



## CHAPTER ccxxi.

An Act for making a Railway in the County of Fife to be called the Newburgh and North Fife Railway and for other purposes. A.D. 1897.  
[6th August 1897.]

**W**HEREAS the making and maintaining of the railways hereinafter described would be of public and local advantage :

And whereas the persons in that behalf in this Act named with others are willing to construct the railways if authorised by Parliament so to do and it is expedient that they be incorporated and the requisite powers conferred upon them :

And] whereas it is expedient the agreement between the Company so incorporated (hereinafter called "the Company") and the North British Railway Company contained in the schedule hereto be confirmed and the working and traffic agreements hereinafter expressed be authorised :

And whereas it is provided by the said agreement that the North British Railway Company shall work maintain and manage the railway when completed and work over the same all traffic under their control from whatever source arising whenever the railway shall form the shortest route for such traffic and it is also provided that if the net revenue accruing to the Company is not sufficient after defraying certain charges to pay a dividend of four per centum per annum on their paid-up share capital then the North British Railway Company shall out of fifty per centum of the mileage proportion of receipts accruing to them from traffic passing over any part of their system to or from any place on the railway contribute such sum as may be necessary to make up that dividend and further that should the sum to be so contributed not be sufficient to make up such dividend as aforesaid then the North British Railway Company shall out of twenty-five per centum of the mileage receipts accruing to them on their own railway from traffic passing over any part of their system and over the railway of the Company contribute such further sum as may be necessary

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A.D. 1897. — to make up the said dividend of four per centum per annum so far as the said fifty and twenty-five per centum shall suffice to pay such deficiency :

And whereas it will facilitate the raising of the capital required for making the railway if the Company have power to raise part of their share capital as preference capital and it is expedient that such power be conferred on the Company :

And whereas it is expedient that the other provisions herein-after contained should be made :

And whereas plans and sections showing the lines and levels of the railways by this Act authorised with a book of reference to the plans 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 have been deposited with the principal sheriff clerk for the county of Fife and are herein-after respectively referred to as the deposited plans sections and book of reference :

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

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

Short title. 1. This Act may be cited as the Newburgh and North Fife Railway Act 1897.

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

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

mean the railways and the undertaking by this Act authorised And A.D. 1897.  
for the purposes of this Act the expression "superior courts" or  
"court of competent jurisdiction" or any other like expression in  
this Act or any Act wholly or partially incorporated herewith shall  
be read and have effect as if the debt or demand with respect  
to which the expression is used were a simple contract debt and not  
a debt or demand created by statute.

4. William Forsyth Bell William Guild David Cook James Davidson Harper James Millar Bowman William Hunter George Roberts George Tod Peter Kinninworth James Russell John Pitcairn Henry McGrady and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a Company for the purpose of making and maintaining the railway and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Newburgh and North Fife Railway Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act. Company incorporated.

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 the railways herein-after described with all proper stations sidings junctions approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for those purposes The railways herein-before referred to and authorised by this Act will be wholly situate in the county of Fife and are as follow:— Power to make railways.

- (1) A railway twelve miles seven furlongs and seventeen yards in length commencing in the parish of Abdie by a junction with that part of the Ladybank and Perth Branch of the North British Railway at a point twenty yards or thereabouts measured in a south-easterly direction along the said branch railway from the centre of the bridge carrying the same over the public road leading from Grange of Lindores to Newburgh and terminating in the parish of Kilmany by a junction with the main line of the North British Railway from Edinburgh to Dundee at a point fifteen yards or thereabouts measured in a south-easterly direction along that main line from the centre of

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the bridge carrying the same over the public road leading from Kilmany to Bogton:

- (2) A railway three furlongs and one hundred and forty-three yards in length wholly in the parish of Logie (to form a second junction with the said main line of the North British Railway) commencing in the field numbered 267 on the twenty-five inch Ordnance map at a point eighty yards or thereabouts measured in a north-easterly direction from the junction of the northern fence of the said field with the Motray Water and terminating with a junction with the said main line eight hundred and fifty-three yards or thereabouts measured in a south-easterly direction along the same from the centre of the said bridge over the public road from Kilmany to Bogton.

