consolidated or issued under the North British Railway (General Powers) Act 1891:

And whereas by the North British Railway Act 1893 the Company were authorised to create debenture stock to an amount

A.D. 1895. not exceeding sixty-six thousand six hundred and sixty-six pounds and it was by that Act enacted that all such debenture stock should be a separate stock and be designated as North British Railway Debenture Stock 1893 :

And whereas the Company have not created any portion of such North British Railway Debenture Stock 1893 and it is expedient to make provision as contained in this Act with respect to the future exercise of the borrowing powers of the Company by the creation of debenture stock that all such debenture stock shall form part of and rank *pari passu* with North British Railway Debenture Stock 1893 :

And whereas it is expedient that the Company should be empowered to raise additional capital for the purposes of this Act and for the general purposes of their undertaking and that the Company and the East Fife Company respectively should be empowered to apply their funds to the purposes of this Act in which they are interested :

And whereas plans and sections showing the proposed widening open cutting new or deviated railways and other works by this Act authorised to be constructed and plans of the lands by this Act authorised to be acquired and appropriated 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 clerks of the several counties within which those works will be constructed and those lands are situate which plans sections and books of reference are in this Act respectively referred to as the deposited plans sections and books of reference :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

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

Short title.

1. This Act may for all purposes be cited as the North British Railway Act 1895.

Incorporation of general Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation (Scotland) Act 1845 Part I. (relating to construction of a railway) Part II. (relating to extension of time) and Part V. (relating to amalgamation) of the Railways Clauses Act 1863 and the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 with respect to the several matters following (that is to say) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for the non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of the borrowed money into capital ;

The consolidation of the shares into stock ;

The giving of notices ; and

The provision to be made for affording access to the special Act ; and Parts I. II. and III. of the Companies Clauses Act 1863 (relating respectively to cancellation and surrender of shares to additional capital and to debenture stock) are (except where expressly varied by or inconsistent with 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 incorporated Acts shall have the same respective meanings :

Interpretation.

The expression “the Kirkcaldy Railway” shall mean the railways and works constructed under the powers of the Kirkcaldy Acts :

The expression “the East Fife Railway” shall mean the railways by the East Fife Act and this Act authorised to be made by the East Fife Company :

In the incorporated Acts—

The expression “the special Act” shall mean this Act :

The expression “the Company” or “the promoters of the undertaking” shall mean the North British Railway Company or the East Fife Company as the case may require :

Unless in any of the cases aforesaid there is something in the subject or context repugnant to such construction.

4. 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 relating thereto the widening of a portion of their Helensburgh Branch Railway and open cutting in substitution for tunnel at each end of the Dalreoch Tunnel of that railway herein-after described and may enter upon take and use such of the lands delineated on those plans and described in the deposited books of reference relating thereto as may be required for those purposes :

Power to widen portion of Helensburgh Branch Railway and to substitute open cutting for portions of Dalreoch Tunnel.

A.D. 1895.

The widening and work herein-before referred to and authorised by this Act are—

- (1) A widening of the Company's Helensburgh Branch Railway wholly in the parish of Cardross in the county of Dumbarton commencing by a junction with the said railway at a point one hundred and fifty yards or thereabouts westward from the west end of Dalreoch Tunnel and terminating by a junction with the said railway at a point one hundred and fifty yards or thereabouts eastward from the east end of Dalreoch Tunnel:
- (5) An open cutting in substitution for tunnel wholly in the parish and county aforesaid for ninety yards or thereabouts at the west end and for fifty-five yards or thereabouts at the east end of the said Dalreoch Tunnel.

Power to
Company to
construct
railways in
connexion
with Kirk-
caldy Rail-
way.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections relating thereto the railways in connexion with the Kirkcaldy Railway herein-after described with all proper stations sidings roads approaches works and conveniences connected therewith respectively and may enter upon take and use such of the lands delineated on those plans and described in the deposited books of reference relating thereto as may be required for those purposes:

The railways herein-before referred to and authorised by this Act (in this Act called "the Kirkcaldy New Railways") are—

Railway No. 1 2 furlongs and 9·50 chains in length commencing in the parish of Kinghorn by a junction with the North British Edinburgh Perth and Dundee Railway at a point thereon forty yards or thereabouts south of the bridge by which the road leading from Auchtertool to Kirkcaldy by Invertiel is carried underneath that railway and terminating in the parish of Kinghorn by a junction with Railway No. 1 authorised by the Seafeld Dock and Railway Act 1883 at a point on that railway six hundred yards or thereabouts west of the said bridge:

Railway No. 2 3 furlongs and 6·80 chains in length commencing in the parish of Auchterderran by a junction with the railway authorised by the Kirkcaldy and District Railway Act 1890 and therein described as Railway No. 3 at a point one mile one hundred and ten yards or thereabouts from the commencement of that railway as shown on the plans deposited with reference to that Act and terminating in the parish of Beath by a junction with the North British Edinburgh Perth and Dundee Railway (Dunfermline branch) at a point nine hundred and

seventy yards or thereabouts north of the public road bridge crossing over that railway at Cowdenbeath Station :

Railway No. 3 1 mile 7 furlongs and 2·88 chains in length commencing in the parish of Auchterderran by a junction with the aforesaid Dunfermline branch at a point nine hundred and sixty yards or thereabouts west of the bridge carrying that railway over the public road at Cardenden Station and terminating in the parish of Ballingry at a point seventy yards or thereabouts north-west of Glencraig House and one hundred and fifty yards or thereabouts south-west of Inchgall Mill :

Railway No. 4 1 mile 2 furlongs and 7·34 chains in length wholly situate in the parish of Auchterderran commencing by a junction with the intended Railway No. 3 at a point four hundred and fifty yards or thereabouts east of the bridge carrying the public road from Lochgelly to Auchterderran over the River Ore and terminating at a point five hundred and seventy yards or thereabouts north-east of Auchterderran Church and two hundred yards or thereabouts south-east of Craighead House :

Railway No. 5 1 furlong and 4·54 chains in length wholly situate in the parish of Auchterderran commencing by a junction with the intended Railway No. 4 at a point five hundred and thirty yards or thereabouts north-east of the before-mentioned bridge over the River Ore and terminating by a junction with the railway authorised by the Kirkcaldy and District Railway Act 1890 and therein described as Railway No. 6 at a point denoting a distance of two furlongs and sixty yards or thereabouts on the plans deposited with reference to that Act from the commencement of said Railway No. 6 :

Railway No. 6 1 mile and 2·39 chains in length commencing in the parish of Auchterderran by a junction with the before-mentioned Dunfermline branch at a point seven hundred and seventy yards or thereabouts west of the before-mentioned bridge at Cardenden Station and terminating in the parish of Auchterderran at a point eight hundred yards or thereabouts south-west from North Dundonald Farm Steading and five hundred yards or thereabouts north of Muirhead Farm Steading :

Railway No. 7 3 furlongs and 5·75 chains in length wholly situate in the parish of Auchterderran commencing by a junction with the before-mentioned Dunfermline branch at a point two hundred and forty yards or thereabouts east of the before-mentioned bridge at Cardenden Station and terminating at a point five hundred yards or thereabouts north-east of the before-mentioned North Dundonald Farm Steading :

A.D. 1895.

