



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. ccxx.

An Act to enable the *Edinburgh and Northern Railway Company* to make a Deviation and Extension of their Branch Railway to *Dunfermline*; to make another Railway from their *Strathearn Deviation* Railway to the *Scottish Central Railway*; and to make an Alteration in the Manner of constructing the said Branch and *Strathearn Deviation* across certain Roads.

[22d July 1847.]

WHEREAS an Act was passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty Queen *Victoria*, intituled "The *Edinburgh and Northern Railway Act, 1845*," whereby a Company was incorporated by the Name of "The *Edinburgh and Northern Railway Company*," with Power to make a Railway from *Burntisland* to *Perth*, with Branches to *Kirkcaldy* and *Cupar*: And whereas another Act was passed in the last Session of Parliament, intituled "The *Edinburgh and Northern Railway (Dunfermline Branch) Act, 1846*," whereby the

8 & 9 Vict. c. 158.

9 & 10 Vict. c. 138.

[*Local.*]

34 X

said

9 & 10 Vict.
c. 139.

said Company were empowered to make a Branch Railway from *Thornton* to the Royal Burgh of *Dunfermline*: And whereas it would be attended with local and public Advantage if the Line of the said last-mentioned Branch were in part altered, and carried nearer to the said Royal Burgh: And whereas another Act was passed in the said last Session, intituled "The *Edinburgh and Northern Railway (Strathearn Deviation)* Act, 1846," whereby the said Company were empowered to alter their Main Line of Railway between *Newburgh* and *Perth*, and to make another Portion of Railway in lieu thereof from *Newburgh* aforesaid to join the *Scottish Central Railway* in the Parish of *Forteviot*: And whereas it would also be attended with local and public Advantage if the same Company were empowered to make another Railway from a Point on the said *Strathearn Deviation* North of the River *Earn* in the said Parish of *Forteviot* to the said *Scottish Central Railway* in the same Parish: And whereas it would also be attended with local and public Advantage if the said Company were empowered to make certain Alterations in constructing the Railways and Works by the Two last herein-before recited Acts authorized at the Crossings of certain Roads in the Parishes of *Dumbarnie*, *Auchterderran*, *Dysart*, and *Kinglassie*: And whereas the said *Edinburgh and Northern Railway Company* are desirous of carrying into effect the several Objects aforesaid, if authorized by Parliament so to do: 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, That all the Provisions of the said first-recited Act, so far as the same are or may be applicable and are now in force, and except such of them as are by this Act repealed, altered, or otherwise provided for, or as may be inconsistent with the Provisions of the Lands Clauses and Railways Clauses Consolidation Acts as extended to this Act, shall extend to this Act, and to the several Purposes thereof, and to the several Matters and Things hereby authorized to be done, as fully and effectually as if the said Provisions were re-enacted in this Act in reference to such Purposes, Matters, and Things; and the several Railways and Works by this Act authorized shall be considered as forming Part of the Undertakings of the *Edinburgh and Northern Railway Company*, and shall as such be subject to all the Provisions of the said Act, save as aforesaid.

Powers of first-recited Act extended to this Act, except as hereby altered.

Powers of 8 & 9 Vict. cc. 19. and 33. extended to this Act.

II. And be it enacted, That the Provisions of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and of "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall, so far as the same are applicable and are not modified by this Act, or inconsistent with the Provisions thereof, be incorporated with and form Part of this Act.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Deeds or Instruments, it shall be sufficient to use the Expression "The *Edinburgh and Northern Railway (Dunfermline Branch Deviation and Extension, &c.) Act, 1847.*"

Power to raise ad-

IV. And be it enacted, That it shall be lawful for the said Company from Time to Time to raise for the Purposes of this Act the Sum of
Fifty-

Fifty-three thousand two hundred and sixty Pounds by the Creation of new Shares, in addition to the Sums of Money which they are already authorized to raise, upon such Terms and in such Manner as may be or may have been agreed upon at any General Meeting or Meetings of the Company specially convened for the Purpose, and the Capital so to be raised shall be considered as Part of the general Capital of the said Company.

ditional
Capital.