Capital.

6. The capital of the Company shall be one hundred and eighty thousand pounds in eighteen thousand shares of ten pounds each and subject to the provisions of Part II. of the Companies Clauses Act 1863 the Company may raise any sum or sums not exceeding sixty thousand pounds of the said capital by the creation and issue of preference shares with a preferential dividend in priority to the ordinary shares of the Company Provided that no such preference shares shall be created or issued unless and until it shall be certified by the sheriff upon production of the books of the Company or such other evidence as he may think sufficient that a like sum of sixty thousand pounds of the said capital has been issued as ordinary share capital and accepted and one half thereof has been paid up.

Restriction as to votes on preference shares.

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

Shares not to be issued until one fifth paid.

8. The Company shall not issue any share created under the authority of this Act nor shall any such 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 is paid in respect thereof.

Calls.

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

Receipt in case of persons not sui juris.

10. If any money is payable to a shareholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of his tutor or curator or curator bonis shall be a sufficient discharge to the Company.

11. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole sixty thousand pounds and of that sum they may borrow twenty thousand pounds when not less than one third of the length of the railways shall have been constructed to formation level and a like sum of twenty thousand pounds when not less than two thirds of the length of the railways shall also have been constructed to formation level and a further sum of twenty thousand pounds when the remainder of the railways shall have been constructed to formation level but no such sums shall be borrowed until sixty thousand pounds (being one third of the share capital of one hundred and eighty thousand pounds) is issued and accepted and one half thereof is paid up in respect of each of the said sums of twenty thousand pounds and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 before he so certifies that the whole of such portion of capital has been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and the Company have proved to such sheriff as aforesaid before he so certifies that such shares were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assignees and that such persons or corporations their executors administrators successors or assignees 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.

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Power to  
borrow.

12. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than two thousand pounds in the whole.

For appoint-  
ment of a  
judicial  
factor.

13. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu*

Debenture  
stock.

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A.D. 1897. (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.

Application of moneys. **14.** All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

First and subsequent meetings. **15.** The first ordinary meeting of the Company shall be held within eight months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held twice in every year in the months of March or April and September or October or in such other months as the directors may from time to time appoint.

Quorum for meetings of the company. **16.** The quorum for general meetings whether ordinary or extraordinary shall be five shareholders present in person or by proxy holding together not less than ten thousand pounds in the capital of the Company.

Number of directors. **17.** The number of the directors shall be five but the Company may from time to time reduce and again increase the number provided that the number be not less than three.

Qualification of directors. **18.** The qualification of a director shall be the possession in his own right of not less than thirty shares.

Quorum of directors. **19.** The quorum of a meeting of directors shall be three.

First directors. **20.** William Forsyth Bell William Guild David Cook and two other duly qualified persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if they continue qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 and the several persons elected at any such meeting being neither removed



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or disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by that Act. A.D. 1897.

**21.** 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 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 taken under the powers of this section. Lands for extraordinary purposes.

**22.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period compulsory purchase of lands.

**23.** In altering for the purposes of this Act the roads next herein-after mentioned the 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 Plans.	Parish.	Description of Road.	Intended Inclination.
9	Creich - -	Public - -	1 in 13·9 on one side of the bridge and level on the other.
87	Kilmany -	Public - -	1 in 20.

**24.** The Company 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 Plans.	Parish.	Description of Road.	Height.	Span.
11	Abdie - - -	Public - - -	16 ft.	30 ft.
26	Abdie - - -	Public - - -	16 ft.	30 ft.
8	Dunbog - - -	Public - - -	14 ft.	15 ft.
14	Dunbog - - -	Public - - -	14 ft.	25 ft.
17	Creich - - -	Public - - -	16 ft.	35 ft.
6	Moonzie - - -			
49	Kilmany - - -	Public - - -	14 ft.	25 ft.
60	Kilmany - - -	Public - - -	14 ft.	25 ft.
77	Kilmany - - -	Public - - -	14 ft.	25 ft.

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Widths of  
certain road-  
ways.