Railway No. 8 1 mile 6 furlongs and 6·12 chains in length commencing in the parish of Kinghorn by a junction with the railway constructed under the powers of the Seaford Dock and Railway Act 1883 and therein described as Railway No. 1 at the point herein-before described as the termination of the intended Railway No. 1 and terminating in the parish of Kirkcaldy and the royal burgh of Kirkcaldy at or near the harbour of Kirkcaldy at a point thirty yards or thereabouts south-east from the south-west corner of the dock of Kirkcaldy :

Railway No. 9 2 miles 2 furlongs and 3·25 chains in length commencing in the parish of Auchterderran at a point herein-before described as the point of termination of the intended Railway No. 5 and terminating in the parish of Kinglassie at a point five hundred and thirty yards or thereabouts north-west from the dwelling-house of Whinnyhall Farm and seventy yards or thereabouts south of the public road leading from Parknook Bridge by Whinnyhall to Kinross :

Railway No. 10 2 furlongs and 7·54 chains in length commencing in the parish of Auchterderran in the county of Fife by a junction with the said intended Railway No. 9 at a point seven hundred yards or thereabouts north-west from the dwelling-house of Strathruddie Farm and terminating in the parish of Portmoak in the county of Kinross at a point one thousand and eighty yards or thereabouts south-east from the dwelling-house of North Bogside Farm.

Company not to convey passengers on Kirkcaldy lines.

6. The Company shall not use the Kirkcaldy new railways for the public conveyance of passengers unless and until such railways have been converted and adapted for such use to the satisfaction of the Board of Trade.

Power to East Fife Company to construct deviations of East Fife Railway.

7. Subject to the provisions of this Act the East Fife Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the deviations of the East Fife Railway herein-after described with all proper stations sidings roads approaches works and conveniences connected therewith respectively and may enter upon take and use such of the lands delineated on those plans and described in the deposited books of reference relating thereto as may be required for those purposes :

The deviations herein-before referred to and authorised by this Act (in this Act called "the East Fife Deviations") are —

Railway No. 11 3 miles 160 yards in length being a deviation of a portion of the railway authorised by the East Fife Act 1893 and therein described as Railway No. 1 commencing in

the parish of Scoonie by a junction with the Leven branch of the railway of the Company at a point thereon seven furlongs four chains sixteen yards or thereabouts measured in an easterly direction along the centre line of the said branch from the centre of the level crossing at Cameron Bridge Station and terminating in the parish of Scoonie by a junction with said authorised Railway No. 1 at a point two miles five furlongs nine chains thirteen yards or thereabouts measured from the commencement and along the centre line of the said Railway No. 1 as shown on the plans of that railway deposited for the purposes of the said Act :

Railway No. 12 2 miles 1 furlong in length being a deviation of portions of the railways authorised by the East Fife Act 1893 and therein described as Railway No. 1 and Railway No. 3 commencing in the parish of Largo by a junction with the said authorised Railway No. 1 at a point thereon four miles five furlongs five chains eleven yards or thereabouts measured from the commencement and along the centre line of the said authorised Railway No. 1 as shown on the plans of that railway deposited for the purposes of the said Act and terminating in the parish of Largo by a junction with the said authorised Railway No. 3 at a point thereon one mile four chains or thereabouts measured from the commencement and along the centre line of the said authorised Railway No. 3 as shown on the said deposited plans of that railway :

Railway No. 13 2 miles 3 furlongs 55 yards in length being a deviation of a portion of the railway authorised by the East Fife Act 1893 and therein described as Railway No. 3 commencing in the parish of Newburn by a junction with the said authorised Railway No. 3 at a point thereon three miles three furlongs eight chains or thereabouts measured from the commencement and along the centre line of the said authorised Railway No. 3 as shown on the deposited plans of that railway and terminating in the parish of Carnbee by a junction with the said authorised Railway No. 3 at a point five miles six furlongs four chains nineteen yards or thereabouts measured from the commencement and along the centre line of the said authorised Railway No. 3 as shown on the said plans :

Railway No. 14 1 mile 8 chains in length being a deviation of a portion of the railway authorised by the East Fife Act 1893 and therein described as Railway No. 1 commencing in the parish of Ceres by a junction with the said intended Railway No. 12 at a point one thousand and eighty-seven yards or thereabouts measured in a south-westerly direction from the north-

A.D. 1895.

west corner of Teuchats Smithy along the centre of the public road leading from Pratis to Teuchats and sixty yards or thereabouts south-west of the south entrance to Greenside House and terminating in the parish of Ceres by a junction with the said authorised Railway No. 1 at a point thereon six miles four furlongs eleven yards or thereabouts measured from the commencement and along the centre line of the said railway as shown on the plans thereof deposited as aforesaid:

Railway No. 15 1 furlong 9 chains in length being a deviation of the railway authorised by the East Fife Act 1893 and therein described as Railway No. 4 commencing in the parish of Largo by a junction with the said intended Railway No. 12 at a point four hundred and sixty-one yards or thereabouts measured in a southerly direction from the north corner of Teuchats Smithy and forty-four yards west of the road leading from Teuchats to Kirkton of Largo and terminating in the parish of Largo at a point in the centre of the public road leading from Pratis to Teuchats three hundred and twenty yards or thereabouts south-west from Teuchats Smithy measured along the said road.

Abandonment of portions of authorised East Fife Railway.

Compensation for damage to land by entry &c. for purposes of portions of railway abandoned.

8. The East Fife Company may and shall abandon the construction of so much of the railways authorised by the East Fife Act as will be rendered unnecessary by the construction of the East Fife deviations.

9. The abandonment by the East Fife Company under the authority of this Act of the said portions of railways shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the East Fife Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the East Fife Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation (Scotland) Act 1845 or the East Fife Act.

Compensation to be made in respect of portions of railway abandoned.

10. Where before the passing of this Act any contract has been entered into or notice given by the East Fife Company for the purchasing of any land for the purposes of or in relation to any portion of railway or work authorised to be abandoned by this Act the East Fife Company shall be released from all liability to purchase or to complete the purchase of any such land but not

withstanding full compensation shall be made by the East Fife Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

A.D. 1895.

