



ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

Cap. cxxvii.

An Act to authorize certain Deviations in the Main Line of the *Stirling and Dunfermline* Railway, and for other Purposes.

[14th *August* 1848.]

WHEREAS an Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled "The *Stirling and Dunfermline* Railway Act, 1846:" And 9 & 10 Vict. c. 202. whereas it is expedient that certain Alterations should be made in the Line of Railway authorized by the said Act, and that some of the Provisions of the said recited Act should be extended and enlarged; but these Objects 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, That the said recited Act and the several Acts therewith incorporated shall, so far as not inconsistent with or otherwise provided by this Act, be incorporated with and form Part of this Act. Provisions of recited Act, &c. applied to this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression “The *Stirling and Dunfermline* Railway (Amendment and Deviations) Act, 1848.”

Power to
make new
Works.

III. And whereas Plans and Sections of the Deviation Lines or new Portions of Railway showing the Lines and Levels thereof, and Books of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and Occupiers of the Lands through or upon which the same and the Works to be connected therewith are to pass or be situate, have been deposited with the Sheriff Clerk of the County of *Clackmannan*, at his Office in *Alloa*, and with the Sheriff Clerk of the County of *Fife*, at his Offices in *Dunfermline* and *Cupar* respectively : Be it enacted, That, subject to the Provisions contained in the said recited Act and the Acts therewith incorporated, it shall be lawful for the Company to make and maintain the said Deviation Lines or new Portions of Railway, and all necessary and proper Depôts, Stations, and other Works and Conveniences connected therewith, in the Line and upon the Lands delineated on the said Plans and described in the said Books 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 shall be necessary for such Purposes ; and which said Deviation Lines or new Portions of Railway shall be in lieu and substitution of those Portions of the Main Line of the Railway to be relinquished as herein-after provided, and shall be subject to all the Provisions of the said recited Act as if the same had originally formed a Portion of the said Main Line.

Line of
Railway.

IV. And be it enacted, That it shall be lawful for the Company to make and maintain the following Deviation Lines or new Portions of Railway, *videlicet*,

First : A Deviation Line or new Portion of Railway commencing at a Point on the Main Line of the Railway authorized by the said recited Act at or near to the *Clackmannan* Brick and Tile Works, and terminating at a Point on the said Main Line of Railway in or near to a Plantation at or near to *Brucefield*, all in the Parish of *Clackmannan* and County of *Clackmannan* :

Second : Another Deviation Line or new Portion of Railway commencing at a Point on the said Main Line at or near the *Rumblingswell* Toll Bar in the Parish of *Dunfermline* and in the *quoad sacra* Division of *Golfdrum* or *North Church* of the said Parish, and terminating at a Point at or near *North Inglis Street* in the Royal Burgh and Parish of *Dunfermline* and in the *quoad sacra* Division of *Saint Andrews* of said Parish at or near the authorized Line of the *Dunfermline* Extension of the *Edinburgh and Northern* Railway, all in the said Royal Burgh and Parish of *Dunfermline* and County of *Fife*.

V. And

V. And be it enacted, That nothing in this Act contained shall in any way alter, prejudice, or affect a certain Agreement entered into and executed by and between the Company and the *Edinburgh and Northern Railway Company*, bearing Date the Tenth Day of *February* One thousand eight hundred and forty-seven, relating to the Junction of the said Railways and to the Construction and Use of a Joint Station at *Dunfermline*, and it shall not be lawful for the Company under this Act to acquire, take, occupy, or use any Lands which the said *Edinburgh and Northern Railway Company* may have acquired, or may have been authorized to acquire, without the Consent in Writing of the said *Edinburgh and Northern Railway Company* first had and obtained, excepting such Lands as may be necessary for carrying out such of the Purposes of the said Agreement as the Company are by such Agreement authorized or enabled to carry into effect.

Rights under a certain Agreement reserved.

VI. And be it enacted, That, as the Deviation Line or new Portion of Railway commencing at or near *Rumbling Well Toll Bar*, and terminating at or near to *North Inglis Street* in the Royal Burgh of *Dunfermline*, authorized by this Act, is proposed to join the Extension of the *Thornton and Dunfermline Branch* of the *Edinburgh and Northern Railway* at or near to the said Royal Burgh of *Dunfermline*, such Junction shall, in the event of Difference of Opinion between the Two Companies, be made and completed according to a Plan to be approved of by *William Cubitt* or *Robert Stephenson*, Civil Engineers.