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

No. on Plans.	Parish.	Description of Roadway.	Width of Roadway.
3	Monimail - - -	Public - - -	30 feet.
3	Monimail - - -	Public - - -	30 feet.
9	Creich - - -	Public - - -	15 feet.
40	Kilmany - - -	Public - - -	20 feet.
67	Kilmany - - -	Public - - -	30 feet.
87	Kilmany - - -	Public - - -	25 feet.

Power to  
take ease-  
ments &c.  
by agree-  
ment.

**26.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any servitude right or privilege (not being a servitude right or privilege of water in which other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and feu duties and 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.

Restrictions  
on displacing  
persons of  
labouring  
class.

**27.—(1)** The Company shall not under the powers of 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 last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers 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 fifteenth day of December last 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 other circumstances of the case ; and



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(B) They shall have given security to the satisfaction of the Secretary for Scotland for the carrying out of the scheme. A.D. 1897.

(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 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. 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 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 for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of that Act and the scheme were one of the purposes of that Act.

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(7) The Company 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 purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for the period of twenty-five years from the date of the scheme be appropriated solely for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings by the Company 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 subsection 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 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 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 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 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 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.

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(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.

**28.** Whereas pursuant to the Standing Orders of both Houses of Parliament and the Parliamentary Deposits Act 1846 a sum of eight thousand eight hundred and fourteen pounds sixteen shillings and four pence being five per centum upon the amount of the estimate in respect of the railway (herein-after referred to as "the deposit fund") has been deposited with the Queen's and Lord Treasurer's Remembrancer on behalf of the Court of Exchequer in Scotland in respect of the application to Parliament for this Act Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for the completion of the railway open the same for the public conveyance of passengers and if the Company shall make default in so opening the railway the deposit fund shall be applicable and shall be applied as provided by the next following section. Provided that if within such period

Deposit  
money not to  
be repaid  
except so  
far as rail-  
way opened.

A.D. 1897. as aforesaid the Company open any portion of the railway for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the court shall on the application of the depositors or the majority of them order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application  
of deposit.

**29.** If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the Edinburgh Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a judicial factor has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred wholly or in part to such judicial factor 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 depositors Provided that until the deposit fund has been repaid or retransferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

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

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Period for completion of works.

**31.** The Company may demand and take for the use of the railway or any part thereof by any other company or person with engines and carriages such reasonable tolls as they think fit.

Tolls.

**32.** The classification of merchandise traffic including perishable merchandise by passenger train and the schedule of maximum rates and charges applicable thereto and the regulations and provisions contained in the schedule to the Railway Rates and Charges No. 25 (North British Railway &c.) Order 1892 (which Order is scheduled to and confirmed by the Railway Rates and Charges No. 25 (North British Railway &c.) Order Confirmation Act 1892) shall be applicable and apply to the Company as if it were one of the railway companies named in the appendix to the schedule to the Order confirmed by the said Act Provided that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight.

Rates for merchandise.

**33.** With respect to small parcels not exceeding five hundred pounds in weight conveyed by passenger trains the Company may demand and take any charges not exceeding the following (that is to say) :—

Charges for small parcels.

For any parcel not exceeding seven pounds in weight three pence ;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight five pence ;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight seven pence ;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight nine pence ;

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum they think fit :

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

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Maximum  
rates for  
passengers.

**34.** The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway including every expense incidental to such conveyance shall not exceed the following (that is to say) :—

For every passenger conveyed in a first-class carriage three pence per mile ;

For every passenger conveyed in a second-class carriage two pence per mile ;

For every passenger conveyed in a third-class carriage one penny per mile ;

For every passenger conveyed on the railway for a less distance than three miles the Company may charge as for three miles and every fraction of a mile beyond three miles or any greater number of miles shall be deemed a mile.

Passengers  
luggage.

**35.** Every passenger travelling upon the railway may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first-class passengers one hundred pounds in weight for second-class passengers and sixty pounds in weight for third-class passengers without any charge being made for the carriage thereof.

Foregoing  
charges not  
to apply to  
special trains.

**36.** The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers upon the railway.

Working  
and traffic  
agreements.