11. In altering for the purposes of this Act the roads next herein-after mentioned the East Fife Company may make the same of any inclinations not steeper than the inclinations herein-after mentioned in connexion therewith respectively (that is to say):—

Inclination of roads.

No. on Deposited Plan.	Parish.	Description of Road.	Intended Inclination.
7	RAILWAY No. 11 Markinch	Public road	1 in 24 on one side and level on the other
31	RAILWAY No. 12 Largo	Public road	1 in 18 on one side and level on the other
20	RAILWAY No. 14 Largo	Public road	1 in 20 on both sides

12. The Company or the East Fife Company (as the case may be) may make the arches of the bridges for carrying the railway over the roads next herein-after mentioned of any heights and spans not less than the heights and spans herein-after mentioned in connexion therewith respectively (that is to say):—

Height and span of bridges.

No. on Deposited Plan.	Parish.	Description of Road.	Height.	Span.
37	RAILWAY No. 8 Kinghorn	Public road	16 feet	30 feet
15	RAILWAY No. 11 Scoonie	Public road	16 feet	30 feet
31	RAILWAY No. 12 Largo	Public road	14 feet	20 feet
35	RAILWAY No. 13 Kilconquhar	Public road	14 feet	30 feet

A.D. 1895.

Widths of
certain road-
ways.

13. The East Fife 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 East Fife Company think fit not being less than the respective widths herein-after mentioned in connexion therewith respectively (that is to say) :—

No. on Plan.	Parish.	Description of Roadway.	Width of Roadway.
7	RAILWAY No. 11 Markinch	Public road	33 feet
16	RAILWAY No. 12 Largo	Public road	20 feet
20	RAILWAY No. 14 Largo	Public road	20 feet

Period for
completion
of new
railways.

14. If the Kirkcaldy new railways and the East Fife deviations are 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 and the East Fife Company respectively for making and completing any of such railways or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Penalty
imposed un-
less Kirk-
caldy new
railways
opened
within the
time limited.

15. If the Company fail within the period limited by this Act to complete the Kirkcaldy new railways the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period limited until the uncompleted railway or railways is or are completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of such railway or railways and the said penalty may be applied for by any landowner or other person claiming to be compensated in reference to the railway or railways in respect of which the penalty has been incurred in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854 :

Every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the paymaster general for and on behalf of the Queen's and Lord Treasurer's Remembrancer on behalf of the Court of Exchequer in Scotland in the bank and to the credit named in such warrant or order and shall not be paid thereout except as herein-after provided :

But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening the uncompleted railway or railways by unforeseen accident or circumstances beyond their control. Provided that want of sufficient funds shall not be held to be a circumstance beyond their control. A.D. 1895.

16. Every sum of money so recovered by way of penalty as aforesaid 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 commencement construction or abandonment of the railways 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 sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent or the railway in respect of which the penalty has been incurred has been abandoned be paid or transferred to such receiver or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company. Application of penalty for non-completion of railways.

17. In consideration of the liability of the Company to the penalties by this Act provided sections 50 and 51 of the Seaford Dock and Railway Act 1883 sections 25 and 26 of the Kirkcaldy and District Railway Act 1890 and sections 14 and 15 of the Kirkcaldy and District Railway Act 1891 respectively (relative to deposits) are hereby repealed and subject to the provisions of the Parliamentary Deposits and Bonds Act 1892 the Court of Exchequer in Scotland may and shall at any time after the passing of this Act but without requiring the production of a certificate of the passing of the said Acts or either of them order the payment to the respective depositors referred to in the said Acts of the railway deposit fund now in court in respect of the railways authorised by the Seaford Dock and Railway Act 1883 and any interest or dividend payable thereon and of the deposit fund now Release of deposit funds in respect of railways authorised by Kirkcaldy Acts.

A.D. 1895.

in court in respect of the railways authorised by the Kirkcaldy and District Railway Act 1890 and any interest or dividend payable thereon and of the deposit fund now in court in respect of the railway authorised by the Kirkcaldy and District Railway Act 1891 and any interest or dividend payable thereon and such funds and sums of money respectively shall not be deemed to be transferred to the Company by this Act.

East Fife deviations to form part of East Fife Railway.

Release of East Fife deposits in certain events.

18. The East Fife deviations shall for the purposes of sections 33 and 34 of the East Fife Act be deemed to take the place of the respective portions of railway for which the same are substituted.

19. If the East Fife Railway be not completed on the first day of July one thousand eight hundred and ninety-six the powers of the East Fife Company in relation thereto may be exercised by the Company in accordance with the provisions of Part V. of the Railways Clauses Act 1863 as applicable to the East Fife Company and the Company under the provisions for amalgamation of those companies herein-after contained and thereupon the following provisions shall have effect:—

The sections of this Act of which the marginal notes are “Penalty imposed unless Kirkcaldy new railways opened within the time limited” and “Application of penalty for non-completion of railways” shall extend and apply to the East Fife Railway and to the Company in respect thereof as if those sections had been herein repeated and re-enacted and the East Fife Railway named therein instead of the Kirkcaldy new railways. In consideration of the liability of the Company to the penalties by this section provided sections 33 and 34 of the East Fife Act shall as from the first day of July one thousand eight hundred and ninety-six be repealed and cease to have effect and the Court of Exchequer in Scotland may and shall at any time after the expiration of that period but without requiring the production of a certificate of the passing of the East Fife Act or this Act order (according to the provisions of the Parliamentary Deposits Act 1846) the payment or transfer to the respective depositors of the deposit fund then in court in respect of the East Fife Railway and any interest or dividend payable thereon and such fund and sums of money respectively shall not be deemed to be transferred to the Company by this Act.

Extension of time for purchase of lands and

20. The powers granted to the East Fife Company by the East Fife Act for the compulsory purchase of lands for the purposes of the railways by that Act authorised which are not by this Act

authorised to be abandoned are hereby extended and continued and may be exercised by the East Fife Company for the period of two years from the twenty-fourth day of August one thousand eight hundred and ninety-six and the period limited by the said Act for the completion of the said railways in so far as the same are not authorised to be abandoned under this Act is hereby also extended and continued for a further period of three years from the twenty-fourth day of August one thousand eight hundred and ninety-eight and if such lands be not so acquired and if such railways and works be not so completed within such extended period the respective powers of the East Fife Company for the compulsory acquisition of the said lands and completing the said railways shall cease except as to so much thereof as shall then be acquired or completed and sections 33 and 34 of the East Fife Act shall subject to the provisions of this Act be read and construed as if the time limited by this Act for the completion of the said railways had been the time limited by the East Fife Act.

A.D. 1895.
—
completion
of works
authorised
by East Fife
Act.

