ANNO VICESIMO OCTAVO & VICESIMO NONO

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Cap. clxi.

An Act for enabling the *Caledonian* Railway Company to make a Branch Railway to *Balerno* in the County of *Edinburgh*; and for other Purposes. [29th *June* 1865.]

WHEREAS by "The *Caledonian* Railway Act, 1845," the *Caledonian* Railway Company (in this Act called "the Company") were incorporated, and under the Powers of that Act the Company have formed (among other Works) a Main Line of Railway from the City of *Carlisle* to the City of *Edinburgh*: And whereas it would be attended with Advantage and Convenience to the Public if the Company were authorized to make and maintain a Branch Railway from their said Main Line near *Slateford* to *Balerno* in the County of *Edinburgh*: And whereas Plans and Sections showing the Lines and Levels of the said proposed Branch Railway, and the Lands which may be required to be taken for the Purposes thereof, with a Book of Reference to the said Plans, have been deposited for public Inspection in the Office at *Edinburgh* of the Principal Sheriff Clerk of the County of *Edinburgh*; but the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted;

8 & 9 Vict. c. clxii.

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; (that is to say,)

Short Title.

1. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Caledonian* Railway (*Balerno* Branch) Act, 1865."

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

2. Subject to the Provisions of this Act, "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation (*Scotland*) Act, 1845," and Part I. of "The Railways Clauses Act, 1863," relating to Construction of a Railway, are incorporated with this Act.

Parts of 8 & 9 Vict. c. 17. and 26 & 27 Vict. c. 118. incorporated.

3. Subject to the Provisions of this Act, the Clauses and Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Distribution of the Capital of the Company into Shares, and 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 Remedies of Creditors of the Company against the Shareholders, 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, and with respect to the Provision to be made for affording Access to the Special Act by all Parties interested, and also Part I. of "The Companies Clauses Act, 1863," relating to Cancellation and Surrender of Shares, and Part II. of that Act relating to additional Capital, are incorporated with this Act; and all the Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," so incorporated with this Act, which relate to Stock into which Shares in the Capital of the Company have been converted or consolidated, shall apply to the Stock which the Company are by this Act authorized to issue, and to the Holders thereof: Provided always, that each Year, out of the Profits of which the Preference Shares or Preference Stock issued under the Authority of this Act shall be entitled to the preferential Dividend assigned thereto, shall end on the Thirty-first Day of *January*.

Same Meanings to Words in

4. In construing for the Purposes of this Act the Acts wholly and partly incorporated herewith, and in construing this Act, the following

following Expressions shall have the Meanings hereby assigned to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

incorporated Acts as in this Act.

The Expression "the Special Act" shall mean this Act:

The Expression "the Company" or "the Promoters of the Undertaking" shall mean the *Caledonian* Railway Company:

Other Expressions to which Meanings are assigned in the Acts wholly or partly incorporated herewith shall respectively have the same Meanings in this Act.

Power to raise Money by Ordinary or Preference Shares or Stock.

5. It shall be lawful for the Company from Time to Time to raise, in addition to the Sums which they are or may be authorized to raise by any other Act of Parliament, any further Sums of Money not exceeding in the whole the Sum of One hundred and fifty thousand Pounds by the Issue of new Ordinary Shares or new Ordinary Stock, or of new Preference Shares or new Preference Stock, or, at the Option of the Company, by any of those Modes.

Shares or Stock not to issue until One Fifth is paid up.

6. It shall not be lawful for the Company to issue any Share or Portion of Stock under the Powers of this Act, nor shall any such Share or Portion of Stock 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 or Portion of Stock shall be paid up in respect thereof.

Votes in respect of new Shares or Stock.

7. Each Holder of new Shares or Stock in the Capital by this Act authorized to be raised shall be entitled to the same Number of Votes in respect thereof which the Possession of an equal nominal Amount of the Capital authorized by the recited Act would have conferred upon him.

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

8. If by any other Act or Acts passed in the present Session of Parliament, whether before or after the passing of this Act, the Company be authorized to raise any Capital by the Issue of new Shares or Stock (whether ordinary or preference), the Company may, if they think fit, subject to the Provisions of such other Act or Acts and of this Act, raise by the Issue of Shares or Stock of one and the same Class, and entitled to the same Privileges, all or any Part or Parts of the aggregate Capital which they are by such other Act or Acts and this Act authorized to raise by the Issue of Shares or Stock.

Power to borrow on Mortgage.

9. When and so soon as the said additional Capital of One hundred and fifty thousand Pounds shall have been issued and taken up, and One Half of the said Sum shall have been paid up, it shall be lawful

lawful for the Company from Time to Time to borrow on Mortgage, and if paid off again to borrow, any Sum or Sums of Money not exceeding in the whole the Sum of Fifty thousand Pounds in addition to the Amount which they are or may be authorized to borrow by any other Act of Parliament: Provided always, that no Part of such Sum shall be borrowed until the Company shall have proved to the Sheriff who is to certify under the Provisions contained in the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," that the whole of such additional Capital has been issued and taken up *bonâ fide*, and that One Half thereof has been paid up, and that a Sum not less than One Fifth Part of the Amount of each Share and of each Portion of Stock so issued had been paid up thereon at the Time of the Issue and Acceptance thereof, and that the whole of the said Shares or Stock are held by the Persons to whom the same were issued, or their Executors, Administrators, or Assignees, and for which such Persons, or their Executors, Administrators, or Assignees, are legally liable.

