26.
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CHAPTER cc.

An Act to authorise the Kirkcaldy and District Railway Company to make a new Railway to extend the time limited for the completion of their authorised Railways Dock and Works and for other purposes. A.D. 1891.

[5th August 1891.]

WHEREAS by the Seafield Dock and Railway Act 1883 (in this Act called "the Act of 1883") the Seafield Dock and Railway Company were incorporated with a share capital of three hundred thousand pounds and power to borrow on mortgage not exceeding one hundred thousand pounds and were authorised to construct the railways dock and other works in that Act more particularly described:

And whereas by the Act of 1883 the period for the completion of the works thereby authorised was limited in the case of the railways to five years and in the case of the other works to eight years from the passing of that Act which received the Royal Assent on the sixteenth day of July one thousand eight hundred and eighty-three:

And whereas by the Seafield Dock and Railway (Extension of Time and Further Powers) Act 1888 (in this Act called "the Act of 1888") the period for the completion of the railways authorised by the Act of 1883 was extended for three years from the sixteenth day of July one thousand eight hundred and eighty-eight and by the same Act the name of the Seafield Dock and Railway Company was changed to the Kirkcaldy and District Railway Company (hereinafter called "the Company"):

And whereas it is expedient that the time for the completion of the works authorised by the Act of 1883 should be further extended:

And whereas by the Kirkcaldy and District Railway Act 1890 (in this Act called "the Act of 1890") the Company were authorised

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to construct certain railways in extension of the railways authorised by the Act of 1883 and to raise additional capital to the extent of one hundred and fifty thousand pounds by shares and fifty thousand pounds by borrowing but no part of such capital has yet been issued :

And whereas the Company have constructed a considerable portion of the works authorised by the Act of 1883 and are proceeding with the construction of the remainder of those works :

And whereas the construction of the railway hereinafter described would be of public and local advantage and it is expedient that the Company be authorised to construct such railway accordingly :

And whereas by section 54 of the Act of 1883 the Company are prohibited from carrying passengers on their railways and it is expedient that the said section be repealed and that the Company be empowered to carry passengers on their railways and to levy tolls in respect thereof and to raise additional capital and borrow further moneys for the purpose of the railway hereby authorised and for the general purposes of their undertaking :

And whereas plans and sections showing the lines and levels of the railway authorised by this Act and the lands required or which may be taken for the purposes or under the powers of this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were deposited in November 1890 with the principal sheriff clerk of the county of Fife and amended plans and sections showing the lines and levels of the said railway and the said lands have since been deposited with the aforesaid principal sheriff clerk which amended plans and sections and which books of reference are hereinafter respectively referred to as the deposited plans sections and books of reference :

And whereas the 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 purposes as the Kirkcaldy and District Railway Act 1891.

Incorporation of general Acts.

2. The Lands Clauses Acts the Railways Clauses Consolidation (Scotland) Act 1845 Part I. (relating to construction of a railway)

Part II. (relating to extension of time) of the Railways Clauses Act 1863 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 payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment 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 by all parties interested :

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 are except where expressly varied by this Act incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction and in this Act and for the purposes of this Act in the Acts wholly or partially incorporated with this Act the expression "the railway" shall mean the railway by this Act authorised or any part thereof the expression "the Company's railways" means the railways authorised by the Act of 1883 the Act of 1890 and this Act and the expression "the Company" means the Kirkcaldy and District Railway Company and the word "schoolmasters" means session clerks.

Power to make railway.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railway hereinafter described with all proper stations sidings approaches works and conveniences connected therewith or by this Act required to be

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provided 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 those purposes The railway hereinbefore referred to and authorised by this Act will be situate in the county of Fife and is—

A railway (on the deposited plans referred to as Railway No. 3) 5 furlongs and 1·75 chains or thereabouts in length wholly in the county of Fife commencing in the parish of Kinghorn by a junction with Railway No. 1 authorised by the Act of 1883 and terminating in the parish of Abbotshall by a junction with the Railway No. 1 authorised by the Act of 1890.