21. The Board of Trade may at any time after the opening for public traffic of the Kirkcaldy new railways or the East Fife Railway by order require the Company to convert such railways or any or either of them into railways for the public conveyance of passengers.

Board of Trade
may require
Kirkcaldy new
railways and
East Fife
Railway to be
converted into
passenger lines.

22. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and re-flows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

Works below
high-water
mark not to
be com-
menced with-
out consent
of Board of
Trade.

23. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work

Survey of
works by
Board of
Trade.

A.D. 1895.

constructed by the Company on in over through or across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a [penalty is recoverable from the Company.

Abatement
of work
abandoned
or decayed.

24. If a work constructed by the Company under the powers of this Act on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Accesses to
and from
shore at
Kirkcaldy.

25. During the construction of Railway No. 8 by this Act authorised and also after the completion thereof the Company shall make and permanently maintain at their own expense and to the satisfaction of the Board of Trade for the free use of the public such footways and carriageways over under or across the railway and shall also make and permanently maintain at the like expense and to the like satisfaction on the seaward side of the embankment of the same railway such boat slips or other facilities for boats and for passengers landing therefrom or embarking thereon as the Board of Trade may from time to time direct or approve.

For protec-
tion of
Secretary of
State for
War.

26.—(1) Before proceeding to the construction of Railway No. 1 the Company shall in lieu of the present battery in the burgh of Kirkcaldy of the First Fife Artillery Volunteers erect on the south or seaward side of and adjoining the said Railway No. 1 at such a point within two hundred and twenty yards of the present battery as the Secretary of State for War may approve another battery of equal extent and efficiency with the existing battery and such battery shall be constructed to the satisfaction of the said Secretary of State.

(2) The substituted battery may be used by the Fife Artillery Volunteers in the same way as the existing battery was prior to the passing of this Act used and that free of charge and the Company shall provide a sufficient access across the Railway No. 1 to the said substituted battery at such point within two hundred and twenty yards of the said battery as the said Secretary of State shall approve.

27. It shall not be lawful for the Company under the powers of this Act to construct any work on any land over which a right of salmon fishing belongs to Her Majesty without having previously paid to the commissioners or commissioner for the time being of Her Majesty's Woods Forests and Land Revenues having the management of the land revenues of the Crown in Scotland such compensation as may be agreed upon for any injury which the works by this Act authorised may be reasonably expected to occasion to any such right of salmon fishing as in this section mentioned. And in case the amount of such compensation as aforesaid shall not be agreed upon the same shall be settled by two referees one being appointed by the said commissioners or commissioner and one being appointed by the Company or by an umpire to be appointed by the said referees. The Company shall make compensation for the damage or injury (if any) which may be sustained by Her Majesty or Her tenants in respect of any right of salmon fishing through the exercise of the powers of this Act although the works causing such injury or damage may be constructed elsewhere than on any land over which a right of salmon fishing belongs to Her Majesty. The amount of such compensation shall failing agreement be settled by arbitration as aforesaid.

A.D. 1895.

For protection of Crown salmon fisheries.

28. For the protection of the provost magistrates and town council of the royal burgh of Kirkcaldy as such and as the commissioners of the said burgh under and for the purposes of the Burgh Police (Scotland) Act 1892 (in this section referred to as "the town council") the following provisions shall (unless otherwise agreed between the town council and the Company) have effect in the construction of Railway No. 8 by this Act authorised (that is to say) :—

For protection of the Kirkcaldy Town Council.

- (1) In the event of the town council before the construction of the said railway is commenced requiring the Company (which they shall be entitled to do) to form a carriageway sixty feet wide on the seaward side of the said railway with a retaining wall and parapet thereon the Company shall do so and the town council shall pay to the Company the whole cost of the said carriageway and also the extra expense incurred by the Company in constructing the said retaining wall and parapet beyond the cost which would have been incurred by the Company in constructing such a retaining wall and parapet as would have been required for the protection of the railway apart from the construction of the said carriageway :
- (2) If before the construction of the said railway is commenced the town council shall give notice (which they shall be entitled to do) requiring that the line of the said railway opposite the

A.D. 1895.

gasworks shall be deviated to the south so that the Sands Road may be kept at a width not exceeding sixty feet the Company shall so deviate the line :

- (3) The Company shall make three accesses suitable for carts and foot passengers through or under the said railway as approaches for the public to the sea beach also two overhead footbridges suitable for access by the public to the sea beach, the site of one of said accesses and one of said footbridges being to be fixed by the town council and the site of the other two accesses and the other footbridge being to be fixed by the Company :
- (4) The Company shall if required by the town council form a level crossing at or near the eastern end of the said Railway No. 8 :
- (5) The Company shall in constructing Railway No. 8 carry the same over the under-mentioned roads by means of bridges as herein-after mentioned :—
 - (A) Over Bridge Street by means of a bridge of a single span equal to the width of the said street and footways thereof not exceeding thirty-five feet and having a headway of not less than sixteen feet above the surface of the said street ;
 - (B) Over the private road from Horse Wynd leading into Bridge Street by means of a bridge of a single span equal to the width of the widest part of the said road between Horse Wynd and Bridge Street and having a headway of not less than ten feet above the present surface of the said road ;
 - (c) Over the road near Tiel Burn numbered on the deposited plans 55 in the parish of Kinghorn by means of a bridge of a single span of not less than thirty feet and having a headway of not less than sixteen feet above the surface of the said road :
- (6) The Company shall not alter the present level of Bridge Street nor of the said road near Tiel Burn :
- (7) The Company shall construct culverts under the said railway where the outfall drains of the town council are at present and which culverts shall be sufficiently large to meet not only the present requirements but also any reasonably probable requirements of the said burgh of Kirkcaldy in future :
- (8) The Company undertake simultaneously with the construction of a new dock at Kirkcaldy according to plans to be approved of by the Company and the town council to construct Railway No. 8 so as to be open for traffic when the said dock is com-

pleted and so soon as the construction of the said dock is arranged for to apply to Parliament for power to extend Railway No. 6 southwards to form a junction with the authorised line of the Kirkcaldy and District Railway Company already constructed and to use their best endeavours to have such railway complete and open for traffic simultaneously with the opening of the dock :

- (9) In the event of any difference or dispute arising between the Company and the town council with regard to the meaning of this section or any matter arising out of or in any way connected with the provisions of this section the same is hereby submitted and referred to an arbiter to be appointed by the Board of Trade on the application of the town council or the Company.

29. The Company may hold and may use and appropriate for any purpose connected with their undertaking the following lands which have already been acquired by them (that is to say) :—

Company
may hold
certain lands
already
acquired.

