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# VICTORIÆ REGINÆ.

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## *Cap. cclxxvii.*

An Act to authorize the Construction of Branch Railways from the *Devon Valley* Railway into the Mineral Districts of *Fife* and *Clackmannan*; and for other Purposes. [30th July 1866.]

**W**HEREAS by "The *Devon Valley* Railway Act, 1858," the *Devon Valley* Railway Company were incorporated, and authorized to make a Railway from the *Tillicoultry* Station of the *Stirling and Dunfermline* Railway to the *Fife and Kinross* Railway at *Hopefield*: And whereas by "The *Devon Valley* Railway Act, 1861," and "The *Devon Valley* Railway Act, 1863," further Powers were conferred upon the *Devon Valley* Railway Company: And whereas by "The *North British, Edinburgh, Perth, and Dundee and West of Fife* Railways Amalgamation Act, 1862," the Undertaking of the *Fife and Kinross* Railway Company was transferred to the *North British* Railway Company: And whereas by "The *North British and Edinburgh and Glasgow* Railway Companies Amalgamation Act, 1865," the *Stirling and Dunfermline* Railway also became a Part of the *North British* Railway System: And whereas the Construction of the Branch Railways herein-after described connecting the *North British (Kinross-shire)* Railway with the *Devon Valley* Railway and  
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21 & 22 Vict. c. cxxii.

24 & 25 Vict. c. cc.

25 & 26 Vict. c. clxxxix.

28 & 29 Vict. c. cccviii.

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with the Mineral Districts of *Fife* and *Clackmannan* would be of great local and public Advantage: And whereas it is expedient that the *North British* Railway Company (in this Act called "the Company") should be authorized to make the said Branch Railways and Works connected therewith: And whereas a Plan and Section showing the Lines and Levels thereof, with a Book of Reference to such Plan containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands through which the said Branch Railways will pass, have been deposited at the Offices of the Principal Sheriff Clerks of the Counties of *Kinross*, *Clackmannan*, *Fife*, and *Perth* respectively; and are herein-after referred to as "the deposited Plans and Sections:" 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 this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all the Purposes as "*The Devon Valley and North British Railways (Branches) Act, 1866.*"

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

2. "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the several Matters following; (that is to say,) the Distribution of the Capital of the Company into Shares; the Transfer or Transmission of Shares; 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 or Bond; the Conversion of the borrowed Money into Capital; the Consolidation of the Shares into Stock; the General Meetings of the Company, and the Exercise of the Right of voting by the Shareholders; the making of Dividends; the giving of Notices; and the Provision to be made for affording 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., III. of "The Companies Clauses Act, 1863;" Parts I. and III. of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form Part of this Act.

Interpreta-  
tion of  
Terms.

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 *North British Rail-  
way*

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way Company; the Expressions "the Railway," or "the Railways," or "the Undertaking," shall mean the Branch Railways or Undertaking by this Act authorized, or any Part thereof.

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 deposited 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 said Plans and described in the deposited 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  
Railways  
according to  
deposited  
Plans.

First. A Branch Railway (herein-after called "Railway No. 1."), Eight Miles One Furlong and Three and Three Quarter Chains or thereabouts in Length, commencing in the Parish of *Fossaway* and County of *Perth* by a Junction with the already authorized Line of the *Devon Valley* Railway in a Field or Enclosure belonging to the *Devon Valley* Railway Company at a Point Two hundred and fifty Yards or thereabouts in a North-westerly Direction from the South-west Corner of the House at the *Rumbling Bridge* Toll Bar, and Two hundred and thirty-two Yards or thereabouts in a South-easterly Direction from the Centre of the *Rumbling Bridge* over the River *Devon*, and terminating in the Parish of *Beath* and County of *Fife* at the East Side of the Turnpike Road from *Dunfermline* to *Livingstone* at the South End of *Wattie's Ford Bridge* over the *Drumnagoil Burn*:

Second. A Branch Railway (to be called Railway No. 2.), Three Miles and Four Furlongs in Length, wholly situate in the Parish of *Beath* and County of *Fife*, commencing by a Junction with Railway No. 1 at the Termination thereof at the East Side of the said Turnpike Road at the South End of *Wattie's Ford Bridge* over the *Drumnagoil Burn* above described, and terminating by a Junction with the *North British* (late *Kinross-shire*) Railway at a Point One hundred Yards or thereabouts Northwards from the Passenger Shed of the *Kelty* Station on the last-mentioned Railway, measuring along the Line thereof:

Third. A Branch Railway (herein-after called Railway No. 3.), Two Miles Six Furlongs and Eight Chains in Length, commencing in the Parish of *Fossaway* and County of *Perth* in a Field or Enclosure marked No. 984 on the Ordnance Map of the Parish of *Fossaway* and County of *Perth* at a Point One thousand Yards or thereabouts in a North-easterly Direction from the North Corner of the Northmost House at *Barnhill*, and Eight hundred and fifty Yards or thereabouts in a South-easterly Direction from the East Corner of the Eastmost House

at

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at *Monksgrave*, and terminating in the Parish of *Clackmannan* and County of *Clackmannan* at the East Side of the Turnpike Road from *Dollar* to *Dunfermline* at a Point Three hundred and sixty Yards or thereabouts in a North-westerly Direction from the North-west Corner of the Farmhouses at *Newhall*, and Five hundred and sixty Yards or thereabouts in a South-westerly Direction from the South-west Corner of the Farmhouses at *Solsgirth*.

Power to raise Capital by Shares or Stock.

5. The Company may raise, by the Creation of new Ordinary or Preference Shares or Stock, such additional Capital beyond the Amount which they may be authorized to raise by other Acts of Parliament as they think fit, not exceeding in the whole Ninety-five thousand Pounds.

Shares or Stock to form Part of Company's general Capital.

6. All Shares or Stock to be created by the Company under the Authority of this Act shall, subject to the Provisions of this Act, form Part of the general Capital of the Company.

Shares not to issue until One Fifth paid up.

7. The Company shall not issue any Share 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 Part of the Amount of such Share, shall have been paid in respect thereof.

Capital under several Acts may be raised by Shares or Stock of One Class.

8. If by any other Act or Acts passed in the present Session, and whether before or after the passing of this Act, the Company be authorized to raise any Capital by new Shares or Stock, then, subject to the Provisions of the other Act or Acts and this Act respectively, the Company, if they think fit, may raise, by the Creation and Issue of Shares or Stock of One or the same Class, all or any Part of the aggregate Capital which they are by the other Act or Acts and this Act respectively authorized to raise by the Creation and Issue of Shares or Stock.

Power to borrow on Mortgage.

9. The Company, in addition to any Sums which they are authorized to borrow under other Acts of Parliament, may from Time to Time borrow on Mortgage any Sum not exceeding in the whole Thirty-one thousand six hundred Pounds, but no Part thereof shall be borrowed until the whole of the said Capital of Ninety-five thousand Pounds is subscribed for, and One Half thereof is paid up, and the Company have proved to the Sheriff who is to certify, under the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," before he so certifies, that the whole of the said Capital of Ninety-five thousand Pounds has been issued and accepted, and that One Half thereof has been paid up, and that not less

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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, of which Proof having been given the Certificate of such Sheriff that satisfactory Proof to that Effect has been given to him shall be sufficient Evidence.

10. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on the Mortgages by the Appointment of a Judicial Factor, and the Amount necessary to authorize a Requisition for such Appointment shall not be less than Two thousand Pounds. Arrears may be enforced by Appointment of a Judicial Factor.

11. All Mortgages 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 have Priority over all Mortgages granted by virtue of this Act. Priority of existing Mortgages.

12. The Company may create and issue Debenture Stock. Debenture Stock.

13. All Monies raised under this Act, whether by Shares, Debenture Stock, or borrowing, shall be applied for the Purposes of this Act only. Application of Monies.

