



ANNO VICESIMO & VICESIMO PRIMO

# VICTORIÆ REGINÆ.

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## *Cap. cxxix.*

An Act to enable the *Fife and Kinross* Railway Company to divert Part of their Main Line, and to make an Extension from *Milnathort* to *Kinross*. [10th August 1857.]

**W**HEREAS the *Fife and Kinross* Railway Company were incorporated by "The *Fife and Kinross* Railway Act, 1855:" And whereas it would be attended with public and local Advantage if the Company were empowered to divert a Part of the Main Line of the *Fife and Kinross* Railway authorized by the said Act, near to *Milnathort* in the County of *Kinross*, and to make and maintain an Extension of their Railway from the Terminus of the said diverted Railway at *Milnathort* to the Town of *Kinross*; but these Purposes 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:

18 & 19 Vict.  
c. cxxvii.

I. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall be and are hereby incorporated with this Act. 8 & 9 Vict. cc. 19. & 33. incorporated.

[*Local.*]

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II. Subject

*The Fife and Kinross Railway Diversion and Extension Act, 1857.*

Certain  
Clauses of  
8 & 9 Vict.  
c. 17. incor-  
porated.

II. Subject to the Provisions of this Act, the Clauses and Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Distribution of the Capital of the Company into Shares, and with respect to the Transfer or Transmission of Shares, and with respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls, and with respect to the Forfeiture of Shares for Nonpayment of Calls, and with respect to the borrowing of Money by the Company on Mortgage or Bond, and with respect to the Conversion of the borrowed Money into Capital, and with respect to the Consolidation of the Shares into Stock, and with respect to the General Meetings of the Company and the Exercise of the Right of voting by the Shareholders, shall be incorporated with this Act.

Short Title.

III. This Act may be cited for all Purposes as "The *Fife and Kinross* Railway Diversion and Extension Act, 1857."

"The Com-  
pany."

IV. The Expression "the Company" in this Act shall mean the *Fife and Kinross* Railway Company.

Power to  
raise addi-  
tional Ca-  
pital by new  
Shares.

V. For defraying the Expense of the Extension Railway to be constructed under the Authority of this Act, the Company may from Time to Time, in addition to the Capital authorized to be raised by the recited Act, raise any Sum not exceeding Twelve thousand Pounds by the Creation and Issue of new Shares in their Undertaking.

Provision  
as to new  
Shares.

VI. It shall be lawful for the Company, with the Consent of Three Fifths of the Shareholders present, personally or by Proxy, at a Special General Meeting convened for that Purpose, to confer on such new Shares a preferential Dividend out of the Profits of the Company at such Rate, not exceeding Five Pounds *per Centum per Annum*, and payable at such Time, as shall be fixed by such Meeting.

Additional  
Capital to be  
Part of gene-  
ral Capital.

VII. The Capital to be raised by such new Shares shall be Part of the general Capital of the Company, and, except as otherwise provided by the Special General Meeting of the Company which shall resolve to create and issue the same, such new Shares shall confer and impose on the Holders thereof all the Rights and Privileges, Liabilities, and Obligations which the existing Shares in the Company confer and impose on the Holders thereof.

Distribution  
of new  
Shares.

VIII. Such new Shares shall be apportioned among and allotted to the Persons who shall have subscribed for the same in such Manner as the said Special General Meeting of the Company shall resolve and direct; and so many of such new Shares as shall not be taken up may be offered to the Shareholders in the Company, or disposed of to such other Persons as may be willing to accept the same, in such Manner and

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and on such Terms and Conditions as shall be determined by the said Special General Meeting.

IX. One Pound Ten Shillings *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Two Months at the least shall be the Interval between successive Calls; and the aggregate Amount of Calls to be made on any Share in any One Year shall not exceed Seven Pounds Ten Shillings in the whole.

Amount and Intervals of Calls.

X. After the said Sum of Twelve thousand Pounds shall have been subscribed or taken up, and One Half thereof shall have been paid up, the Company may from Time to Time borrow on Mortgage of their Undertaking, or Bond, any Sum not exceeding Four thousand Pounds in addition to the Sum authorized to be borrowed by the recited Act.

Power to borrow on Mortgage or Bond.

XI. If, in pursuance of the Provisions of "The Companies Consolidation (*Scotland*) Act, 1845," the Company, instead of borrowing or continuing on Loan the Sums authorized to be borrowed by the recited Act or this Act, shall resolve in lieu thereof to raise the same or Part thereof by creating new Shares, it shall be lawful for the Company to confer on such Shares a preferential Dividend out of the Profits of the Company, at such Rate, not exceeding Five Pounds *per Centum per Annum*, and payable at such Time, as shall be fixed by any Special General Meeting of the Company.