- (1) Certain lands in the parish of Canonbie and county of Dumfries along and adjoining the east side of the Company's railway from Langholm to Riddings Junction near Canonbie Junction :

- (2) Certain lands in the parish of Muiravonside and county of Stirling along and adjoining the south side of the Company's railway from Sunnyside Junction to Blackston Junction near Avonbridge Station :

- (3) Certain lands in the parish of Springburn and county of Lanark along and adjoining the west side of the Company's railway from Cowlairs East to Sighthill near Cowlairs Depôt :

- (4) Certain lands in the parish of Leuchars and county of Fife along and adjoining the west side of the Company's railway from Leuchars to St. Andrews near Guardbridge Station :

- (5) Certain lands in the parish of St. Cuthberts and county of Edinburgh along and adjoining the west side of the North British Railway Bonnington Depôt :

And the expenditure of money by the Company in or about the purchase of the said lands is hereby sanctioned and confirmed. But nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance having been or being caused or permitted by them upon any lands houses or property acquired by them as aforesaid and to which this section relates. And nothing in this Act shall entitle the Company to interfere with or affect any lands property wayleaves or any other rights powers and interests or the mains or sewers manholes or works of and belonging to or acquired and held by the Water of

A.D. 1895. Leith Purification and Sewerage Commissioners the Edinburgh and Leith Corporations Gas Commissioners and the Edinburgh and District Water Trustees respectively within the said parish of St. Cuthberts and county of Edinburgh.

Company may erect signal cabins at Waverley Station at points shown on signed plan.

30. The Company may notwithstanding the restrictions or provisions contained in any Act or Acts of Parliament agreement or other deed or writing erect and maintain a signal cabin in or about the centre of the railway between Waverley Bridge and the Mound Tunnels and also a signal cabin on the north side of the railway between the Mound Tunnels and the west boundary of Princes Street Gardens in such positions and of such height and dimension as are shown on the plans signed in duplicate by the Right Honourable John William Mellor the Chairman of the Committee of the House of Commons to whom the Bill for this Act has been referred and deposited in the Private Bill Office of the House of Commons and in the Parliament Office House of Lords or as may be otherwise agreed in writing between the lord provost magistrates and town council of the city of Edinburgh (herein called "the corporation") and the Company Provided always that the following provisions shall have effect and so far as not in favour of the Company may be enforced by the magistrates of Edinburgh (that is to say):—

- (1) The elevations of the signal cabins shall be subject to the approval of the corporation and no outside stair shall be erected at either of them :
- (2) No fuel other than smokeless coal shall be burned in either of the said signal cabins :
- (3) The corporation shall sell and convey to the Company the corporation's interest in the land not already belonging to the Company required for the erection of the said signal cabin between the Mound Tunnels and the west boundary of Princes Street Gardens at the same price per square yard as was paid to the corporation under the award of Lord Shand dated twenty-first day of November one thousand eight hundred and ninety-two in the arbitration between the corporation and the Company for the interest of the corporation in that portion of the West Princes Street Gardens belonging to the Crown then acquired by the Company :
- (4) The restrictions against the erection of buildings in the ground belonging to the Company in the East and West Princes Street Gardens referred to in section 39 of the Edinburgh and Glasgow Railway Consolidation Act 1852 and the relative Schedule A annexed thereto shall be and remain enforceable against the Company in the same way as if they had been contained in an agreement between the magistrates of Edinburgh

and the Company duly sanctioned and confirmed by Parliament except in so far as may be inconsistent with the erection of the said signal cabins as aforesaid :

- (5) The Company shall free and relieve the corporation of and from all claims and questions at the instance of third parties in connexion with the erection of the said signal cabins or compensation in respect thereof :
- (6) The Company shall immediately on the erection of the said signal cabins wholly remove the signal cabins presently used in the East and in the West Princes Street Gardens :
- (7) The Company shall fill up to the satisfaction of the corporation the recess intended for a signal cabin on the south side of the railway in East Princes Street Gardens and shall straighten the boundary wall thereat and shall convey to the corporation without consideration the solum of the space so filled up :
- (8) The Company shall without any consideration form and throw into and make part of New Street Canongate a strip of ground five feet in width and three hundred and sixty-five feet in length along the whole length of the ground recently acquired by the Company on the west side of that street and make the said street of a clear width of forty feet and the same shall be carried out by the Company at the sight and to the satisfaction of the burgh engineer :
- (9) The Company shall when required by the corporation cooperate with them at the corporation's expense in improving the levels of the roads near Regent Arch forming the approaches to the improved street called North Back of Canongate and for that purpose the Company shall if and when desired by the corporation exercise any compulsory powers which they are entitled to exercise the corporation relieving the Company of all expenses and outlays to which they may be put.

31. Except as provided by this Act nothing herein contained shall prejudice or affect any restrictions enforceable by the Bank of Scotland upon or over the Company's ground between the Waverley Bridge and the Mound.

Saving rights of the Bank of Scotland over the Company's ground between the Waverley Bridge and the Mound.

32. Except as otherwise provided by this Act the servitude rights of the feuars in Princes Street or in any other part of the new town of Edinburgh under their titles and the rights of the said feuars and of the ratepayers of Edinburgh under former Acts of Parliament over land acquired by the Company on the south side of Princes Street shall remain in full force and effect.

Saving servitude rights of feuars over lands acquired by Company on south side of Princes Street.

33. If the Company in the exercise of the powers by this Act conferred take interfere with lessen or injuriously affect the servitude

If feuars servitude rights

A.D. 1895.

injuriously
affected com-
pensation to
be paid.

rights of the feuars in Princes Street or in any other part of the new town of Edinburgh or any of them such feuars shall be entitled to compensation in respect of such taking interference lessening or injuriously affecting and such compensation shall be ascertained in manner provided by the Lands Clauses Acts.

Lands for
extra-
ordinary
purposes.

34. 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 ten acres but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

Owners may
grant
servitudes.

35. Persons empowered by the Lands Clauses Acts to sell and convey lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company or to the East Fife Company any servitude right or privilege (not being a servitude right or privilege of water in which other than the parties to the agreement have an interest) required for the purposes of this Act in over under through or affecting any such lands and the provisions of the said Acts with respect to lands and feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Owners may
be required
to sell parts
only of
certain
properties.