Reserving Priority of existing Securities.

10. All Mortgages, Bonds, and Debenture Stock for which or for the Interest whereof the Company are lawfully liable, and which shall be in force at the Time of the passing of this Act, shall during their Subsistence have Priority over any Mortgage to be granted by the Company under the Powers of this Act.

Application of Monies.

11. All Monies raised under the Powers of this Act by the Issue of new Shares or Stock, or by borrowing on Mortgage, shall be applied in the first instance to the Purposes by this Act authorized, and, subject thereto, shall be applicable to the Purposes authorized by the other Acts relating to the Company.

Powers for compulsory Purchases limited.

12. The Powers 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.

Lands for extraordinary Purposes.

13. In addition to the Lands herein-before authorized to be taken by the Company, it shall be lawful for the Company to purchase by Agreement, in connexion with the Branch Railway by this Act authorized, any Quantity of Land near or adjoining thereto, not exceeding Three Acres, for the extraordinary Purposes specified in "The Railways Clauses Consolidation (*Scotland*) Act, 1845."

Power to construct Branch Railway.

14. It shall be lawful for the Company, with the Powers of Deviation and other Powers and subject to the Provisions contained in this Act and in the Acts wholly and partly incorporated herewith, to make and maintain in the Lines and upon the Lands delineated on the Plans and described in the Book of Reference deposited as aforesaid,

aforesaid, and according to the Levels defined on the Sections deposited therewith, the Branch Railway herein-after described, and all proper Stations, Approaches, Roads of Access, and other Works and Conveniences in connexion therewith respectively, and to enter upon, take, and use such of the said Lands as they may find necessary for the Purposes authorized by this Act and those Acts.

Description of Branch Railway.

15. The Branch Railway by this Act authorized to be constructed is,—

A Railway (to be called the "*Balerno* Branch") commencing by a Junction with the Main Line of the *Caledonian* Railway from *Carlisle* to *Edinburgh* near the Booking Office of the *Slateford* Station of that Railway, and terminating near *Balerno Bridge* in the Parish of *Currie* by which the Road leading from *Currie* by *Newmills* to *Balerno* is carried over the *Water of Leith*.

Lodging Houses not to be taken without Notice.

16. The Company shall, not less than Eight Weeks before they take in any Parish Houses amounting to Fifteen in Number or more occupied either wholly or partially by Persons belonging to the Labouring Classes as Tenants or Lodgers, make known their Intention to take the same by Placards, Handbills, or other general Notice placed in public View upon or within a reasonable Distance from such Houses; and the Company shall not take any such Houses until they have obtained the Certificate of a Justice that it has been proved to his Satisfaction that the Company have made known their Intention to take the same in manner herein-before required.

Regulating the Inclinations of certain Roads.

17. It shall be lawful for the Company to alter the Inclinations of the Roads numbered as after mentioned on the Plans deposited as aforesaid to such an Extent as they may think fit, provided that such altered Inclinations be not steeper than those herein-after specified respectively; (that is to say,)

Number on Plans.	Parish.	Description.	Inclination.
37	Currie - -	Turnpike Road -	1 in 15 on one Side and level on the other.
125	Currie - -	Parish Road -	1 in 15 on one Side and level on the other.

Limiting Time for Completion of Railway and Security for their Completion.

18. The Branch Railway by this Act authorized shall be completed and opened for public Traffic within Five Years from the passing of this Act, and if the said Branch Railway shall not be completed and opened for public Traffic within the said Period of Five Years the Company

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 Five Years until the said Branch 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 Branch 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.

Tolls.

19. It shall be lawful for the Company, subject to the Conditions, Limitations, and Provisions contained in "The *Caledonian* Railway Act, 1845," to demand and recover for the Use of the Branch Railway by this Act authorized, and the Conveyance of Traffic thereon, the same Tolls, Rates, and Charges which the Company are authorized by that Act to demand and recover for the Use of the Railways thereby authorized, and the Conveyance of Traffic thereon, as if the said Branch Railway had been an original Part of the *Caledonian* Railway, and had been constructed under the Powers of the said Act.

Interest or Dividend not to be paid on Calls paid up.

20. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company 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 Act authorized to be raised: Provided always, that the Company may pay 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 that Behalf of "The Companies Clauses Consolidation (*Scotland*) Act, 1845."

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

21. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purposes of such Act, 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.

Railways not exempt from Provisions of present

22. Nothing herein contained shall be deemed or construed to exempt the Railways by this or the other Acts relating to the Company authorized to be made from the Provisions of any General Act relating

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, and of the Rates for small Parcels, authorized by this Act or the other Acts relating to the Company. and future General Acts.

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

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