ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. ccxxxvii.

An Act to enable the *Caledonian* Railway Company to extend their Station in *Edinburgh*, and to make Branch Railways to *Granton* and to the *Edinburgh and Glasgow* Railway. [22d *July* 1847.]

WHEREAS an Act was passed in the Ninth Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for making a Railway from* Carlisle *to* Edinburgh *and* Glasgow *and the North of* Scotland, *to be called the* Caledonian *Railway:* And whereas it would be attended with Advantage and Convenience to the Public and to the *Caledonian* Railway Company if the said Company were authorized to extend their Station in *Edinburgh*, and to form Branch Railways connecting the *Caledonian* Railway, the *Edinburgh and Glasgow* Railway, and the Pier of *Granton*, with all proper Works and Conveniences attached to the said Station and Branch Railways and connected therewith; but these Objects 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, That the said recited Act, and the several Acts thereby incor-

8 & 9 Vict. c. 162.

Recited Act incorporated with this Act.

incorporated therewith, shall, so far as not inconsistent with or otherwise provided by this Act, be incorporated with and form Part of this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and Proceedings, it shall be sufficient to use the Expression "The *Caledonian* Railway (*Edinburgh* Station and Branches) Act, 1847."

Power to raise Money by Creation of new Shares.

III. And whereas the estimated Expence of the Works by this Act authorized is One hundred and ninety thousand Pounds; be it enacted, That it shall be lawful for the Company from Time to Time to raise, in addition to the Sums which they are already authorized to raise, or which they may be authorized to raise by any other Act to be passed in the present Session of Parliament, any further Sums of Money not exceeding in the whole the Sum of Two hundred thousand Pounds, by the Creation of new Shares or Stock, upon such Terms and in such Manner as may be or may have been agreed upon at any Extraordinary Meeting or Meetings of the Company, and the new Shares or Stock created by virtue of this Act shall become Part of the general Capital of the Company.

Power to borrow Money on Mortgage.

IV. And be it enacted, That after the whole of the said Sum of Two hundred thousand Pounds shall have been subscribed, and One Half thereof shall have been paid up, it shall be lawful for the Company from Time to Time to borrow on Mortgage or Bond, and if paid up again to borrow, any Sum or Sums not exceeding in all Sixty-six thousand six hundred Pounds, in addition to the Amount which they are already authorized to borrow or which they may be authorized to borrow by any other Act to be passed in the present Session of Parliament.

Lines of Railway.

V. And be it enacted, That it shall be lawful for the Company to extend their Station in *Edinburgh* over the Lands delineated on the Plans and described in the Book of Reference deposited as hereinafter mentioned, and to make and maintain the Branch Railways following; that is to say,

A Branch Railway from the *Caledonian* Railway near where the same crosses the Stream called the *Moat Burn*, which runs between the Farms of *Gorgie Mains* and *Gorgie Farm* in the Parish of *St. Cuthbert*, through the said Parish and the Parish of *Cramond*, to or near to *Granton* Pier in the last-named Parish;

A Branch Railway from the Branch Railway above described near *Tyne Castle* Toll Bar in the Parish of *St. Cuthbert* to the *Edinburgh and Glasgow* Railway at or near the *Haymarket* Station in *Edinburgh* of the said Railway;

A Branch Railway from the *Caledonian* Railway near *Dalry House* in the Parish of *St. Cuthbert* to the Branch Railway first described at or near the Point where the same is proposed to cross over the *Edinburgh and Glasgow* Railway in the same Parish; and

A Branch Railway from the *Edinburgh and Glasgow* Railway at a Point about Four hundred Yards to the Westward of the Signal-house near the Engine-house at the said *Haymarket* Station to the Branch Railway first described at or near the Point where

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the same is proposed to cross over the Turnpike Road leading from *Edinburgh* to *Glasgow*, all in the Parish of *St. Cuthbert*.

New Works to be made according to deposited Plans.