36. And whereas in the construction of the railways and works by this Act authorised or otherwise in exercise by the Company or the East Fife Company (as the case may be) of the powers of this Act it may happen that portions only of certain properties shown on the deposited plans will be sufficient for the purposes of the Company or the East Fife Company (as the case may be) and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore the owners of and persons interested in the properties described in the First Schedule to this Act and whereof parts only are required for the purposes of the Company or the East Fife Company (as the case may be) may (if such portions can in the opinion of the jury arbiters or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of the said property without material detriment thereto) be required to sell and convey to the Company or the East Fife Company (as the case may be) the portions only of the properties so required without the Company or the East Fife Company (as the case may be) being obliged or compellable to purchase the whole or any greater portion thereof the Company or the East Fife Company (as the case may

be) paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other persons interested therein by severance or otherwise :

If for twenty-one days after the service of notice to sell and convey any portion or portions of any such property any owner or other person shall fail to notify to the Company or the East Fife Company (as the case may be) that he alleges that such portion or portions cannot be severed from the remainder of the property without causing the material detriment mentioned then the Company or the East Fife Company (as the case may be) may proceed to take such portion or portions only but if within such twenty-one days he shall by notice to the Company or the East Fife Company (as the case may be) allege that such portion or portions cannot be severed from the remainder without causing such material detriment as aforesaid then the tribunal to whom the question of disputed compensation shall be submitted shall determine the matter of the said allegation in addition to the other questions required to be determined by them. Provided always that if in the opinion of the said tribunal such portion or portions cannot be severed from the remainder of such property without such material detriment the Company or the East Fife Company (as the case may be) may withdraw their notices to treat for the portion or portions of the property required by them and thereupon they shall pay to the owner of or other person interested in such property all costs charges and expenses reasonably and properly incurred by such owner or other person in consequence of such notice. Provided also that if in the opinion of such tribunal such portion or portions notwithstanding the allegation of such owner or other person be severed from the remainder without such material detriment then such tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by such owner or person incident to the arbitration or inquiry shall be borne and paid by such owner or person. The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Acts contained. The provisions of this section shall be stated in every notice given thereunder by the Company or the East Fife Company (as the case may be) to sell and convey any premises.

37.—(1) The Company or the East Fife Company shall not under the powers of this Act or under the powers of any former Act extended by this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which on the fifteenth day of December next before the passing of this Act or of the respective former Act by which such purchase or acquisition was originally authorised as the case may

Restrictions
on displacing
persons of
labouring
class.

A.D. 1895. be were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or have been or shall be subsequently so occupied unless and until—

(A) They shall have obtained the approval of the Secretary for Scotland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the respective fifteenth day of December aforesaid or for such number of persons as the Secretary for Scotland shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) They shall have given security to the satisfaction of the Secretary for Scotland for the carrying out of the scheme.

(2) The approval of the Secretary for Scotland to any scheme under this section may be given either absolutely or conditionally and after the Secretary for Scotland has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Secretary for Scotland may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Secretary for Scotland may have approved of any such scheme or of any modifications of any such scheme or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by an order of the court of session to be obtained by the Secretary for Scotland.

(5) If the Company or the East Fife Company (as the case may be) acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by

action in the court of session and shall be carried to and form part of the Consolidated Fund of the United Kingdom: A.D. 1895.

Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Company or the East Fife Company (as the case may be) may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase section 90 of the Public Health (Scotland) Act 1867 shall be incorporated with this Act and shall apply to the purchase of lands by the Company or the East Fife Company (as the case may be) for the purposes of any scheme under this section in the same manner in all respects as if the Company or the East Fife Company (as the case may be) were a local authority within the meaning of that Act and the scheme were one of the purposes of that Act.

(7) The Company or the East Fife Company (as the case may be) may on any lands belonging to them or purchased or acquired under this section or under any provisional order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by the Company or the East Fife Company (as the case may be) in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings by the Company or the East Fife Company (as the case may be) shall contain proper covenants for securing that the buildings on such lands shall during such period of twenty-five years be used exclusively for the purpose of such dwellings and shall be endorsed with notice of this enactment:

Provided also that the Secretary for Scotland may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as he may see fit.

(8) The Secretary for Scotland may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and he and any person appointed by him to hold inquiry

A.D. 1895. shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them respectively under the Public Health (Scotland) Act 1867 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act.

(9) The Company or the East Fife Company (as the case may be) shall pay to the Secretary for Scotland a sum to be fixed by him in respect of the preparation and issue of any provisional order in pursuance of this section and any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the person appointed to hold any such inquiry and a sum to be fixed by the Secretary for Scotland not exceeding three guineas a day for the services of the person so appointed.

(10) Any houses on any of the lands shown on the plans deposited with reference to this Act or any former Act extended by this Act occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company or the East Fife Company (as the case may be) and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Secretary for Scotland under the powers of any previous Act relating to the Company or the East Fife Company (as the case may be) shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition. Provided that if the Secretary for Scotland is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Secretary for Scotland they might have been sufficient to accommodate.

(11) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Undertaking
of Kirkcaldy
Company

38. On the passing of this Act the Kirkcaldy Company are hereby dissolved except for the purpose of winding up their affairs

and the undertaking of that company is hereby amalgamated with the undertaking of the Company :

A.D. 1895.

The amalgamation of the Kirkcaldy Company shall be evidenced by a copy of this Act duly stamped with an ad valorem stamp duty or by a duly stamped deed of conveyance which shall within three months from the passing of this Act be produced to the Commissioners of Inland Revenue and in default of production the ad valorem stamp duty together with interest at the rate of five pounds per centum per annum from the passing of this Act to the date of payment shall be recoverable from the Company with all costs of suit and all costs and charges attending the same.

amalgamated with undertaking of Company.

39. On the expiration of twelve months from the passing of this Act or on the completion to the satisfaction of an engineer to be appointed by the sheriff of the county of Fife of so much of the East Fife Railway as extends from the commencement of railway No. 11 before described to the west side of the road at Lochty No. 37 on the Parliamentary plans deposited with reference to the East Fife Act (whichever shall first happen) the East Fife Company shall be dissolved except for the purpose of winding up their affairs and the undertaking of that company shall as and from that date be amalgamated with the undertaking of the Company :

Undertaking of East Fife Company amalgamated with undertaking of Company.

The amalgamation of the undertaking of the East Fife Company shall be evidenced by a copy of this Act duly stamped with an ad valorem stamp duty or by a duly stamped deed of conveyance which shall within three months from the date of such amalgamation be produced to the Commissioners of Inland Revenue and in default of production the ad valorem stamp duty together with interest at the rate of five pounds per centum per annum from the date of such amalgamation to the date of payment shall be recoverable from the Company with all costs of suit and all costs and charges attending the same.

40. The Kirkcaldy Company and the East Fife Company respectively shall up to the respective dates of amalgamation bear pay and satisfy all their engagements and liabilities fairly and properly chargeable against revenue.

Dissolved companies to pay debts and liabilities on revenue account up to dates of amalgamation.