**37.** The Company on the one hand and the North British Railway Company on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 from time to time enter into and carry into effect vary and rescind contracts agreements and arrangements with respect to the following purposes or any of them (that is to say) :—

The working use management and maintenance of the railways and works by this Act authorised or any part or parts thereof ;

The use of some part or parts of the railways stations sidings buildings and other works and accommodations of the contracting companies ;

The interchange regulation collection accommodation transmission and delivery of traffic upon or coming from or destined for the railways of the contracting Companies or either of them ;



The levying fixing subject to the authorised maximum rates collecting and apportionment of the tolls and revenue arising from such traffic ;

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The supply under and during the continuance of any agreement for the railways by this Act authorised being worked and used by the North British Railway Company of rolling stock plant and machinery necessary for the purposes of such agreement and the employment of officers and servants ;

The payments to be made and the conditions to be performed by the contracting Companies with respect to the several matters aforesaid or any of them.

**38.** Nothing in any agreement made under the authority of this Act shall affect the rights of Her Majesty's 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 undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company is worked by the North British Railway Company as freely and fully in all respects as he was entitled to do before the making of any such agreement.

Saving for  
Postmaster-  
General.

**39.**—(1) The Company and if and so long and so often as the railways of the Company or any part thereof are worked by the North British Company the North British Company shall respectively afford to the Caledonian Railway Company (herein-after called "the Caledonian Company") and that company shall be entitled to all such and the like facilities rights powers and privileges in respect of traffic passing or intended to pass from to over or beyond the railways owned leased or worked by the Caledonian Company to from over or beyond the railways of the Company as the North British Company are now bound to afford to or to which the Caledonian Company are entitled either alone or in conjunction with any other company in respect of traffic to from over or beyond the railways of the North British Company which the railways of the Company are intended to join.

Extending  
facilities of  
Caledonian  
Railway  
Company.

(2) For the purposes of section 57 of the North British Edinburgh Perth and Dundee and West of Fife Railways Amalgamation Act 1862 the railways by this Act authorised shall if and

[Ch. ccxxi.] *Newburgh and North Fife Railway* [60 & 61 VICT.]  
*Act, 1897.*

A.D. 1897. — so long and so often as they are worked by the North British Company be deemed part of the railways of that company north of the Forth.

Short distance charge on traffic conveyed partly on the railway of the Company and partly on the railway of any other company.

40. During the continuance of any working or traffic agreement made under the powers of this Act the railway of the Company and of any company working the railway of the Company shall for the purpose of short distance rates and charges be considered as one railway and in estimating the amount of rates and charges in respect of passengers conveyed partly on the railway of the Company and partly on the railway of such other company for a less distance than three miles rates and charges may be charged as for three miles and for every mile or fraction of a mile beyond three miles as for one mile only and in estimating the amount of rates and charges in respect of merchandise traffic conveyed partly on the railway of the Company and partly on any other railway the company shall be deemed to be a company connected with the North British Railway Company and specified in the appendix to the schedule to the Railway Rates and Charges No. 25 (North British Railway &c.) Order 1892 confirmed by the Railway Rates and Charges No. 25 (North British Railway &c.) Order Confirmation Act 1892.

Power to pay interest out of capital during construction.

41. Notwithstanding anything in this Act or in any Act or Acts incorporated therewith contained it shall be lawful for the Company out of any money by this Act authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the works by this Act authorised or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say) :—

(A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :

(B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :

(c) The aggregate amount to be so paid for interest shall not exceed eighteen thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :

A.D. 1897.

(d) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares :

(e) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section :

Save as herein-before set forth 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.

42. The agreement dated the sixth day of April one thousand eight hundred and ninety-seven between William Forsyth Bell William Guild James T. Cathcart and David Cook on behalf of the Company of the one part and the North British Railway Company of the other part as set forth in the schedule to this Act is hereby confirmed and made binding upon the Company as if they were parties thereto in the place of the said William Forsyth Bell William Guild James T. Cathcart and David Cook and the same were under the common seal of the Company.

Confirmation of agreement with the North British Railway Company.

43. 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.

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

44. Nothing in this Act contained shall exempt the Company 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

Provision as to general Railway Acts.