Company may issue Preference Shares in lieu of borrowing.

XII. No Guarantee or Preference to be conferred on any Shares under the Provisions of this Act shall prejudice or affect any Preference or Priority in the Payment of any Interest or Dividend on any other Shares which shall have been granted by the Company in pursuance of, or which may have been confirmed by, any previous Act of Parliament, or which may otherwise be lawfully subsisting.

Former Grants of Preference not to be affected.

XIII. The whole Sums by this Act authorized to be raised by the Creation of Shares or by borrowing shall be applied for the Purposes of this Act, and for no other Purpose whatsoever.

Application of Money to be raised.

XIV. The Expense of the diverted Line of Railway to be constructed under the Authority of this Act shall be defrayed from and out of the Moneys authorized to be raised by the recited Act.

Providing for Expense of Diversion Railway.

XV. And whereas Plans and Sections of the Diversion of the Main Line of Railway authorized by the recited Act, and of the Extension Railway herein-after described, showing the Lines, Situations, and Levels thereof, and Books of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and

Power to make Railways according to deposited Plans.

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and Occupiers of the Lands in or through which the same are to pass or be made, have been deposited with the Principal Sheriff Clerk of the County of *Kinross* at *Kinross*: It shall be lawful for the Company, subject to the Provisions contained in this Act and the Acts incorporated herewith, to make and maintain the said Diversion and Extension Railways, and all necessary Works and Conveniences in connexion therewith, in the Lines 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 Diversion Railway shall be in lieu and substitution of the Part of the said Main Line of Railway to be relinquished as hereinafter provided.

Lines of  
Railways.

XVI. The Railways to be made and maintained by the Company under the Authority of this Act shall be the following; that is to say,

First. A Diversion Line of Railway, commencing at a Point on the Main Line of Railway authorized by the recited Act in a Field in the Parish of *Orwell* and County of *Kinross*, near to the Reference Figure 53, at Twelve Miles Two Furlongs, on the Plans of the said Railway applicable to the said Parish referred to in the recited Act, and deposited with the Principal Sheriff Clerk of the County of *Kinross* at *Kinross*, and terminating at a Point on the *Gallow Hill Road*, at or near to the South-east Corner of the Field or Enclosure called the *Heritors Park*, on the Farm of *Gallow Hill* in the Parish of *Kinross* and County of *Kinross*:

Second. A new Railway or Extension of the *Fife and Kinross* Railway, commencing by a Junction with the said Diversion Line, and terminating at the South End of the Town of *Kinross* at a Point marked One Mile Five Furlongs Five Chains on the said deposited Plans in the Parish of *Kinross* and County of *Kinross*.

As to Junction with  
*Kinross-shire* Railway.

XVII. And whereas it is expedient, and will be for the mutual Advantage of the *Kinross-shire* Railway Company and the *Fife and Kinross* Railway Company, that a Junction should be formed between the Extension Railway to be constructed under the Authority of this Act and the Line of the *Kinross-shire* Railway Company to be constructed under the Authority of an Act passed in the present Session of Parliament, and that a joint Station should be constructed at or near *Kinross*: Be it enacted, That the said Companies shall and they are hereby required to promote a Bill in the next Session of Parliament, at their mutual Expense, for the Formation of a Junction between the said Railways and the Construction of a joint Station at or near *Kinross*, and such Junction and Station shall be made and completed,

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completed, and the Levels of the *Fife and Kinross Extension* Railway and of the *Kinross-shire* Railway shall be adapted to such Junction, at the Sight and to the Satisfaction of the Engineers for the Time being of the *Fife and Kinross* and *Kinross-shire* Railway Companies, and in case of their differing in Opinion, at the Sight and to the Satisfaction of an Engineer to be named by the Board of Trade on the Application of either of the said Companies, and according to the Plans to be approved of by such Engineers or Engineer previously to the Commencement of the Works connected with such Junction and Station: Provided, that in the event of either of the said Companies refusing to concur in the said Application to Parliament, it shall be lawful for the other Company, after Requisition in Writing, to proceed with such Application in their own Name.

XVIII. The said Station and all Works connected therewith shall be under the joint Management of the Directors of the said Companies, or of a joint Committee consisting of equal Numbers of the said Directors to be nominated by the respective Boards, and the whole Expense of maintaining, managing, and working the said Station shall be equally divided between the said Companies; and in the event of any Difference of Opinion arising as to the Maintenance or Management of the said Station, or any other Question relating to the Use and Working of the said Station, or the Expense thereof, the same shall be referred to and settled by an Arbitrator to be named by the Board of Trade on the Application of either of the said Companies.

