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# VICTORIÆ REGINÆ.

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## Cap. clxvii.

An Act for authorizing the *Leven and East of Fife* Railway Company to make and maintain certain Branches in the Parishes of *Markinch* and *Wemyss* in the County of *Fife*; and for other Purposes. [16th July 1866.]

**W**HEREAS by "The *Leven* Railway Act, 1852," the *Leven* Railway Company were incorporated for the Purpose of making a Railway from the *Edinburgh, Perth, and Dundee* Railway at *Thornton Junction* to the Town of *Leven*, with certain Branch Railways, and were authorized to raise by Shares a Capital of Twenty-three thousand Pounds, and by borrowing Five thousand Pounds: And whereas by "The *East of Fife* Railway Act, 1855," and "The *East of Fife* Railway (Deviation) Act, 1856," the *East of Fife* Railway Company were authorized to make a Railway from the *Leven* Railway at the Town of *Leven* to *Bromlees Tilework* in the Parish of *Kilconquhar*, to be called "The *East of Fife* Railway," and were authorized to raise by Shares a Capital of Thirty-two thousand Pounds, and by borrowing Ten thousand six hundred Pounds: And whereas by "The *Leven and East of Fife* Railway (Extension) Act, 1861," the said Two Companies were authorized jointly to

[Local.] 25 Y extend

15 & 16 Vict. c. xcv.

18 & 19 Vict. c. clxv.  
19 & 20 Vict. c. xxiv.

24 & 25 Vict. c. clix.



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c. clviii.

extend the *East of Fife* Railway to *Anstruther*, and the said Two Companies were authorized to raise by Shares Forty thousand Pounds, and by borrowing Thirteen thousand two hundred Pounds: And whereas by "The *Leven and East of Fife* Railway Act, 1861," the said Two Companies were amalgamated under the Name of the *Leven and East of Fife* Railway Company (herein called "the Company"), and were authorized to raise additional Capital by Shares to the Extent of Seventeen thousand Pounds: And whereas the aggregate authorized, raised, and expended Share Capital of the Company at present amounts to One hundred and twelve thousand Pounds, and the aggregate authorized, raised, and expended Loan Capital of the Company amounts to Twenty-eight thousand eight hundred Pounds: And whereas the whole of the said Railways authorized as aforesaid have been completed and opened to the Public: And whereas the Cost of constructing the Extension to *Anstruther* has exceeded the Capital authorized therefor by Six thousand Pounds: And whereas it is expedient that the Company be authorized to make and maintain the Branch Railways herein-after described: And whereas it is expedient for the Discharge of existing Liabilities, additional Rolling Stock, the Improvement of Station Accommodation, the Construction of the Railways after described, and the general Purposes of the Company, that the Company should have increased Borrowing Powers in respect of their already authorized, paid up, and expended Share Capital, and should be authorized to raise additional Capital by Shares and by borrowing: And whereas Plans and Sections of the intended Branch Railways showing the Lines and Levels thereof, and Books of Reference to the said Plans containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands in or through which the said Branch Railways and Works connected therewith will pass or be situate, have been deposited with the Principal Sheriff Clerk for the County of *Fife*: And whereas the Purposes aforesaid and other 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 the present Parliament assembled; and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The *Leven and East of Fife* Railway Act, 1866."

8 & 9 Vict.  
cc. 17., 19.,  
& 33.,  
23 & 24 Vict.  
c. 106., and  
26 & 27 Vict.  
cc. 92. & 118.  
incorporated.

