ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. ccxxiv.

An Act to enable the *East of Fife* Railway Company to make a Deviation in their Main Line, and to improve the Junction with the *Edinburgh and Northern* Railway near *Markinch*.

[22d *July* 1847.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act for making a Railway from the* Edinburgh and Northern *Railway at* Markinch *to* Anstruther Easter, *with a Branch to the* Kirkland *Works, to be called* " The East of Fife *Railway*:" And whereas it would be attended with public Convenience and Advantage if the Company incorporated by the said recited Act were authorized to make a Deviation in the Main Line of Railway by the said recited Act authorized to be made from a Point thereon near the Road leading from *Rose Bank* Northward in the Parish of *Markinch* to the *Edinburgh and Northern* Railway at the proposed Station of the said Railway near the Town of *Markinch* now in the course of being constructed, and also to abandon the Construction of the Portion of the Railway authorized by the said Act situated between the said Road leading from *Rose Bank* Northward and the *Edinburgh and Northern* Railway near *Barnslie*; but these Objects cannot be effected without the Aid and Authority of Parliament: 9 & 10 Vict. c. 190.

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 Powers and Provisions of the said recited Act and the several Acts therewith incorporated shall, so far as not otherwise provided for by this Act, be extended to and incorporated with and shall form Part of this Act.

Certain Powers of recited Act extended to this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Deeds or Instruments, it shall be sufficient to use the Expression "The *East of Fife* Railway (*Markinch* Deviation) Act, 1847."

Railways to be made according to deposited Plans.

III. And whereas Plans and Sections showing the proposed Alterations or Deviations of the Line and Levels of the said Railway, and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands required for the Purposes thereof, have been deposited in the Office of the principal Sheriff Clerk of the County of *Fife*; be it enacted, That, subject to the Provisions contained in this and the said recited Act and the Acts therewith incorporated, it shall be lawful for the Company to make and maintain the said Deviation of the said Main Line of Railway, with all Works and Conveniences connected therewith, in the Line 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 to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Line of Railway.

IV. And be it enacted, That it shall be lawful for the Company to deviate in forming the Main Line of the said Railway as authorized to be constructed by the said recited Act by making and maintaining a new Portion of Railway, with all necessary and proper Works in connexion therewith, commencing at a Point of the said Railway at or near to the Road leading from *Rose Bank* Northward, and terminating by a Junction with the Main Line of the *Edinburgh and Northern* Railway at the Station of that Railway now in the course of being constructed at or near to the Town of *Markinch*, all in the Parish of *Markinch* and County of *Fife*.

Power to abandon Part of original Line.

V. And be it enacted, That the Company shall abandon such Parts of the said Railway which by the said recited Act they are empowered to make as are situated between the said Road leading from *Rose Bank* Northward and the *Edinburgh and Northern* Railway near *Barnslie*, all in the said Parish of *Markinch* and County of *Fife*, and which will be rendered useless to the Company for the Purposes of the said Railway and Works by reason of the making of the Railway by this Act authorized to be made.

Regulating the Mode of Junction with the Edinburgh

VI. And be it enacted, That nothing herein or in the said recited Act contained shall be held to authorize the Company to enter upon, purchase, or take any Lands belonging to the *Edinburgh and Northern* Railway Company, nor to alter or vary the Line or Levels

of the said *Edinburgh and Northern* Railway, nor to interfere with the said Railway, except for the Purpose of making and maintaining the Junction before mentioned, and necessary Works connected therewith, without the Consent of the said *Edinburgh and Northern* Railway Company, nor in any Manner to interrupt or interfere with the Traffic passing on the said last-mentioned Railway; and the Company shall bear all Expence of effecting such Junction as aforesaid, and of maintaining, watching, and working the same, and of the necessary Works for preventing Danger, Inconvenience, or Interruption to the Traffic on the said *Edinburgh and Northern* Railway, and shall also at their own Costs and Charges construct and maintain such and so many Switches, Turntables, Sidings, and other Works and Conveniences as may be necessary or convenient in connexion with the said Junction, and for preventing any such Danger, Interruption, or Inconvenience to the Traffic of the said *Edinburgh and Northern* Railway: Provided always, that if any Difference shall arise between the said Two Companies as to the Nature or Necessity of any such Works as aforesaid, the same shall be referred to the Decision of the Commissioners of Railways.

and Northern Railway.

VII. And be it enacted, That 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 Three Years from the passing of this Act.

Period within which Lands are to be purchased.

VIII. And be it enacted, That the said Railway and Works shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted for executing the said Railway and Works, 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.

IX. And be it enacted, That, subject to the Conditions, Limitations, and Provisions contained in the said recited Act, it shall be lawful for the Company to demand and recover for the Use of the Railway hereby authorized to be made the Tolls, Rates, and Duties, and Charges, which are by the said recited *East of Fife* Railway Act authorized to be demanded and recovered for the Use of the Railway thereby authorized to be made.

Tolls.

X. 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 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 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. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act, or incidental thereto, shall be paid by the Company, *pari passu* with the Costs, Charges, and Expences

Expences of Act.

Expences of the Act of Parliament passed in the last Session for which they may be liable, out of the first Monies which shall come into their Hands, and in preference to any other Payment whatsoever.

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.

XII. 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 said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

Railway to be subject to Provisions of any future general Act.

XIII. And be it enacted, That 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 Acts relating to this Act, or of any general Act relating to Railways, which may hereafter pass during the present 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 authorized by this and the said recited Act.

Interpretation of Act.

XIV. And be it enacted, That the Expression "the Company" in this Act shall mean the *East of Fife* Railway Company.

Public Act.

XV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice as such.

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1847.