41. All mortgages bonds and other capital liabilities of the Kirkcaldy Company existing at the passing of this Act and all mortgages bonds and other capital liabilities of the East Fife Company existing at the date of the amalgamation of that company under this Act shall during the continuance of such mortgages or bonds or liabilities respectively be charges upon the particular undertaking upon which at the passing of this Act or the said date of amalgamation as the case may be they shall be severally a charge

As to mortgages and debts of the dissolved companies.

A.D. 1895. — and the powers of the Company for borrowing and re-borrowing on mortgage and as to the issue of debenture stock may from time to time be exercised so as to include the borrowing and re-borrowing as part of their general debenture debt of any moneys which were owing on such mortgages or bonds or under such liabilities by the Kirkcaldy Company and the East Fife Company respectively immediately before the passing of this Act or the said date of amalgamation as the case may be and the Company may from time to time redeem the same or any part thereof by the creation and issue of debenture stock of the Company But nothing in this section shall empower the Company to exercise their powers of borrowing on mortgage or of creating debenture stock in excess of the amounts specifically authorised by the Acts of the Company.

Holders of ordinary shares in dissolved companies to receive par value in cash.

42. Within one month after the passing of this Act (as regards the Kirkcaldy Company) and within one month after the said date of amalgamation (as regards the East Fife Company) the Company shall pay to each holder of ordinary shares in the capital of the Kirkcaldy Company and the East Fife Company respectively a sum of one hundred pounds in cash for every one hundred pounds fully paid up on the shares held by him and so in proportion for any greater or less sum and the Company may apply to the purposes of such payments any moneys for the time being in their hands or which they have power to raise under this or any other Act and which may not be required for the purposes (if any) to which they are by such Act made applicable.

Provisions as to lost certificates.

43. If the certificate of any shares in the Kirkcaldy Company or the East Fife Company be lost or destroyed then upon proof thereof and upon an indemnity being given against any claim in respect of such lost or destroyed certificate to the satisfaction of the directors of the Company they shall pay to the person entitled to such certificate the sum in cash to which he would be entitled under this Act as if such certificate had not been lost or destroyed.

Capital powers of dissolved companies cancelled.

44. All unexercised powers of raising money conferred upon the Kirkcaldy Company by the Kirkcaldy Acts are hereby cancelled and all powers of raising money conferred upon the East Fife Company by the East Fife Act which shall not have been exercised at the date of the amalgamation of that company under this Act shall by virtue of this Act be cancelled.

Rates and charges for railways.

45. The Kirkcaldy Railway the Kirkcaldy new railways and the East Fife Railway shall for the purposes of maximum rates and charges for merchandise traffic (including perishable merchandise by passenger trains) be part of the railway of the Company as if the same had been part of the North British Railway at the date

of the passing of the Railway Rates and Charges No. 25 (North British Railway &c.) Order 1892 and shall for all other purposes be part of the undertaking of the Company. A.D. 1895.
--

46. The several rights powers facilities and provisions by section 57 of the North British Edinburgh Perth and Dundee and West of Fife Railways Amalgamation Act 1862 granted secured and provided in favour of the Caledonian Railway Company and other companies shall extend and apply in all respects to the railways of the Kirkcaldy Company and the East Fife Company respectively as and when the undertakings of those companies respectively are amalgamated with the undertaking of the Company and to the Kirkcaldy new railways and East Fife deviations as if such railways formed part of the railways of the Company north of the Forth at the date of the passing of such Act. Extending facilities in favour of Caledonian Railway Company.

47. The Company may notwithstanding anything to the contrary contained in the Lands Clauses Consolidation Act 1845 or in the Lands Clauses Consolidation (Scotland) Act 1845 or in any Act relating to the Company with which those Acts or either of them are or is incorporated retain and hold any lands belonging to them in the parishes mentioned in the Second Schedule to this Act which have not yet been applied or are not required for the purposes of the Company but are situate near or adjoining any railway or station of the Company or may in the opinion of the Company be required by them for the purposes of stations sidings or other conveniences for the period of five years from the passing of this Act But at any time during such period of five years the Company may and at the expiration of such period the Company shall sell and dispose of as superfluous lands all such parts of those lands as shall not then have been applied to or are not then required for the purposes of their undertaking. Extending time for sale of superfluous lands.

48. Subject to the provisions of this Act the Company may convert the four pounds per centum consolidated lien stock of the Company created under the provisions of the North British Railway (General Powers) Act 1870 and any lien stock to which the provisions of that Act have by any subsequent Act been made applicable into a new three pounds per centum consolidated lien stock and every holder of four pounds per centum consolidated lien stock shall be entitled to and shall in substitution for each hundred pounds of the stock held by him receive a sum of one hundred and thirty-three pounds six shillings and eightpence three pounds per centum consolidated lien stock and so in proportion for any greater or less sum than one hundred pounds and the holders of the new three pounds per centum consolidated lien stock shall in lieu of any existing liens be entitled Conversion of four per centum consolidated lien stock into three per centum consolidated lien stock with a lien upon the general undertaking of the Company.

A.D. 1895. — to and be possessed of a lien upon the general undertaking of the Company.

Converted stock to be held on same trusts.

49. Three pounds per centum consolidated lien stock issued to holders of four pounds per centum consolidated lien stock converted under the provisions of this Act shall be held subject to the same trusts and obligations as those upon or to which the existing lien stock was immediately before the consolidation or conversion held or subject and every deed or other instrument or testamentary or other disposition purporting to affect such existing stock shall be held to take effect with reference to the whole or a proportionate part as the case may be of the three pounds per centum consolidated lien stock substituted therefor.

As to fractional parts of a pound of stock.

50. Notwithstanding anything in this Act contained no person or corporation shall become entitled under the provisions of this Act to any fractional part of a pound of three pounds per centum consolidated lien stock but in every case in which any such person or corporation would but for this enactment have become entitled to a fractional part of a pound of any such stock the Company may at their option receive from such person or corporation such a further sum in cash as will make up an even pound or pay to such person or corporation in cash the amount of such fractional part.

Power to trustees &c. to accept new stock.

51. Trustees executors and administrators shall accept any three pounds per centum consolidated lien stock created and issued under the authority of this Act in substitution for the four pounds per centum consolidated lien stock in lieu of which such three pounds per centum consolidated lien stock is so issued and may hold dispose of or otherwise deal with the same in all respects as they might have held disposed of or otherwise dealt with the stock for which such three pounds per centum consolidated lien stock was substituted.

Power for Company to raise capital by shares or stock.

52. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or new preference shares or stock convertible into ordinary preference stock and ordinary stock or wholly or partially by one or more of those modes respectively any additional capital not exceeding in the whole seven hundred and fifty thousand pounds but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Extending provisions of Act of 1888

53. All preference shares or stock convertible into ordinary preference stock and ordinary stock created and issued under the

provisions of this Act or any Act or Acts relating to the Company may by agreement with the holders thereof be converted on the same terms and subject to the like conditions as all preference shares or stock convertible into ordinary preference stock and ordinary stock authorised to be created and issued under the North British Railway Act 1888.

A.D. 1895.

to preference stock convertible into ordinary stock.

54. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital:

Except as otherwise provided new shares or stock to be subject to same incidents as present shares or stock.

The capital in new shares or stock so created shall form part of the capital of the Company.

55. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Dividends on new shares or stock.

56. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Restriction as to votes in respect of preferential shares or stock.

57. Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act and any other Act passed in the present session of Parliament whether before or after the passing of this Act by which the Company may be authorised to raise capital by new shares or stock the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

New shares or stock raised under this Act and any other Act of past or present sessions may be of same class.

58. Twenty per centum on the amount of any share shall be the greatest amount of any call which may be made thereon and there shall be an interval of not less than three months between any two successive calls and the Company shall not call up more than three fourths of a share in any year.

Calls.

A.D. 1895.

Power to
borrow.

59. The Company may in respect of the additional capital of seven hundred and fifty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole two hundred and fifty thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital 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 shares for the whole of such capital have been issued and accepted and that one half of such capital 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 until stock for one half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such sheriff as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or 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 certificate shall be sufficient evidence thereof.

Provisions of
Act of 1893
as to appoint-
ment of a
receiver or
judicial
factor
repealed.

60. The provisions of the North British Railway Act 1893 authorising the appointment of a receiver or judicial factor for principal or interest moneys due upon any mortgages of the Company are hereby repealed but subject and without prejudice to any appointment of a receiver or judicial factor or proceedings taken under or by virtue of such provisions and in force or pending at the time of the passing of this Act.

For appoint-
ment of a
receiver or
judicial
factor.

61. 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 receiver or judicial factor In order to authorise the appointment of a receiver or judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver or judicial factor is made shall not be less than ten thousand pounds in the whole.

62. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and as regards the undertaking comprised in and assigned by such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over all mortgages to be granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

A.D. 1895.

Existing mortgages to have priority.

63. Subject to the provisions of Part III. of the Companies Clauses Act 1863 the Company may in respect of the additional capital of seven hundred and fifty thousand pounds by this Act authorised create and issue debenture stock to an amount not exceeding two hundred and fifty thousand pounds But notwithstanding anything contained in the Companies Clauses Act 1863 debenture stock created under the powers of this Act or any subsequent Act shall subject to the provisions of any subsequent Act form part of and rank *pari passu* with the debenture stock of the Company to be created under the powers of the North British Railway Act 1893 and the interest of all debenture stock and of all mortgages at any time to be created and issued or granted by the Company under the Act of 1893 or this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock to be granted or issued under the Act of 1893 or this or any subsequent Act.

Company may create debenture stock.

64. All moneys raised under this Act whether by shares or stock or debenture stock or by borrowing shall be applied only to the purposes of this Act and to the general purposes of the undertaking of the Company being in each case purposes to which capital is properly applicable.

Application of moneys raised under Act.

65. The Company may from time to time apply for or towards all or any of the purposes of this Act to which capital is properly applicable any sums of money which they have already raised or are authorised to raise by any of their Acts and which are not required for the purposes to which they are by those Acts made specially applicable.

Company may apply corporate funds.

A.D. 1895.

East Fife
Company
may apply
funds.

66. The East Fife Company may from time to time apply for or towards all or any of the purposes of this Act in which they are interested and to which capital is properly applicable any sums of money which they have already raised or are by the East Fife Act authorised to raise and which are not required for the purposes to which they are by that Act made specially applicable.

Saving
rights of the
Crown in
the foreshore.

67. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving
rights of
Postmaster
General
under the
Telegraph
Act 1878.

68. Nothing in this Act shall affect the rights of the Postmaster General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the respective undertakings of the Kirkcaldy Company and the East Fife Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertakings respectively for the purposes in the Telegraph Act 1878 specified and the Postmaster General shall after the passing of this Act be at liberty to exercise all the rights aforesaid notwithstanding that the undertakings of the Kirkcaldy Company and the East Fife Company are owned or worked by the Company or amalgamated with the undertaking thereof.

Interest not
to be paid
on calls
paid up.

69. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise 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.

70. 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. A.D. 1895.

71. Nothing in this Act contained shall exempt the Company or the Kirkcaldy Company or the East Fife Company or their respective railways 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 to be taken by any of the said companies. Provision as to general Railway Acts.

72. 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. Costs of Act.

A.D. 1895. The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY ARE REQUIRED TO BE TAKEN.

			<i>County of Fife.</i>	
Railway No. 1	-	-	Parish of Abbotshall	6 7.
"	"	6 - -	" " Auchterderran	84 95 113.
"	"	7 - -	" " "	132 ¹³² / ₁₁ 133 142.
"	"	8 - -	" " Abbotshall	6 7.
"	"	8 - -	" " Kirkealdy	4 5 10 11.

SECOND SCHEDULE.

A.D. 1895.

SUPERFLUOUS LANDS.

County.	Parish.
Edinburgh - -	Borthwick Cramond Collinton Currie Cranston Crichton Kirkliston Kirknewton Midcalder Newbattle.
Haddington - -	Innerwick North Berwick Pencaitland Prestonpans Whitekirk.
Berwick - -	Buncle Mordington.
Peebles - -	Innerleithen Traquair.
Selkirk - -	Innerleithen Stow Yarrow.
Roxburgh - -	Crailing Eckford Galashiels Kelso Lilliesleaf Minto St. Boswells.
Northumberland - -	Plashetts Thornyburn Tarsett Wellhaugh Wark.
Cumberland - -	Aikton Beaumont Burgh-by-Sands Caldewgate Grinsdale Kingmoor Kirkandrews-upon-Eden.
Lanark - -	Bothwell Blantyre Carnwath Hamilton Shotts Maryhill Cadder.
Dumbarton - -	Dumbarton.
Stirling - -	Alva Balfron Slamannan Kilsyth Campsie New Kilpatrick Baldernock.
Linlithgow - -	Abercorn Carriden Livingstone South Queensferry.
Kinross - -	Portmoak.
Perth - -	Perth.
Forfar - -	Craig Dun Inverkeillor Lunan Maryton Montrose St. Vigean.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
 EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
 JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
 90, WEST NILE STREET, GLASGOW; or
 HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.

1954

1954

1954

1954

1954

1954

1954

1954

1954

1954

1954

1954

1954

1954

1954

1954

1954

1954