2. The Clauses and Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the following Matters, (that is to say,)

The Distribution of the Capital of the Company into Shares;  
The Transfer or Transmission of Shares;

The

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The Payment of Subscriptions and the Means of enforcing the Payment of Calls;

The Forfeiture of Shares for Nonpayment of Calls;

The Remedies of Creditors of the Company against the Shareholders;

The borrowing of Money by the Company on Mortgage;

The Conversion of the borrowed Money into Capital;

The Consolidation of the Shares into Stock;

The making of Dividends;

The giving of Notices; and

Access to the Special Act;

“The Lands Clauses Consolidation (*Scotland*) Act, 1845,” “The Railways Clauses Consolidation (*Scotland*) Act, 1845,” “The Lands Clauses Consolidation Acts Amendment Act, 1860,” Parts I., II., and III. of “The Companies Clauses Act, 1863,” Part I. of “The Railways Clauses Act, 1863,” are (except where expressly varied by this Act) incorporated with and form Part of this Act.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction; the Expression “the Company” shall mean the *Leven and East of Fife Railway Company*; the Expression “the Railway” or “the Railways” shall mean the Branch Railways by this Act authorized, or any Part thereof; the Expression “the Undertaking” shall mean the Undertaking authorized by the Acts of the Company herein-before recited; the Expressions “the Plans,” “the Sections,” “the Books of Reference,” shall mean the Plans, Sections, and Books of Reference deposited with reference to this Act as herein-before mentioned.

Interpreta-  
tion of  
Terms.

4. Subject to the Provisions of this Act, the Company may make and maintain in the Line and according to the Levels shown on the Plans and Sections the Railways herein-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith, and may enter upon, take, and use such of the Lands delineated on the Plans and described in the Books of Reference as may be required for that Purpose. The Railways herein-before referred to and authorized by this Act are,—

Power to  
make Rail-  
way accord-  
to deposited  
Plans.

- (1.) A Branch Railway (herein-after called “Railway No. 1.”), One Mile and Four Furlongs in Length, commencing in the Parish of *Markinch* and County of *Fife* by a Junction with the *Leven and East of Fife Railway* at the Western End of *Cameron Bridge Station*, and terminating in the Parish of *Wemyss* and County aforesaid in a Field occupied by *Joseph Thomson*



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*Thomson*, on the North Side of the *Sawmill Ford* Turnpike Road, and One hundred and thirty Yards or thereabouts Eastward of *Percival* Toll Bar:

- (2.) A Branch Railway (herein-after called "Railway No. 2."), One Mile Four Furlongs and One hundred and ten Yards in Length, situate wholly in the Parish of *Wemyss* and County of *Fife*, commencing by a Junction with the first-mentioned Branch at its Termination above described, and terminating at the North-west Corner of the Harbour of *Methill*:

Provided always, that the Branch Railway second above described shall not be used for the Conveyance of Passengers, but for Goods and Mineral Traffic only.

Increased  
borrowing  
Powers.

5. The Company may at any Time or from Time to Time after the passing of this Act, in respect of their already authorized, subscribed, paid-up, and expended Share Capital of One hundred and twelve thousand Pounds, and in addition to the Sum of Twenty-eight thousand eight hundred Pounds which they are already authorized to borrow, and have borrowed and expended, borrow on Mortgage any Sum not exceeding in the whole Eight thousand five hundred Pounds.

Power to  
raise addi-  
tional  
Capital by  
new Shares  
or Stock.

6. The Company may from Time to Time raise (in addition to the Sums of Money which they are by any other Acts authorized to raise) any further Sums not exceeding in the whole Eighteen thousand Pounds by the Creation of new Ordinary Shares or Stock, and new Preference Shares or Stock, or at the Option of the Company, by either of those Modes, which Shares shall form Part of the general Capital of the Company.

Shares not to  
be issued  
until One  
Fifth Part  
thereof shall  
have been  
paid up.

7. The Company shall not issue any Share created under the Authority of this Act, nor shall any 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 shall have been paid in respect thereof.

Power to  
borrow.