14. It shall be lawful, with the Consent in Writing of the Owners of the Estates of *Blairadam* and *Beath* for the Time being, and of the Lessees and Occupiers upon the Line of Deviation herein mentioned, for the better Accommodation of the said Estates, to divert the Line of Railway No. 2., within the said Estates, beyond the Limits of Deviation shown upon the deposited Plan of the said Railway No. 2., between the Commencement thereof and the Point marked Three Miles on the said Plan. Diversion with Assent of Owners and Lessees.

15. 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 Three Acres. Lands for extraordinary Purposes.

16. 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.

17. The Railway shall be completed within Three Years from the passing of this Act, and on the Expiration of that Period the Powers Period for Completion of Works.  
[Local.] 45 Q by

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by 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.

If Railway not completed, &c. within limited Period, Company to be liable to a Penalty.

18. If the Railways by this Act authorized to be constructed shall not be completed and opened for public Traffic within the Period of Three Years from the passing of this Act, then and from thenceforth 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 thereafter until the Railways 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 to be obtained from the Board of Trade, that the Company were prevented from completing or opening the Railway by unforeseen Accident, or Circumstances beyond their Control; but the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

Power to stop up certain Roads.

19. It shall be lawful, in the Construction of the Railways by this Act authorized, to stop up the after-mentioned Roads, numbered on the Plans deposited as aforesaid as follows:

Railway.	No. on Plan.	Parish.	Description of Road.
No. 1.	54, 54	Fossaway - -	Public.
	3	Torryburn - -	Public.
No. 3.	54	Fossaway - -	Public.
	89	Fossaway - -	Public.

Inclination of Roads.

20. In altering for the Purposes of this Act the Roads next herein-after mentioned, the Company may make the same of any Inclinations not steeper than the Inclinations herein-after mentioned in connexion therewith respectively; (that is to say,)

Railway.	No. on deposited Plan.	Parish.	Description of Road.	Intended Inclination.
No. 1.	22	Torryburn -	Public -	1 in 16 on one Side and level on other.
No. 1.	35	Torryburn -	Public -	1 in 12.

Span of Bridge.

21. The Company may make the Arch of the Bridge for carrying the Railway over the Road next herein-after mentioned of any Height and

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and Span not less than the Height and Span herein-after mentioned in connexion with the Road; (that is to say,)

Railway.	No. on deposited Plan.	Parish.	Description of Road.	Span.
No. 1.	40	Torryburn - -	Public - -	15 Feet.

22. The Company may demand and take, in respect of the Railways by this Act authorized, such Tolls and Charges as they think fit, not exceeding the Rates of Tolls and Charges authorized to be taken by "The *North British Railway Consolidation Act, 1858,*" and "The *Border Union (North British Railways) Act, 1859;*" and the Railways shall, for the Purposes of Tolls and in other respects, be deemed Part of the *North British Railway.*

Railway Tolls.

23. The Company and the *Devon Valley Railway Company* may from Time to Time enter into Contracts or Arrangements with respect to the following Purposes or any of them; (that is to say,)

Power to enter into Traffic Arrangements.

The joint Construction by the Company and the *Devon Valley Railway Company* of the Railways or any Part or Parts thereof:

The Management, Use, Working, and Maintenance of the Railways or of any Part or Parts thereof:

The Supply of any Rolling or Working Stock, and of Officers and Servants, for the Conduct of the Traffic on the Railways:

The Payments to be made and the Conditions to be performed with respect to the Matters aforesaid:

The Interchange, Accommodation, Conveyance, and Delivery of Traffic coming from or destined for the Undertakings of the contracting Companies, and the fixing and Division between the said Companies of the Receipts arising from such Traffic:

The Appointment of a Joint Committee or Joint Committees to carry into effect such Contracts or Agreements.

24. The Company shall not, out of any Money by this or any other Act relating to the Company 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 (Scotland) Act, 1845.*"

Interest not to be paid on Calls paid up.

25. 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

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

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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.

Railways  
not exempt  
from Provi-  
sions of  
present and  
future  
General  
Acts.

**26.** 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.

Expenses of  
Act.

**27.** 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.

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