VI. And whereas a Plan of the additional Lands required for the said Station and Works connected therewith, and Plans and Sections of the said Branch Railways by this Act authorized to be made, showing the Lines and Levels of the said Branch Railways, and a Book of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees and Occupiers of the Lands upon or through which the said Station, Branch Railways, and Works to be connected therewith are to be situate, have been deposited in the Office of the Principal Sheriff Clerk of the County of *Edinburgh*; be it enacted, That, with the Powers and subject to the Provisions contained in the said recited Act, and the Acts thereby incorporated therewith, it shall be lawful for the Company to make and maintain the said Station, Branch Railways, and all necessary Works and Conveniences connected therewith, upon the Lands and in the Lines 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.

Land for extraordinary Purposes.

VII. And be it enacted, That the Quantity of Land to be taken by the Company for extraordinary Purposes in connexion with the Railways hereby authorized shall not exceed in all Thirty Acres.

Period for compulsory Purchase of Lands.

VIII. And be it enacted, That 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.

Period for Completion of Works.

IX. And be it enacted, That the Railways by this Act authorized to be made shall be completed within Seven Years after the passing of this Act, and on the Expiration of the said Period the Powers by this Act granted to the Company for executing the said Railways, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Railways as shall then be completed.

Inclination of a certain Road.

X. And be it enacted, That it shall be lawful to the Company to construct the Approaches of the Road numbered 7 in the Parish of *St. Cuthbert* on the Plans deposited as aforesaid with such Inclination as they think fit not steeper than One in Twenty.

Provision as to crossing the Edinburgh and Lanark and Edinburgh and Glasgow Roads.

XI. And be it enacted, That in altering the Turnpike Road leading from *Edinburgh* to *Lanark* at a Point near *Gorgie Mains*, and the Turnpike Road leading from *Edinburgh* to *Glasgow* by *Midcalder* at a Point near *Tyne Castle* Toll Bar, and at another Point on the East Side of *Dalry* Cemetery, by carrying the said Roads over or under the Railway by means of Bridges at the said several Points of crossing, the Company shall so construct the Bridges and the Approaches thereto that they shall have Gradients not steeper than One Foot in Forty-five Feet.

XII. And

Tolls.

XII. And be it enacted, That, subject to the Conditions, Limitations, and Provisions contained in the said recited Act, and the Acts thereby incorporated therewith, it shall be lawful for the Company to demand and recover, for the Use of the Railways and Works hereby authorized to be made, the same Tolls, Rates, Duties, and Charges which are by the said recited Act authorized to be demanded and recovered for the Use of the Railway and Works thereby authorized to be made.

Lands and Works of the Edinburgh and Glasgow Railway Company not to be interfered with, without Consent.

XIII. And be it enacted, That nothing herein contained shall be held to authorize the Company to enter upon any Lands belonging to the *Edinburgh and Glasgow* Railway Company without the previous Consent of such Company first had and obtained, except for the Purposes of this Act, nor to purchase or acquire any such Lands, nor to alter or vary the Line or Levels or Width of the *Edinburgh and Glasgow* Railway, without such Consent as aforesaid; nor shall it be in the Power of the Company to interfere with the said Railway, except for the Purpose of making and maintaining the Junctions with the said Railway, and passing over the same, in the Manner herein provided for, or in any Manner to interrupt the Traffic passing on the said last-mentioned Railway; and the Company shall bear all the Expences of effecting such Junctions 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 *Edinburgh and Glasgow* Railway, and shall also, at their own sole Costs and Charges, construct, and for ever after maintain, such and so many Switches, Turn-tables, Sidings, and other Works and Conveniences as may be necessary or convenient in connexion with the said Junctions, and for preventing any such Danger, Interruption, or Inconvenience to the Traffic of the *Edinburgh and Glasgow* 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 Arbitration, or to the Decision of the Commissioners of Railways, at the Option of the *Edinburgh and Glasgow* Railway Company.

As to Bridge over Edinburgh and Glasgow Railway.