[Ch. ccxxi.] *Newburgh and North Fife Railway* [60 & 61 Vict.]  
*Act, 1897.*

A.D. 1897. — 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 the Company.

Costs of Act. **45.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

SCHEDULE referred to in the foregoing Act.

A.D. 1897.

AGREEMENT between THE NORTH BRITISH RAILWAY COMPANY incorporated by Act of Parliament of the first part and WILLIAM FORSYTH BELL of Luthrie Bank and residing at Barns of Claverhouse Dundee WILLIAM GUILD of Lindores in the county of Fife and JAMES T. CATHCART Dunbog House Newburgh and DAVID COOK of Carphin and Luthrie in the county of Fife being four of the Promoters of and named in the Bill herein-after mentioned.

WHEREAS the second parties are promoting with others a Bill in Parliament for the purpose of forming themselves and others into a company to be called "the Newburgh and North Fife Railway Company" and for authority to construct the following lines of railway (herein-after called "the railway") namely:—

- (1) A railway twelve miles seven furlongs and seventeen yards in length commencing in the parish of Abdie by a junction with that part of the Ladybank and Perth Branch of the North British Railway at a point twenty yards or thereabouts measured in a south-easterly direction along the said branch railway from the centre of the bridge carrying the same over the public road leading from Grange of Lindores to Newburgh and terminating in the parish of Kilmany by a junction with the main line of the North British Railway from Edinburgh to Dundee at a point fifteen yards or thereabouts measured in a south-easterly direction along that main line from the centre of the bridge carrying the same over the public road leading from Kilmany to Bogton:
- (2) A railway three furlongs and one hundred and forty-three yards in length wholly in the parish of Logie (to form a second junction with the said main line of the North British Railway) commencing in the field numbered 267 on the twenty-five inch ordnance map at a point eighty yards or thereabouts measured in a north-easterly direction from the junction of the northern fence of the said field with the Motray Water and terminating with a junction with the said main line eight hundred and fifty-three yards or thereabouts measured in a south-easterly direction along the same from the centre of the said bridge over the public road from Kilmany to Bogton:

AND WHEREAS the Promoters have agreed to enter into the agreement herein-after contained for the working of the railway by the first parties in connexion with their system of railways in manner herein-after provided Therefore the parties mutually agree with each other as follows:—

ARTICLE FIRST. In the event of an Act being obtained and the capital being subscribed the second parties shall as soon as convenient thereafter purchase at their expense the necessary land and shall make construct and complete the railway as a single line with land and bridges for a double line and all stations stationmasters houses gate-keepers houses sidings signal cabins

[Ch. ccxxi.] *Newburgh and North Hife Railway* [60 & 61 VICT.]  
Act, 1897.

A.D. 1897. signals cranes wires speaking telegraphic apparatus and Tyer's Train Tablet System of working (unless otherwise agreed) and other works and conveniences necessary for working the traffic of the railway all in a good sufficient and substantial manner and to the satisfaction of the chief engineer of the first parties for the time being or in case of any difference of opinion between him and the engineer of the second parties respecting the same to the satisfaction of the Board of Trade on application of either of the parties.

ARTICLE SECOND. Upon the construction completion and opening by the sanction of the Board of Trade of the railway and each part thereof the first parties shall in perpetuity but subject to the provision in Article Twelve hereof work and maintain the same and shall provide locomotive power rolling stock and plant of every kind (except the furnishing and conveniences to be provided by the second parties mentioned in Article First hereof) necessary for the working of the traffic from the date of the opening thereof for passenger traffic by authority of the Board of Trade as regards the working and management and from twelve months thereafter as regards the maintenance. The first parties shall work and manage the railway under the provisions of this agreement in a proper safe and convenient manner and so as fairly to develop the traffic to from and on the same. The first parties shall (except as herein-after provided) fix the tolls rates and charges for and in respect of all traffic using the railway or any part thereof but the second parties shall have the right from time to time to object to the tolls rates and charges or any of them and in the event of any difference arising between the parties thereon the same shall be determined by arbitration in manner herein-after provided in Article Fourteen.