V. And be it enacted, That the Proprietors of any new Shares created under the Powers of this Act shall be entitled to such Number of Votes in respect thereof as the Amount of Capital represented by such Shares would have entitled them unto if the same Amount of Capital had been original Shares in the said Company; and no Shareholder shall be entitled to any Vote unless possessed of Shares representing Fifty Pounds at least in the Capital Stock of the Company.

As to Votes
of Proprie-
tors of new
Shares.

VI. And be it enacted, That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Holders of Shares created by this Act.

Calls.

VII. And be it enacted, That after the whole of the Capital by this and the said first-recited Act authorized to be raised shall have been subscribed, and One Half thereof paid up, it shall be lawful for the said Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the said Company, not exceeding in the whole, in addition to the Sums they are already authorized to borrow, the Sum of Seventeen thousand seven hundred and fifty-three Pounds, and to secure the Payment of the Sum so to be borrowed, with Interest, by Mortgage of their Undertaking, subject to the same Provisions as by the said recited Act are made applicable to the Monies thereby authorized to be raised on Mortgage or Bond, and to the Securities thereby authorized to be granted in respect of the same.

Power to
borrow
Money on
Mortgage.

VIII. Provided always, and be it enacted, That all Mortgages or Bonds granted by the said Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall, during the Continuance thereof, have Priority over any Mortgages or Bonds to be created by virtue of this Act.

Former
Mortgages
to have
Priority.

IX. And be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Mortgage, Bond, or other Security for Money, to be granted or made by virtue of the said recited Acts or this Act, shall be by Deed duly stamped, wherein the Consideration for the same shall be duly stated, any thing herein or in the said Act contained to the contrary notwithstanding.

Mortgages,
&c. to be
stamped.

X. And be it enacted, That it shall not be lawful for the said Company out of any Money by this Act, or any other Act relating to the said Company, authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the

Interest not
to be paid
on Calls paid
up.

the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the Companies Clauses Consolidation (*Scotland*) Act, 1845, in that Behalf contained.

Deposits for future Bills not to be paid out of the Company's Capital.

XI. And be it enacted, That it shall not be lawful for the said Company out of any Money by this Act, or any other Act relating to the said Company, authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway, or execute any other Work or Undertaking.

Power to make Railways and Works according to deposited Plans.

XII. And whereas Plans and Sections of the Railways and Works by this Act authorized showing the Line and Levels thereof, and also a Book of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, of the Lands through which the same are intended to pass, have been deposited in the Offices of the principal Sheriff Clerks of the Counties of *Fife* and *Perth*; be it enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the said Company to make and maintain the said Railways and Works on the Line and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as should be necessary for such Purpose: Provided always, that in constructing the said Railways and Works it shall be lawful for the said Company to deviate from the Lines and Levels and other engineering Works described in the said Plans and Sections thereof to the Extent authorized by the Railways Clauses Consolidation (*Scotland*) Act, 1845; and provided also, that, notwithstanding any thing in the said Plans, Sections, and Books of Reference contained, it shall not be lawful for the Company, under the Powers of this Act, to make any Deviation in the Lines or Levels of any of the Railways by the recited Acts authorized, except the Deviation of the *Dunfermline* Branch Railway first herein-after described.

Lines of Railways and Works.

XIII. And be it enacted, That the Lines of Railways and Works to be made under the Authority of this Act shall be the following; (that is to say,)

A Deviation from or Alteration and Extension in the said Parish of *Dunfermline* of the said Railway authorized by "The *Edinburgh and Northern* Railway (*Dunfermline* Branch) Act, 1846," to be effected by making a new Portion of Railway to commence at a Point thereon in or near to a Field in the said Parish marked No. 60 on the Plans referred to in the said Act relating to the said Parish, and to terminate near to *Reform Street*, in the said Royal Burgh of *Dunfermline*:

An

An Alteration in the Manner of constructing the Railway by such Act authorized to be effected at the following Points respectively, with a view of obtaining a more expedient Mode of crossing the Roads and Railways after mentioned; (that is to say,) in the Parish of *Auchterderran*, at the Points where the same crosses the Roads respectively numbered 60, 86, and 31 on the Plans relating to such Parish, and referred to in the said Act, so that the said Road numbered 60 may be made to pass over, and the said Roads numbered 86 and 31 may be made to pass under, the said Railway; in the Parish of *Dysart*, at the Point where the same crosses the Occupation Road Number 16 in the said last-mentioned Plans relating to such Parish; and in the Parishes of *Dysart* and *Kinglassie*, at the Point where the same crosses the Occupation Road, forming the Boundary between such Parishes, and numbered 1 in the said last-mentioned Plans relating to the last-mentioned Parish, so that the said Occupation Roads may be carried across the said Railway on the Surface thereof:

A Branch Railway from the Railway authorized by "The *Edinburgh and Northern Railway (Strathearn Deviation)* Act, 1846," at a Point thereon North of the River *Earn*, near to *Hilton*, in the Parish of *Forteviot* and County of *Perth*, passing in and through the said Parish to the *Scottish Central Railway West of Hilton* in the same Parish:

An Alteration in the Manner of constructing the Railway by the Act last referred to authorized in the Parish of *Dumbarnie* and County of *Perth* between the Road numbered 28 and the Road numbered 5 on the Plans referred to in the said Act relating to the said Parish, so that the *Great North Road* numbered 19 on the said Plans may be made to pass over the said Railway.

XIV. And be it enacted, That for the greater Convenience and Safety of the Public the said Company shall erect and permanently maintain either a Station or Lodge at the Points where the said Railways cross the before-mentioned Roads on the Level, and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Level, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Commissioners of Railways; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or to appoint a proper Person to watch or superintend the crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Company to erect a Station or Lodge, to be erected at level. Crossings, and to abide by Rules, &c., of Commissioners of Railways.

XV. And be it enacted, That, excepting in so far as necessary for the Formation of the said Junction, nothing herein contained shall authorize the Company to enter upon or acquire any Lands belonging to the *Scottish Central Railway Company* without their previous Consent in Writing, nor to alter the Line or Levels or Width of the

Lands of Scottish Central Railway Company not to be taken

without consent, &c.

Scottish Central Railway, nor in any Manner to interrupt the Traffic thereon.

Regulating Inclinations of certain Roads.

XVI. Provided always, and be it enacted, That as regards the Roads herein-after mentioned it shall be lawful for the Company to make the Rates of Inclination of such Roads respectively when altered as follows; (that is to say,) the Road numbered 46 in the Parish of *Dunfermline*, not steeper than One Foot in Nine and a Half Feet; the Road numbered 31 in the Parish of *Auchterderran*, not steeper than One Foot in Eighteen Feet; the Road numbered 60 in the said Parish of *Auchterderran*, not steeper than One Foot in Twelve Feet; and the Road numbered 86 in the said Parish of *Auchterderran*, not steeper than One Foot in Ten Feet.

Power to abandon Part of original Line.

XVII. And be it enacted, That the Company shall abandon or relinquish such Parts of the Railway which by the said second herein-before recited Act they are empowered to make as are situated between the said Field marked N° 60 on the said Plans referred to in the said Act and the authorized Terminus of the said Branch at or near to the Gaol of *Dunfermline* and County of *Fife*, and which will be rendered useless to the Company for the Purposes of the said Railway and Works by reason of the Construction of the said Deviation or Alteration and Extension, or additional Line of Railway and other Works; and that all the Powers and Authorities given by the said Act to the Company in reference to the Part so abandoned shall, except as to any Lands which may also be required for the Purposes of this Act, immediately after the passing of this Act cease and determine.

Junction with the *Scottish Central* Railway.

XVIII. And be it enacted, as regards the Line of Railway proposed to join the *Scottish Central* Railway at *Hilton*, The said Junction shall be made and for ever maintained and watched at the Expence of the Company, and at the Sight of the Engineer for the Time being of the *Scottish Central* Railway Company.

Power to purchase Lands for extraordinary Purposes.

XIX. And be it enacted, That the Quantity of Land which the Company may purchase for extraordinary Purposes shall not exceed Ten Acres, in addition to the Lands which they may purchase for such Purposes under any other Act of Parliament.

Period within which Lands are to be purchased.

XX. And be it enacted, That the Powers of the said Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act: Provided always, that where by the recited Acts any Term is limited for the compulsory Purchase of Lands for the Purposes of such Acts which are also required or might be taken for the Purposes of this Act, such Powers shall not, as respects such last-mentioned Lands, be exercised after the Terms limited by the said Acts for the compulsory Purchase of such Lands respectively.