XIV. And be it enacted, That the Company shall carry the Branch Railway first herein-before described over the *Edinburgh and Glasgow* Railway by means of a Bridge or Viaduct of the following Construction and Dimensions; that is to say, the said Bridge or Viaduct shall consist of Three Arches, each having a clear Width between the Abutments or Piers of not less than Thirty Feet, the Space or Ground under which Arches shall and may be used by the *Edinburgh and Glasgow* Railway Company, and the centre Arch of the said Three shall span over the existing Lines of Rails belonging to the said last-mentioned Company, and the clear Height of each of the said Arches shall be not less than Sixteen Feet above the Level of such Rails at the Centre, and not less than Fourteen Feet above the Level of the said Rails at the Distance of Seven Feet from the Abutments of such Arch, measuring towards the Centre thereof, and the said Bridge or Viaduct shall be constructed at the Sight and to the Satisfaction of the Engineer for the Time being of the *Edinburgh and Glasgow* Railway, and in such Manner as not in any way to

endanger the Safety of the said Railway or any of the Works connected therewith, or to obstruct the working of the said Railway; and in case of any Difference of opinion the Matter in dispute shall be referred to Arbitration, or to the Decision of the Commissioners of Railways, in the Option of the *Edinburgh and Glasgow* Railway Company.

As to Junction with Edinburgh and Glasgow Railway.

XV. And be it enacted, That the Company shall, if required by the *Edinburgh and Glasgow* Railway Company, construct the Branch Railway in the fourth place herein-before described so as to join the Line of the last-mentioned Company at a Point not less than One hundred and fifty Yards to the Westward of the Point at which such Branch is shown to terminate on the Plans deposited as aforesaid, and the said intended Extension of the said Branch shall be formed as nearly as possible parallel to and upon the same Level with the *Edinburgh and Glasgow* Railway, and shall, together with the Junction to be formed with the *Edinburgh and Glasgow* Railway, be constructed and completed at the Sight and to the Satisfaction of the Engineer for the Time being of the said *Edinburgh and Glasgow* Railway, and in case of any Difference in opinion the Matter in dispute shall be referred to Arbitration, or to the Decision of the Commissioners of Railways, at the Option of the *Edinburgh and Glasgow* Railway Company: Provided always, that the Extension hereinbefore mentioned shall not be required to be made unless the Ground necessary for the same shall be procured by the *Edinburgh and Glasgow* Railway Company (so far as not already their Property), and offered by them to the *Caledonian* Railway Company, on Payment of Compensation as provided for in the Lands Clauses Consolidation (*Scotland*) Act, 1845.

Restricting Use of Edinburgh and Glasgow Railway.

XVI. And whereas it is inexpedient that the Engines and Trains of any other Company than the *Edinburgh and Glasgow* Railway Company should be allowed to pass over the Branches hereby authorized, from, into, or through the Station on the said Railway at *Haymarket*, or over the Lines situated between the said Station and the Termination of the said Railway at the *North Bridge* of *Edinburgh*; be it enacted, That it shall not be lawful for the *Caledonian* Railway Company to use with their Engines and Carriages the Branches hereby authorized, to the effect of passing along or by means of them from, in, to, or through the Stations or over any Portion of the *Edinburgh and Glasgow* Railway between the Points before mentioned, without the previous Consent in Writing of the *Edinburgh and Glasgow* Railway Company, subject to such Limitations as shall from Time to Time be specified by them: Provided always, that nothing herein contained shall prevent the *Caledonian* Railway Company from using with their Engines and Carriages the Branches hereby authorized.

Saving Rights of the Edinburgh and Glasgow Railway Company.

XVII. Provided always, and be it enacted, That nothing herein contained shall extend to alter, vary, prejudice, or diminish any of the Rights, Powers, Privileges, or Authorities vested in the *Edinburgh and Glasgow* Railway Company by virtue of the Acts relating to such

such Company, or any of them, except as herein-before expressly provided.

For Protection of Interests of St. Cuthbert's Charity Workhouse.