ARTICLE THIRD. The first parties shall have the power save as herein-after mentioned in this article of selecting appointing suspending and dismissing all officers agents bookkeepers booking and other clerks servants enginemen guards signalmen porters carters surfacemen and all others employed on or connected with the railway or required for keeping in their general office the accounts connected with the traffic of the same or employed in superintending or directing or actually engaged in conducting the said traffic and the said officers agents servants and others above mentioned shall be paid by the first parties and shall be exclusively under their control. And the second parties shall have the selection appointment and control of and shall pay the secretary treasurer and other officers actually engaged and required by them in the management of the capital financial and directorial departments of their undertaking.

ARTICLE FOURTH. The gross revenues of the second parties shall be held to consist of and include—

- 1 All receipts in respect of local traffic including mails that is to say traffic which shall both arise and terminate on the railway :
2. The mileage proportion of all receipts arising from through traffic including mails (that is to say traffic which passes over the railway or any part thereof and which likewise passes over the railways or any part thereof of the first parties or of any other company) corresponding to the distance for which such traffic is carried over the said several railways respectively after deduction from such receipts of the terminals



on such traffic which shall belong and be paid to the companies other than the second parties respectively entitled thereto and also subject to deduction of the actual expense of cartage where incurred when included in the through rate :

3. The terminals belonging to the second parties in respect of such through traffic subject to deduction of the actual expense of cartage where incurred when included in the terminal charge :
4. Rents for the use of any property belonging to the second parties (including the refreshment rooms bookstalls advertising and depôt ground) and all other revenues of the second parties except the rents of surplus lands held by the second parties and transfer fees but under deduction of all feu duties ground annuals rents and other periodical or annual payment as well as rates taxes and public and local burdens affecting to such property :
5. The first parties shall collect the said gross revenues and shall be entitled to retain fifty per centum thereof as their remuneration for maintaining the railway and relative works and conveniences and working and managing the traffic thereon and collecting the said revenues and shall pay over the balance of fifty per centum to or for the behoof of the second parties in manner herein-after provided.

ARTICLE FIFTH. Out of the said balance the second parties shall pay—

1. Government duties :
2. All feu duties ground annuals rents and other periodical or annual payment if any payable in respect of any land acquired or held on lease by them :
3. All compensation to tenants if any in respect of any lands acquired or injuriously affected by them so far as not chargeable against the capital of the second parties :
4. All rates taxes and public and local burdens of every kind payable in respect of the ownership of the railway :
5. All interest upon money borrowed by the second parties whether upon mortgage debenture stock or otherwise :
6. The reasonable expense of the directorial and financial management of the business of the second parties including salaries of secretary treasurer and other officers who may be employed by them in these departments and such other charges and expenses as may be reasonably incurred on behalf of the second parties.

ARTICLE SIXTH. The first parties undertake that they shall work over the railway all traffic under their control from whatever source arising whenever the railway shall form the shortest route for such traffic.

ARTICLE SEVENTH. If the net revenue accruing to the second parties is not sufficient to pay a dividend of four per centum per annum on the paid-up share capital of the second parties then the first parties shall out of fifty per centum of the mileage proportion of receipts accruing to them on their own railway from traffic including mails passing over their system or any part thereof to or from any place on the railway contribute such sum as may be necessary to make up that dividend so far as the said fifty per centum of mileage receipts accruing in each half-year to the first parties shall suffice to pay such deficiency.

[Ch. ccxxi.] *Newburgh and North Fife Railway* [60 & 61 VICT.]  
Act, 1897.

A.D. 1897.

ARTICLE EIGHTH. Should the sum to be contributed under the immediately preceding article along with the said net revenue of the second parties not be sufficient to pay a dividend of four per centum per annum on the paid-up share capital of the second parties then the first parties shall out of twenty-five per centum of the mileage receipts accruing to them on their own railway from traffic including mails passing over their system or any part thereof and over the railway contribute such further sum as may be necessary to make up the said dividend of four per centum per annum so far as the said twenty-five per centum of mileage receipts accruing in each half year to the first parties shall suffice to pay such deficiency.