8. The Company may, in addition to the Sums which they are authorized by any other Acts to borrow, and also, in addition to the Sum of Eight thousand five hundred Pounds which they are authorized by this Act to borrow after the passing of this Act, from Time to Time borrow on Mortgage any Sum not exceeding in the whole Six thousand Pounds, but no Part thereof shall be borrowed until the whole Capital of Eighteen thousand Pounds is subscribed for, issued, and accepted, and One Half thereof is paid up, and the Company have proved to the Sheriff who is to certify under the Fortieth Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," before he so certifies, that the whole of the Capital

has



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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 has been paid on account thereof before or at the Time of the Issue or Acceptance thereof, and that such Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns 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.

9. All Mortgages granted by the Company in pursuance of the Powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall, during the Continuance of such Mortgages, have Priority over any Mortgages to be granted by virtue of this Act.

Existing Mortgages to have Priority.

10. The Mortgagees of the Company under this Act may enforce Payment of Arrears of Principal and Interest due on their Mortgages by the Appointment of a Judicial Factor, and in order to authorize the Appointment of a Judicial Factor the Amount owing to the Mortgagees by whom the Application for a Judicial Factor shall be made shall not be less than One thousand five hundred Pounds in the whole.

Arrears may be enforced by Appointment of a Judicial Factor.

11. The Company may create and issue Debenture Stock.

Powers to create Debenture Stock.

12. All Monies raised under this Act, whether by Shares, Debenture Stock, or borrowing, shall be applied only for the Purposes of this Act, and the general Purposes of the Undertaking.

Application of Monies.

13. 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 One Acre.

Lands for extraordinary Purposes.

14. 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.

15. The Railway shall be completed within Three Years from the passing of this Act, and on the Expiration of that Period the Powers of this Act granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for Completion of Works.

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Power to cross certain Roads on the Level.

16. Subject to the Provisions in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," and in Part I. (relating to the Construction of a Railway) of "The Railways Clauses Act, 1863," contained in reference to the crossing of Roads on the Level, it shall be lawful for the Company in the Construction of the Railway to carry the same with a single Line of Railway only whilst the Railway shall consist of a single Line, and afterwards with a double Line of Railway only, across and on the Level of the Roads next herein-after mentioned; (that is to say,)

—	No. on deposited Plan.	Parish.	Description of Road.
Railway No. 1	16	Wemyss - -	Public.
Railway No. 2	69	Wemyss - -	Public.

Penalty if Line not completed.

17. If the Railway first herein-before described shall not be completed and opened for public Traffic within the said Period of Three Years, the Company shall be liable to a Penalty of Fifty Pounds *per Day*, to be recoverable as a Debt due to the Crown, for every Day after the Expiration of the said Period of Three Years until the said Railway shall be completed and opened for public Traffic; but no Penalty shall accrue in respect of any Time during which it shall appear by a Certificate from the Board of Trade that the Company was prevented from completing or opening the said Railway by unforeseen Accident, or Circumstances beyond their Control: Provided always, that Deficiency of Funds shall not be held to be a Circumstance beyond the Control of the Company.

Railway as to Tolls and otherwise to be Part of Company's Undertaking.

18. The Company may demand and take in respect of the Railways by this Act authorized the same Tolls and Charges as they are now authorized to receive in respect of their existing Undertaking, and the Railway shall for the Purpose of Tolls and in other respects be deemed Part of the *Leven and East of Fife* Railway, as if authorized by "The *East of Fife* Railway Act, 1855."

Saving Rights of the Crown.

19. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exercise-able by the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); and nothing in the said Act or Acts contained



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contained shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority now or from Time to Time vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

**20.** The Company shall not, out of any Money by this Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not 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 Act, 1845."

Interest not to be paid on Calls paid up.

**21.** The Company shall not, out of any Money by this Act authorized 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 authorizing the Company to construct any other Railway, or to execute any other Work or Undertaking.

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

**22.** Nothing herein contained shall be deemed or construed to exempt the Railway by this Act authorized to be made 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 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, authorized by this Act.

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

**23.** 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.

Expenses of Act.

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