XVIII. And whereas it may be necessary for the Purposes of this Act to take and use the Building called the Charity Workhouse of *Saint Cuthbert*'s Parish, and the Workshops, Offices, Gardens, and Grounds appertaining thereto, and it is necessary to make special Provision regarding the same, in order that as little Inconvenience as possible may be occasioned by the Removal of the said Workhouse; be it enacted, That the Company shall not be entitled to acquire by Compulsion any Part of the said Charity Workhouse or Premises until they shall have first provided to the Satisfaction of the parochial Board of Managers of the Poor of the said Parish of *Saint Cuthbert*, and of the Board of Supervision in *Scotland*, or in case of Difference in opinion between the Company and the said Boards, to the Satisfaction of the Sheriff of the County of *Edinburgh*, a suitable Site of Ground (not farther distant from the *West Church* than a Mile), and built thereon a new Workhouse, at least equal in Extent and Accommodation with the present Premises, and finished according to the modern Style of finishing Buildings of that Description, including suitable Suites of Rooms for a House Governor, a House Matron, a House Surgeon, and an Inspector of the Poor of the said Parish, with other suitable Rooms for the Accommodation of the said parochial Board, and their Clerks, Officers, and Servants, according to Plans and Specifications to be previously submitted to and approved by the said parochial Board or the Sheriff of the said County, and such Site of Ground shall not be burdened with any higher Rate of Feu Duty or Ground Rent than is paid for the present Premises: Provided always, that in the event of the Site being removed to any greater Distance from the Parish Church than the present Workhouse, the Company shall pay such Sum to the parochial Board as the said Sheriff shall fix and determine as an Indemnity for the Loss and Damage that will arise therefrom, together with the Expences that may be incurred by the parochial Board in reference to such Proceedings, as the same shall be fixed by the said Sheriff, whose Orders and Decisions in the whole Matters aforesaid shall be final and conclusive on both Parties, and shall not be subject to Review in any way whatever.

Company not to interfere with Property of Military Academy.

XIX. And be it enacted, That nothing herein contained shall be held to authorize the Company to purchase, acquire Right to, or enter upon the Property belonging to the Royal Academy for teaching Exercises at *Edinburgh*, as incorporated by Royal Charter, situated in the *Lothian Road* and Parish of *St. Cuthbert Edinburgh*, without the previous Consent of the Directors of the said Academy for the Time being.

Nothing to affect legal Proceedings as to Property of John Laing.

XX. And be it enacted, That nothing herein contained shall prejudice or affect any legal Proceedings now pending between the Company and *John Laing*, in reference to Property belonging to him in *Edinburgh*.

XXI. And

Nothing to affect Claims of John Laing against other Parties.

XXI. And be it further enacted, That nothing in this Act contained, nor any thing to be done in virtue thereof, in reference to the Property of the said *John Laing*, shall alter, prejudice, or in any way affect the Claims of the said *John Laing* against any other Parties.

Interest not to be paid on Calls paid up.

XXII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder 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 nothing herein-before contained shall be deemed to prevent the said Company from paying 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 the Companies Clauses Consolidation, *Scotland*, Act, 1845, in that Behalf contained.

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

XXIII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway 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 said Company to construct any other Railway or execute any other Work or Undertaking.

As to the Expences of Conveyances.

XXIV. And be it enacted, That the Expences of all Conveyances of Lands to the Company for the Purposes of this or the said recited Act, or of any other Act passed or which may be passed in favour of the Company, shall be borne by the Company, and such Conveyances shall be prepared by the Agents of the Company, and such Expences shall include all Charges and Expences, incurred on the Part as well of the Sellers as of the Purchasers, of all Conveyances of any such Lands, and of any Interests therein, and of establishing the Title to such Lands, and all other reasonable Expences incident to the Investigation of such Title.

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.

XXV. 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 another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for regulating*

regulating the Gauge of Railways; and another Act was passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act for constituting Commissioners of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the Railways by this Act authorized or the Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Company, so far as the same shall be applicable thereto.

Railways to be subject to Provisions of future general Acts.

XXVI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by this or the said recited Act authorized to be made from the Provisions of any general Act relating to this and the said recited Act, or of any general Act relating to Railways, now in force or 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.

Expences of Act.

XXVII. And be it enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and of making the Survey, Plans, and Estimates, and all other Costs, Charges, and Expences in any way incident thereto, shall be paid and defrayed by the Company out of the Money already raised and received, or out of the first Money to be raised or received by them, in preference to any other Payment whatsoever.

Public Act.

XXVIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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