



ANNO VICESIMO & VICESIMO PRIMO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

## *Cap xci.*

An Act to enable the *West of Fife Mineral* Railway Company to construct a Branch Railway to *Roscobie*; and for certain other Purposes.

[27th July 1857.]

**W**HEREAS an Act was passed in the Nineteenth and Twentieth Year of the Reign of Her present Majesty, intituled "The *West of Fife Mineral* Railway Act, 1856:" And whereas it would be attended with public and local Advantage if the *West of Fife Mineral* Railway Company were authorized to make a Branch or Extension Railway from a Point on the Main Line of the *West of Fife Mineral* Railway near to *Lochend* Toll Bar, to a Point near the Farm Steading of *Bowleys* in the Parish of *Dunfermline* and County of *Fife*: And whereas it would also be attended with local Advantage if the Company were empowered to enter into Agreements with Owners and Lessees of Minerals, as herein-after mentioned; but these Objects cannot be effected without the Aid and 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

19 & 20 Vict.  
c. xcvi.

[*Local.*]

15 C

and



The West of Fife Mineral Railway (Roscobie Branch) Act, 1857.

and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Interpreta-  
tion of  
Terms.

I. That in this Act the Expression "the Company" shall mean "The *West of Fife Mineral Railway Company*."

8 & 9 Vict.  
cc. 19. & 33.  
incorporated.

II. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall be and are hereby incorporated with this Act.

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

III. Subject to the Provisions of this Act, the Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," 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, and shall be applicable to the Moneys hereby authorized to be raised and borrowed.

Short Title.

IV. In citing this Act for any Purpose, it shall be sufficient to use the Expression "The *West of Fife Mineral Railway (Roscobie Branch)* Act, 1857."

Power to  
raise addi-  
tional Ca-  
pital.

V. It shall be lawful for the Company to raise for the Purposes of this Act the Sum of Seven thousand Pounds by the Creation of new Shares, in addition to any Sums they are already authorized to raise, and the Capital so to be raised shall be considered Part of the general Capital of the Company.

Number and  
Amount of  
Shares.

VI. The Number of Shares into which the new Capital to be created under the Powers of this Act shall be divided shall be Seven hundred, and the Amount of each Share shall be Ten Pounds.

As to Votes  
of the Pro-  
prietors of  
the new  
Shares.

VII. The Proprietors of the 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 to if the same Amount of Capital had been original Shares of the Company.

Calls.

VIII. Two Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Holders of Shares  
created



The West of Fife Mineral Railway (Roscobie Branch) Act, 1857.

created by this Act, 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 Eight Pounds in the whole.

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

X. It shall not be lawful for the Company, out of any Money by this Act or the recited Act authorized to be raised, 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 Company to construct any other Railway or execute any other Work or Undertaking.

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

XI. It shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Two thousand three hundred Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital of Seven thousand Pounds shall have been subscribed for and One Half thereof shall have been actually paid up.

Power to borrow on Mortgage.

XII. All and every Part of the Moneys so to be raised by Shares or borrowed on Mortgage or Bond, shall be applied only in carrying into execution the Objects and Purposes of this Act.

Application of Moneys.

XIII. Provided always, That all Mortgages or Bonds granted by the 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 or granted in virtue of this Act.

Former Mortgages to have Priority.

XIV. It shall be lawful for the Holders of the Mortgages of the Company issued under the Powers of this and the said recited Act, to enforce Payment of the Arrears of Principal and Interest due on any Mortgages by the Appointment of a Judicial Factor; and in order

Arrears may be enforced by Appointment of a Judicial Factor.

to



*The West of Fife Mineral Railway (Roscobie Branch) Act, 1857.*

to authorize the Appointment of such Judicial Factor, in the event of the Principal Moneys due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Judicial Factor shall be made shall not be less than Two thousand Pounds in the whole.

Power to  
make Rail-  
way accord-  
ing to depo-  
sited Plans,  
&c.

XV. Whereas Plans and Sections of the said Branch Railway showing the Lines and Levels thereof, together with a Book of Reference to the said Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited in the Offices of the Principal Sheriff Clerk of the County of *Fife* at *Cupar* and *Dunfermline* respectively: It shall be lawful for the Company, with Powers of Deviation and other Powers, and subject to the Provisions contained in this Act and in the Acts incorporated herewith, to make and maintain the said Branch Railway in the Lines 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 all proper Works and Conveniences in connexion therewith, and to enter upon, take, and use such of the said Lands as they may find necessary for the Purposes aforesaid.

Line of  
Railway.

XVI. The Line of Railway to be made under the Authority of this Act shall be,

A Branch or Extension Railway commencing at a Point on the Main Line of the *West of Fife Mineral Railway*, at or near to *Lochend Toll Bar*, in the Parish of *Dunfermline*, and terminating at or near to the Farm Steading of *Bowleys*, in the Parish aforesaid, all in the County of *Fife*.

As to Con-  
struction of  
Line through  
the Estates  
of *Lathalmond*  
and  
*Gask*.