For protection of the Kirkcaldy Police Commissioners.

5. For the protection of the provost magistrates and town council of the burgh of Kirkcaldy as police commissioners acting under the Kirkcaldy Burgh and Harbour Act 1876 and the General Police and Improvement (Scotland) Act 1862 (in this section referred to as "the commissioners") the following provisions shall (unless otherwise agreed between the commissioners and the Company) have effect (that is to say):—

(*a*) The Company shall in constructing the Railway No. 3 carry the same over the undermentioned roads by means of bridges as hereinafter mentioned:—

(1) Over Bridge Street by means of a bridge of a single span equal to the width of the said street and footways thereof at the point of crossing and having a headway of not less than 16 feet above the surface of the said street;

(2) Over the private road from Horse Wynd leading into Bridge Street by means of a bridge of a single span equal to the width of the widest part of the said road between Horse Wynd and Bridge Street and having a headway of not less than 10 feet above the present surface of the said road;

(3) Over the road near Tiel Burn numbered on the deposited plans 32 in the parish of Kinghorn by means of a bridge of a single span of not less than 30 feet and having a headway of not less than 16 feet above the surface of the said road:

(*b*) The Company shall not alter the present level of Bridge Street nor of the said Road near Tiel Burn:

(*c*) The Company shall in constructing the Railway No. 1 authorised by the Act of 1890 provide an access under that railway to the sea beach for arts and foot passengers at such point southward of the Tiel Burn as may be agreed between the commissioners and the Company or in the event of

difference as shall be settled by an arbiter to be appointed on the application of either party by the Board of Trade and the decision of such arbiter shall be final and binding and the costs of such arbitration shall be in his discretion. A.D. 1891.

Survey of works by Board of Trade.

6. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Abatement of work abandoned or decayed.

7. If a work constructed by the Company under the powers of this Act on in over through or across tidal lands or a tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Works below high water mark not to be commenced without consent of Board of Trade.

8. The Company shall not in the exercise of the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable accordingly with costs.

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Period for compulsory purchase of lands.

9. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to owners to grant easements.

10. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement servitude right or privilege (not being an easement or servitude of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges or feu duties so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements or servitudes rights and privileges as aforesaid respectively.

Restrictions on displacing persons of labouring class.

11.—(1) The Company shall not under the powers of this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(A) Shall have obtained the approval of the Secretary for Scotland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Secretary for Scotland shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the other circumstances of the case; and

(B) Shall have given security to the satisfaction of the Secretary for Scotland for the carrying out of the scheme:

(2) The approval of the Secretary for Scotland to any scheme under this section may be given either absolutely or conditionally and after the Secretary for Scotland has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme:

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the

scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Secretary for Scotland may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit:

(4) Any provisions of any scheme under this section or any conditions subject to which the Secretary for Scotland may have approved of any such scheme or of any modifications of any such scheme or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by an order of the Court of Session to be obtained by the Secretary for Scotland:

(5) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty:

(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase section 90 of the Public Health (Scotland) Act 1867 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of that Act and the scheme were one of the purposes of that Act:

(7) The Company may on any lands belonging to them or purchased or acquired under this section or under any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the several purposes of their undertaking:

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Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Secretary for Scotland may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as he may see fit:

(8) The Secretary for Scotland may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and he and any person appointed by him to hold inquiry shall have and may exercise for any purpose in connection with any scheme under this section all or any of the powers vested in them respectively under the Public Health (Scotland) Act 1867 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act:

(9) The Company shall pay to the Secretary for Scotland a sum to be fixed by him in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the person appointed to hold any such inquiry and a sum to be fixed by the Secretary for Scotland not exceeding three guineas a day for the services of the person so appointed:

(10) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Lands for extraordinary purposes.

12. The Company may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation (Scotland) Act 1845 in connection with the railway by this Act authorised any quantity of land not exceeding one acre but nothing in this section shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

Period for completion of works.

13. If the railway is not completed within the period of five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the railway or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Deposit money not to be repaid except so far as railway is opened.

14. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of thirty-four thousand two hundred and forty-nine pounds two shillings and ninepence being equal to five per centum upon the amount of the estimate in respect of the railways proposed to be authorised by the Bill for this Act as originally introduced into Parliament has been deposited with the Queen's and Lord Treasurer's Remembrancer on behalf of the Court of Exchequer in Scotland in respect of the application to Parliament for this Act And whereas such railways included certain railways which were struck out of the Bill during its progress through Parliament and of the said sum of thirty-four thousand two hundred and forty-nine pounds two shillings and ninepence the sum of seven hundred and seventy-two pounds fourteen shillings represents five per centum upon the estimate for the railway authorised by this Act and is hereinafter referred to as "the deposit fund" Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid except as hereinafter provided 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 which persons survivors or survivor are or is in this Act referred to as "the depositors" unless the Company shall previously to the expiration of the period limited by this Act for completion of the railway open the same for the public conveyance of traffic and if the Company shall make default in so opening the railway the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the railway as aforesaid then on the production of a certificate of the Board of Trade specifying the length of the portion of the railway opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the railway so opened bears to the entire length of the railway the Court of Exchequer shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the

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facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit.

15. If the Company do not previously to the expiration of the period limited for the completion of the railway complete the same and open the same as aforesaid then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the Edinburgh Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Exchequer in Scotland may seem fit and if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a judicial factor has been appointed or the Company is insolvent or the undertaking has been abandoned be paid or transferred to such judicial factor or be applied in the discretion of the Court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the depositors Provided that until the deposit fund has been paid to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Release of balance of deposit.

16. On the application of the persons named in the warrant or order issued in pursuance of the said Act of the ninth year of the reign of Her present Majesty chapter twenty or of the survivors or survivor of them or of the majority of such persons or survivors or of the executors or administrators of the last survivor in a summary way at any time after the passing of this Act the court may and shall order that the balance of the said sum of thirty-four thousand two hundred and forty-nine pounds and two shillings and ninepence so paid as aforesaid over and above the deposit fund and the interest and dividends thereof shall be paid to the persons

or person so applying or to any other person or persons whom they or he may appoint in that behalf.

Power to raise additional capital.

17. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to their authorised capital any additional capital not exceeding in the whole fifty-four thousand pounds by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation 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.

Extending certain provisions of Act of 1883.

18. Sections 19 to 27 both inclusive of the Act of 1883 shall extend and apply to any ordinary share or stock in the said additional capital issued under the powers of this Act in as full and complete a manner as if those clauses were incorporated with and formed part of this Act.

Except as otherwise provided new shares or stock to be subject to the same incidents as other shares or stock.

19. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on new shares or stock.

20. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Restriction as to votes in respect of preferential shares or stock.

21. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Power to borrow.

22. The Company may in respect of the additional capital of fifty-four thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole eighteen thousand pounds but

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no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one-half of such capital 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 shares for the whole of such capital have 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 therein has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such sheriff as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said additional capital is raised by shares that such persons or corporations or their executors administrators successors or 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.

Repealing provisions as to appointment of a judicial factor.

23. The provisions of the Act of 1890 as to the appointment of a judicial factor are hereby repealed but without prejudice to any appointment made or proceedings taken before the passing of this Act.

For appointment of a judicial factor.

24. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than ten thousand pounds in the whole.

Former mortgages to have priority.

25. The principal moneys secured by such mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing thereof shall during the continuance of such mortgages have priority over the principal moneys secured by any mortgages granted by virtue of this Act.

Power to Company to create debenture stock.

26. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 30 of the Act of 1883.

Application of moneys.

27. All moneys raised by the Company under the provisions of this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act and to the general purposes of the undertaking of the Company being in each case purposes to which capital is properly applicable.

Power to Company to apply authorised capital to purposes of this Act.

28. The Company may apply to or towards the purposes of this Act to which capital is properly applicable any sums of money which they have already raised or are authorised to raise by any of their Acts.