ARTICLE NINTH. In the event of the first parties having under Article Seventh hereof or under Articles Seventh and Eighth hereof to make good any deficiency of revenue the sums contributed by the first parties shall be repaid to them by the second parties with interest at the rate of four pounds per centum per annum out of the first and readiest future surplus revenues of the second parties after payment of such dividend of four per centum per annum as may accrue to the second parties and subject thereto such surplus revenues shall be divided equally between the first and second parties.

ARTICLE TENTH. Returns of all traffic falling within this agreement in so far as the second parties are interested therein shall be rendered by the first parties to the second parties monthly and the second parties may at their own expense employ officials to check the same and see that the traffic is duly accounted for. And for this purpose the first parties will keep proper and sufficient accounts and vouchers which shall be open at all reasonable times for examination and transcription by such officials. The revenues due to the second parties shall be paid over monthly to them or their treasurer or secretary or to such banker or other persons as they shall direct and appoint.

ARTICLE ELEVENTH. The tolls rates and charges for local traffic shall if desired by the second parties be fixed and regulated from time to time by a joint committee composed of three directors of the first parties and an equal number of directors of the second parties. The chairman of the committee shall be appointed by the board of directors of the second parties but shall not have a casting vote and in the event of any difference arising between the said sections of the committee the same shall be determined by arbitration as herein-after provided and such tolls rates and charges shall be so fixed as best to develop the traffic.

ARTICLE TWELFTH. This agreement shall be in perpetuity subject nevertheless to the unconditional determination thereof by the second parties at the end of ten years from the passing of the Act confirming this agreement upon six months previous notice in writing by the second parties to the first parties and on such determination the second parties shall repay to the first parties any advance under Articles Seventh and Eighth hereof.

ARTICLE THIRTEENTH. This agreement is made subject to such alterations as Parliament may see fit to make thereon and shall be scheduled to and confirmed by the said Bill.

Should any alterations be made on this agreement by Parliament which in the opinion of Samuel Pope Q.C. whom failing of Joseph Henry Balfour Browne Q.C. is material thereto either of the parties may withdraw therefrom.

[60 & 61 VICT.] *Newburgh and North Fife Railway* [Ch. ccxxi.]  
Act, 1897.

A.D. 1897.

ARTICLE FOURTEENTH. All questions which may arise between the parties hereto in relation to this agreement or to the import or meaning thereof or to the carrying out of the same shall be referred to arbitration under and in terms of the Railway Companies Arbitration Act 1859.

ARTICLE FIFTEENTH. Upon the passing of the said Bill confirming this agreement all personal liability in reference thereto on the part of the individual promoters shall be at an end and the Company thereby incorporated shall thereupon become and be the second parties to this agreement in their place.

IN WITNESS whereof these presents are subscribed in duplicate by the parties hereto as follows viz. By John Jordan merchant Leith and Henry Grierson of Craighend Park Liberton Midlothian two of the directors of the said North British Railway Company and by John Cathles secretary thereof and are sealed with the corporate seal of the said North British Railway Company all at Edinburgh on the thirty-first day of March one thousand eight hundred and ninety-seven before these witnesses John Martin assistant secretary and William Irving clerk in the head office in Edinburgh both of the said North British Railway Company and by the said William Forsyth Bell William Guild and David Cook all at Perth on the fifth day of April and year last mentioned before these witnesses Thomas Dempster solicitor Perth and Daniel Robertson Galloway clerk to R. and J. Robertson and Dempster solicitors Perth and by the said James T. Cathcart at Cupar on the sixth day of the said month of April and year last mentioned before these witnesses Gilbert Martin Hair clerk to William Duncan Patrick writer Cupar and the said Thomas Dempster.



J. MARTIN witness.  
W. IRVING witness.

{ JOHN JORDAN Director.  
HENRY GRIERSON Director.  
JNO. CATHLES Secy. N. B. Rly. Coy.

THOMAS DEMPSTER witness.  
DANIEL R. GALLOWAY witness

{ W. F. BELL.  
WILL. GUILD.  
DAVID COOK.

G. M. HAIR witness  
THOMAS DEMPSTER witness.

} JAMES T. CATHCART.

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