Time for Completion of the Works.

XXI. And be it enacted, That the said Railways and Works shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted for executing the said Railways and Works, or otherwise in relation thereto,

thereto, shall cease to be exercised, except as to so much of the Railways and Works as shall then be completed.

XXII. And be it enacted, That it shall be lawful for the said Company to demand and receive for and in respect of the Railways and Works by this Act authorized the same Tolls and Charges as they are by the said first-recited Act authorized to demand and receive for and in respect of the Railway and Branch Railways by such Act authorized to be constructed, except for and in respect of the altered and extended Portion of the said *Dunfermline* Branch, for and in respect of which it shall be lawful for the Company to demand and receive the same Tolls and Charges as they are by the said second recited Act authorized to demand and receive for and in respect of the Railway by such Act authorized.

Same Tolls
to be taken
as in first-
recited Act.

XXIII. Provided always, and be it enacted, That the maximum Tolls and Charges to be made by the said Company in respect of the said Railways by this Act authorized shall in no Case exceed the maximum Tolls and Charges respectively authorized by the said recited Acts.

Maximum
Charges.

XXIV. And whereas the Magistrates and Town Council of the Royal Burgh of *Dunfermline*, through or into which the Railway is intended to pass, have been in use to levy certain Customs and Imposts on certain Goods, Articles, Matters, and Things entering, leaving, and passing through the said Burgh: And whereas it would be attended with Delay and Inconvenience if such Customs and Imposts were levied by the said Magistrates and Town Council on Goods, Articles, Animals, Matters, and Things entering, leaving, or passing through the said Burgh by the Railway, and it is expedient that Provision should be made for obviating such Inconvenience and Delay by enabling the Company to levy and collect the Customs and Imposts over such Goods, Articles, Animals, and Things, and to account to the said Magistrates and Town Council, or to compensate them for the same; be it enacted, That it shall be lawful for the Company, with the Concurrence and Authority of the said Magistrates and Town Council, to levy and collect the Customs and Imposts due to and legally exigible by them on Goods, Articles, Animals, and Things entering, leaving, or passing through the said Burgh by the Railway, and to account to the said Magistrates and Town Council for the same, or to make such other Compensation therefor as shall be mutually agreed upon between the said Parties; and it shall be lawful for the Company to enter into such Agreements, Leases, and other Contracts with the said Magistrates and Town Council as may be necessary or expedient for the said Purposes, and such Agreements, Leases, and Contracts may contain such Covenants and Conditions as may be mutually agreed upon between the Parties.

Company
with Con-
sent of Ma-
gistrates
may levy
Customs,
&c.

XXV. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act, or incidental thereto, shall be paid by the said Company, *pari passu* with the Costs, Charges, and Expences of any other Act to be passed in the present Session of Parliament to which they may be liable, out of the first Monies which shall come to their Hands, and in preference to any other Payment whatsoever.

Expences
of Act.

XXVI. And

Railway
Company
to be subject
to Pro-
visions of
1 & 2 Vict.
c. 98.,
3 & 4 Vict.
c. 97.,
5 & 6 Vict.
c. 55.,
7 & 8 Vict.
c. 85., and
9 & 10 Vict.
cc. 57. & 105.

XXVI. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament*; and for other Purposes in relation to Railways; and Two other Acts were passed in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled respectively *An Act for regulating the Gauge of Railways*, and *An Act for constituting Commissioners of Railways*; be it enacted, That nothing in this Act contained shall be held to exempt the said Railways or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Company so far as the same shall be applicable thereto.

Railways to
be subject
to Provisions
of any
future gene-
ral Railway
Acts.

XXVII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this Act authorized to be made from the Provisions of any general Acts relating to this Act, or of any general Act relating to Railways, which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this and the said recited Acts.

Saving
Rights of
Scottish
Central
Railway.

XXVIII. And be it enacted, That nothing herein contained shall alter, prejudice, or diminish any of the Rights, Powers, Privileges, or Authorities vested in the *Scottish Central Railway Company*.

Saving
Rights of the
Crown.

XXIX. And be it enacted, That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners, or any Two of them, are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Public Act.

XXX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.