XVII. It shall be lawful, with Consent in Writing of the Owner of the Estates of *Lathalmond* and *Gask* for the Time, and of the Lessees and Occupiers upon the Line of Deviation aftermentioned, to divert the Line of the said Branch Railway between the Point of Divergence from the Main Line of the *West of Fife Mineral Railway* and the Point marked Seven Furlongs on the deposited Plans of the said Branch Railway, so that the said Branch Railway may pass through the said Estates of *Lathalmond* and *Gask* and join the said Main Line at a Point in the Field or Enclosure numbered One hundred and sixty-seven of the Parish of *Dunfermline* on the Plans of the *West of Fife Mineral Railway* deposited with the Sheriff Clerk of the County of *Fife*.

Lands for  
extraor-

XVIII. The Quantity of Land to be purchased by Agreement by the Company in connexion with the said Branch Railway for the  
extra-

The West of Fife Mineral Railway (Roscobie Branch) Act 1857.

extraordinary Purposes specified in the "Railways Clauses Consolidation (*Scotland*) Act, 1845," shall not exceed Three Acres. dinary Purposes.

XIX. 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. Powers for compulsory Purchases limited.

XX. The said Branch Railway shall be completed within Four Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act and Acts incorporated herewith granted to the Company for executing the said Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed. Period for Completion of Works.

XXI. It shall be lawful for the Company to demand and receive for and in respect of the Branch Railway by this Act authorized, the same Tolls and Charges as they are by the said recited Act authorized to demand and receive for and in respect of the Railway and Branch Railway by such Act authorized to be constructed. Same Tolls to be taken as in recited Act.

XXII. Provided always, That the maximum Tolls and Charges to be made by the Company in respect of the said Branch Railway by this Act authorized shall in no Case exceed the maximum Tolls and Charges respectively charged by the said recited Act. Maximum Tolls and Charges.

XXIII. The Branch Railway to be constructed under the Authority of this Act shall be and be considered as Part of the *West of Fife Mineral* Railway authorized to be made and maintained by the said recited Act, with regard to Tolls, Rates, and Duties, and for all Purposes whatsoever. Railway and Branch to be One Railway.

XXIV. It shall be lawful for the Company to make, enter into, and complete with Owners and Lessees of Minerals in Lands adjacent or near to the Line of the *West of Fife Mineral* Railway, or of the Branch Railway by this Act authorized, such Contracts, Agreements, or Arrangements as may be mutually deemed expedient with respect to the Junction with the said Railway or Branch of all such Sidings and connecting Railways or Tramways as may be found necessary for the Conveyance of Minerals from the Pits to the said *West of Fife Mineral* Railway and Branch, and for the Use and working by the Company of the Traffic upon such Sidings, connecting Railways, and Tramways, for and in respect of such Tolls, Rates, and Charges as may be fixed and agreed upon, and for the Conduct and Regulation of all such Traffic: Provided always, that all such Tolls shall be at all Times charged equally to all Persons, and after the same Rate, Providing for Agreements with Owners and Lessees of Minerals.

[Local]

15 D

whether



The West of Fife Mineral Railway (Roscobie Branch) Act, 1857.

whether *per Ton per Mile* or otherwise, in respect of all Minerals and Goods of the same Description, and conveyed or propelled by a like Carriage or Engine passing only over the same Portion of such Sidings and connecting Railways, and no Reduction or Advance in any such Tolls shall be made either directly or indirectly in favour of any particular Company or Person using such Sidings and connecting Railways; and provided further, that every such Contract, Agreement, and Arrangement which shall be made and entered into under the Provisions of this Act shall be subject to the Approbation of the Board of Trade.

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

XXV. Nothing herein contained shall be deemed or construed to exempt the Railway and Branches by the said recited Act and by this Act authorized to be made from the Provisions 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 and Charges for small Parcels, authorized by this Act or the said recited Act.

Sum deposited pursuant to Standing Orders not to be repaid except on certain Events.

XXVI. And whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Six hundred and seventy-five Pounds, being One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Branch Railways originally sought to be authorized by this Act, has been deposited in Bank in the Name and with the Privity of the Queen's Remembrancer of the Court of Exchequer in *Scotland*, in respect of the Application to Parliament for this Act: Notwithstanding anything contained in the said Act of the Ninth Year of Her present Majesty, the said Sum of Six hundred and seventy-five Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, 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, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Branch Railway hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the



*The West of Fife Mineral Railway (Roscobie Branch) Act, 1857.*

the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall, immediately from and after the Expiration of the said Period, be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain and Ireland*: Provided, that at any Time after the passing of this Act, if a Bond in twice the Amount of the said Sum of Six hundred and seventy-five Pounds shall have been executed by the Company, with One or more Sureties (such Bond to be prepared to the Satisfaction of, and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury) conditioned for Payment to Her Majesty, Her Heirs or Successors, of the said Sum of Six hundred and seventy-five Pounds if the Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital, and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said Act of the Ninth Year of Her present Majesty to the contrary notwithstanding; and the Moneys to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money and the Interest or Dividends thereof would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

---

*The West of Fife Mineral Railway (Roscobie Branch) Act, 1857.*

---

Subscription  
Contract to  
be valid.

XXVII. 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.

XXVIII. All the Costs, Charges, and Expenses of applying for and obtaining this Act, and in any way incidental thereto, shall be paid by the Company.

---

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1857.