Repeal of section 54 of Act of 1883 and power to take tolls for passengers &c

29. Section 54 of the Act of 1883 is hereby repealed and the Company may demand and take in respect of the use of the Company's railways by passengers any tolls not exceeding the following (that is to say) :—

Class 1. For every person conveyed in a first class carriage per mile two pence ;

Class 2. For every person conveyed in a second class carriage per mile one penny halfpenny ;

Class 3. For every person conveyed in a third class carriage per mile one penny :

And for carriages supplied by the Company for the conveyance of passengers the Company may (in addition to the other tolls by this Act authorised) demand or take for or in respect of persons comprised in any of the classes hereinafter specified any tolls not exceeding the tolls next hereinafter mentioned in connection with the class in which such persons are respectively comprised (to wit) :—

For Class 1 for each person per mile one penny ;

For Class 2 for each person per mile three farthings ;

For Class 3 for each person per mile one halfpenny.

Tolls for propelling power.

30. The toll which the Company may demand for the use of engines for propelling carriages for the conveyance of passengers on the Company's railways shall not exceed one penny per mile for each passenger in addition to the several other tolls or sums by this Act authorised to be taken.

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Regulations as to tolls.

Short distances.

Fractional parts of a mile.

31. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say) :—

For all passengers conveyed on the Company's railways for a less distance than three miles the Company may demand tolls and charges as for three miles ;

For every fraction of a mile beyond an integral number of miles the Company may demand tolls and charges in respect of passengers conveyed on the Company's railways as for one mile.

Maximum rates for passengers.

32. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the Company's railways including the tolls for the use of the Company's railways and for carriages and locomotive power and every other expense incidental to such conveyance shall not exceed the following (that is to say) : —

For every passenger conveyed in a first class carriage the sum of three pence per mile ;

For every passenger conveyed in a second class carriage the sum of two pence per mile ;

For every passenger conveyed in a third class carriage the sum of one penny per mile.

As to tolls on railways.

33. Subject to the provisions of this Act the railway by this Act authorised shall for tolls rates and charges and as regards the application of the Railway and Canal Traffic Act 1888 and for all other purposes whatsoever form part of the undertaking of the Company.

Foregoing charges not to apply to special trains.

34. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the Company's railways in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers upon the Company's railways.

Reviving powers and extending time for purchase of easements in certain lands in parish of Kinghorn.

35. The powers granted by the Act of 1883 as amended by the Act of 1888 for the compulsory purchase of the easement or right of constructing maintaining and using the Railway No. 1 authorised by the Act of 1883 through or under the lands in the parish of Kinghorn numbered on the plans deposited for and referred to in the Act of 1883 24 are hereby revived and extended and may be exercised by the Company at any time within but shall not

be exercised after the expiration of one year from the passing of this Act. A.D. 1891.

Extending periods limited for completion of works authorised by Act of 1883.

36. The periods limited by the Act of 1883 as amended by the Act of 1888 for the completion of the railways dock and works authorised by the Act of 1883 are hereby respectively extended for two years from the sixteenth day of July 1891 and the provisions of the Act of 1883 the Act of 1888 and of the Act of 1890 shall be read and have effect as if the sixteenth day of July 1893 had been the date limited by the said Act of 1888 for the completion of the railways authorised by the Act of 1883 and if the said railways dock and works be not completed within such extended period then on the expiration of such period the powers granted by the Act of 1883 as amended by the Act of 1888 and this Act for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

As to payment of interest out of capital.

37. The provisions of section 43 of the Act of 1890 shall extend and apply to the capital by this Act authorised to be raised and to the payment of interest or dividend out of share or loan capital thereon as fully as if such capital had been authorised to be raised by the Act of 1890.

Saving rights of the Crown in the foreshore.

38. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty Her heirs or successors.

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

39. The Company shall not out of any money by this Act authorised 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 authorising the Company to construct any railway or to execute any work or undertaking.

Provision as to general

40. Nothing in this Act contained shall exempt the Company or the railways of the Company from the provisions of any general

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Railway Acts.

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 authorised by the Acts of the Company.

Costs of Act.

41. 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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