Regulating Mode of Junction with Edinburgh and Northern Railway.

VII. And be it enacted, That it shall be lawful for the Company, and they are hereby required, to relinquish such Portions of the Main Line of Railway authorized by the said recited Act as may be superseded and rendered unnecessary by the Construction of the Deviation Lines or new Portions of Railway above described.

Part of Works authorized by recited Act may be abandoned.

VIII. And be it enacted, That the Powers for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period within which Lands are to be purchased.

IX. And be it enacted, That, in constructing the new or altered Lines of Railway by this Act authorized, it shall be lawful to make the Arches of the Bridges at the Railway and Road, numbered respectively as herein-after mentioned on the Plans deposited as aforesaid, of the Dimensions following; *videlicet*,

Regulating Dimensions of certain Bridges.

At the private Railway Number 8, of the Parish of *Clackmannan*, not less than Eight Feet in Width:

At the Road Number 28, of the Parish of *Clackmannan*, not less than Thirty Feet in Width.

X. And

Certain Roads may be crossed on the Level.

X. And be it enacted, That it shall be lawful to carry the new or altered Lines of Railway by this Act authorized across the Surface of the following Roads numbered on the Plans deposited as aforesaid as after mentioned; (that is to say,

In the Parish of *Clackmannan*, the Road numbered 35;

In the Parish of *Dunfermline*, the Road numbered 42.

Company to erect Stations or Lodges at level Crossings, and abide by Rules, &c. of Commissioners of Railways.

XI. And be it enacted, That the said Company shall, for the greater Convenience and Security of the Public, erect and permanently maintain either a Station or a Lodge at the Points where the said Railway shall cross on the Level the before-mentioned Roads, 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 to maintain any such Station or Lodge, or 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.

Inclinations of a certain Road.

XII. And be it enacted, That it shall be lawful to make the Inclination of the Road numbered 65 in the Parish of *Dunfermline* on the Plans deposited as aforesaid at or near the Crossing of the said Railway not steeper than One Foot in Fifteen Feet.

Power to stop up a certain Road or Street.

XIII. And be it enacted, That, for the Purposes of the Works by this Act authorized, it shall be lawful to stop up and appropriate the Site of the Road or Street numbered 70 in the Parish of *Dunfermline*, in the Manner shown on the Plans deposited as aforesaid.

Period for Completion of Works.

XIV. And be it enacted, That the said new or altered Lines of Railway shall be completed within Five Years from the passing of this Act; and on the Expiration of such Period the Powers by this or the recited Act granted to the Company for executing the said new or altered Lines of Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said new or altered Lines of Railway as shall then be completed.

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

XV. And be it enacted, That it shall not be lawful for the Company, out of any Money by any Act or Acts 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

in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

XVI. And be it enacted, That, subject to the Conditions, Limitations, and Provisions contained in the said recited Act and the Acts therewith incorporated, it shall be lawful for the Company to demand and recover for the Use of the new or altered Lines of Railway hereby authorized to be made the Tolls, Rates, Duties, and Charges which are by the said recited Act authorized to be demanded and recovered for the Use of the Railway thereby authorized to be made. Tolls.

XVII. And be it enacted, That nothing in this Act contained shall alter, prejudice, or affect, or in any way diminish the Rights and Privileges of the *Edinburgh and Glasgow* Railway Company, under a certain Agreement for a Lease dated the Twenty-seventh Day of *June* One thousand eight hundred and forty-five, and subsequent Dates, or the said recited Act. Saving Rights of Edinburgh and Glasgow Railway Company.

XVIII. 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 new or altered Lines of Railway by this Act authorized, or the Company, from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said new or altered Lines of Railway and Company so far as the same shall be applicable thereto. Railway Company to be subject to the Provisions 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.

XIX. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Act authorized to be made from the Provisions of any general Act relating to this and the said recited Act, or of any general Act relating to Railways, now in force or which may hereafter pass during the present or any future Session of Parliament, or from any future Railway not exempt from Provisions of general Acts.

Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Expenses of Act.

XX. And be it enacted, That all the Costs, Charges, and Expenses of obtaining and passing this Act, and of making the Survey, Plans, and Estimates, and all other Costs, Charges, and Expenses in any way incident thereto, shall be paid and defrayed by the Company out of the Money already raised and received, or out of the first Money to be raised or received, in preference to any other Payment whatsoever.

Public Act.

XXI. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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