Management  
and Work-  
ing of joint  
Station.

XIX. The Company shall relinquish and abandon such Part of the Main Line of Railway authorized by the recited Act as may be superseded and rendered unnecessary by the Construction of the Diversion Line of Railway above described.

Power to  
abandon  
Part of Fife  
and Kinross  
Railway.

XX. In any Case where, before the passing of this Act, any Contract has been entered into or Notice given by the Company for purchasing any Lands which the Company were by the recited Act empowered to purchase for the Purpose of constructing the Part of the said Railway authorized to be abandoned as aforesaid, the Company shall make to the Owners, Lessees, or Occupiers of and other Persons interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Lessees, or Occupiers and other Persons by reason of such Purchase not being completed pursuant to such Contract or Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions of the said Act; and the Authority

Compensa-  
tion to be  
made where  
Contracts  
have been  
entered into  
or Notices  
given.

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hereby given for abandoning the Construction of the aforesaid Part of the said Railway shall not prejudice or affect the Rights of the Owner, Lessee, or Occupier of any Lands which the Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been occasioned by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing or boring to ascertain the Nature of the Soil, or of setting out the Line of the said Railway, pursuant to the Provisions for that Purpose contained in the said Lands Clauses Consolidation Act.

New Railways to be Part of Fife and Kinross Railway.

XXI. The Diversion and Extension Railways to be constructed under the Authority of this Act shall be and be considered as Part of the *Fife and Kinross* Railway authorized to be made and maintained under the Authority of the recited Act for all Purposes whatsoever.

Lands for extraordinary Purposes.

XXII. The Quantity of Land to be taken by the Company for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall not exceed Two Acres.

Powers for compulsory Purchases limited.

XXIII. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for Completion of Works.

XXIV. The Railways by this Act authorized to be constructed shall be completed within Three Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act and the Acts incorporated herewith granted to the Company for constructing the said Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Railways as shall then be completed.

Payment of Dividends suspended until Railways be opened.

XXV. After the Expiration of the said Period of Three Years from the passing of this Act the Payment of any Dividend on the ordinary and unguaranteed Capital of the Company shall be suspended until the Railways by this Act authorized to be constructed shall have been completed and opened for public Traffic.

Tolls on new Railways.

XXVI. The Railways by this Act authorized to be constructed shall be Part of the Railway authorized by the recited Act, and it shall be lawful for the Company to demand and recover for the Use of the Diversion and Extension Railways to be constructed under the Authority of this Act any Tolls and Charges, not exceeding the Tolls and Charges which are by the recited Act authorized to be demanded and recovered for the Use of the *Fife and Kinross* Railway thereby authorized to be constructed; and the several Provisions and Regulations

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Regulations contained in the recited Act with respect to the fixing and levying of Tolls and Charges shall be applicable to the said Railways to be constructed under the Authority of this Act and to the Railway authorized by the recited Act as if they constituted One Undertaking.

XXVII. The Company and the *Edinburgh, Perth, and Dundee* Railway Company may from Time to Time enter into Agreements for working the Diversion and Extension Railways to be constructed under the Authority of this Act, and for and with respect to the several Purposes specified in Sections XXXVIII. to XLII., both inclusive, of the recited Act, which are hereby extended and made applicable to the said Diversion and Extension Railways in the same Manner as if the said Enactments were herein repeated and re-enacted.

Agreements with Edinburgh, Perth, and Dundee Railway Company for working Railways.

XXVIII. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay any Interest or Dividend to any Shareholder on the Amount of the Calls made in respect to the Shares held by him in the Capital by this Act authorized to be raised: Provided, that nothing herein contained shall be deemed to prevent the 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.

Interest not to be paid on Calls paid up.

XXIX. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the 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 in force for the Time being, 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.

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

XXX. Nothing in this Act contained shall be deemed or construed to exempt the Railways by this or the recited Act authorized to be made from the Provisions of any General Act relating to such Acts, or of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Rates for small Parcels, authorized by this or the recited Act.

Railways not exempt from Provisions of present and future General Acts.

XXXI. The

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Subscription  
Contract to  
be valid.

XXXI. The Subscription Contract which, pursuant to the Standing Orders of Parliament, was entered into with respect to the Undertaking authorized by this Act previously to the Commencement of the last Session of Parliament, shall be as valid and shall be construed as if this Act had been passed in the said last Session.

Expenses of  
Act.

XXXII. The Costs, Charges, and Expenses of applying for and obtaining this Act, and incidental thereto, shall be paid by the Company.

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