ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

****

Cap. cxxxi.

An Act for making and maintaining a Railway or Railways from the City of *Edinburgh* to *Leith*, and to the Shore of the *Frith* of *Forth* at or near to *Newhaven* and *Trinity*, all in the County of *Edinburgh*. [13th *August* 1836.]

WHEREAS the making and maintaining a Railway or Railways and other Works connected therewith, commencing at or near to *Canal Street* in the City of *Edinburgh* to or near to the Lands of *Heriot Hill*, thence and terminating at or near to the Harbour and Docks of *Leith*, also a Line of Railway or Railways and other Works connected therewith from the said Railway or Railways and other Works at or near to the said Lands of *Heriot Hill* to the Shore of the *Frith* of *Forth*, and terminating at or near to *Newhaven* and *Trinity*, in and through the several Parishes or Places herein-after mentioned, all in the County of *Edinburgh*, will be of great public Utility to the Inhabitants of the said City and of *Leith* and others, by opening a cheap, certain, and expeditious Communication for the Passage of Waggons and other Carriages between the said City of *Edinburgh*, the said Harbour and Docks of *Leith*, the said Shore, and the Piers established and other Works to be made and established at *Newhaven*, *Trinity*, or on the said Shore of the *Frith* of *Forth*: And whereas the several Persons herein-after named are

desirous to form themselves into a Company of Proprietors, and at their own Costs and Charges to make, construct, complete, and maintain a Railway or Railways and other Works connected therewith herein-after mentioned; but forasmuch as these Objects and Purposes cannot be effectuated without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be it enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lord's Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Alexander Wood, Emanuel Franklin, John Robertson, Robert Scott, Donald Leitch, John Thomson, John Runciman, Alexander Robertson, Donald Smith Peddie, Alexander Scot, Thomas Jamieson, Thomas Sprot, James French* junior, *Alexander Goalen, Arthur Munro, John Stewart, James French* as Guardian for *Walter, Edward,* and *Jessie Brown, William Dumbreck, David Sandeman, John Wigham* junior, *Thomas Stephen, John Riddle Stodart, James Pow, Alexander Walker Maclean, Lachlan M'Lachlan, Malcolm Macgregor, Walter Emanuel Brown, James French, Peter M'Leish, Thomas Cooke, Richard Crosbie Dawson, John Fletcher, W. G. Weiss, Israel Barned, John Lucy, Peter Eastwood, Joseph Robinson Pim, Paul Twigg, Cornelius Bourne, Charles Dobbie, Thomas Phillips, Robert Marriner, Moses Glover, George Parsons, William Okill, William Frederick Lindon, William Crawford Lennox, Henry Lucas, Charles Okill, Joshua Van Oven, Thomas Hornby, Joseph Mossop, George Laing, Christopher Saltmarshe, Joseph Humphreys, Thomas Robinson Woolfield, William Henry Goore, James Crescent Shaw, William Okill, Henry Southern, John Gregorg Jones, Sarah Smoult, Thomas Cartwright, Emanuel Zwilchinbart, John Buggeln, Richard Dawson, Lewin Mosley, William Robert Preston, Rodolph Zwilchinbart, John Peek, John Baker Hodgson, Samuel Lennox, John Alexander Wilson, William Price, Moses Glover, William Thompson, Gasper Winteler, Timothy Verdier, John Kirsup, Andrew Loughnan, Thomas Price, Henry Burnand, George Nicholas, William Lea, John Labouchere, Robert William Parden, Francis Cooper, George Glas Sandeman, Benjamin Wolfe Franklin, Selim Franklin, John Moon, Abraham Franklin, William Stoby, Rupert Holmes, Edward Wilson, Abraham Lewis Franklin, B. P. Bartlett, John Tyrrell, Hugh Fraser Sandeman, Philip Numan Scanlan, Richard Price, George Burnand, Daniel George Secretan, Henry Revaz, Alexander Hall, Lewis Burnand* junior, *William Lewis Northern, Plaisted Norris, John James Short, Benjamin Wood, Matthew Flower, Alfred Pearson, John Goodeve, Francis Burnand, John Leathwaite, Theophilus Burnand, Dennis Alexander Rougement, William Ward, George Ranicock, Charles Vickers, David Tyrie, Samuel Frampton Stallard, John Shand, Robert Scott, Robert M'Laren, David Lister, David Sandeman, Daniel Robertson, Louis Henry Macintyre, John Deane, John Miller, Gilbert Cumming, William Houldsworth, Joseph Greetham, William Franklin, Richard Price, John Mulhilland, W. Mulhilland,* Sir *James Brancker, William Nightingale, Richard Dawson, Edward Branthwaite, Robert Bannister Robinson, J. C. Satterthwaite, John Riddle Stodart, Henry Inglis, Gilbert Ogilvy Gardner, John Lister, Andrew Lister, James French, Anna Eckford, Marion Eckford, Christian Bruce, Hannah Bruce, Jessie Simpson, Peter Watt, Catherine Watt,*

Proprietors incorporated.

Watt, Hugh Fraser, Andrew Grieve, Alexander Hamilton, Phineas Franklin, John Stewart Wood, James B. Fernie, Jean Henderson, Sutherland Mackenzie, John Dumbreck, Margaret French, George Rougement, Thomas Manning, William Scott, Henry Berger, William Chaplin, Frederick Secretan, George Dettmar, James Wetenhall, Robert Johnston, Thomas Le Cesne, S. J. Waley, John Pember, John M. Innes, J. G. Vickers, Richard Cuerton, Joseph Young, J. W. Damant, Samuel R. Hesseltine, Charles W. Tabor, Theophilus Green, Louis Dubuisson, George Schlopl, J. Adderley, J. Deacon, Daniel Curling, John Field junior, *George Pollard, John Robson, John Sewell, Henry Bickwell, W. H. Maund, James Vickers, Matthew Clark, John Wooley, William Hesseltine, Samuel H. J. Ellis, Samuel Arbouin, Jonathan Josias Buttress, James Baillie Fraser*, Sir *Andrew Leith Hay*, Colonel *George Wright*, and all and every Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or Company, who now is or are or who shall at any Time hereafter, according to the Conditions and Restrictions herein-after set forth, be or become a Proprietor or Proprietors of any Part or Share of the Capital Stock of the Company hereby established, and their several Heirs, Successors, Executors, Administrators, and Assignees, so long as they shall hold the same and no longer, shall be and they are hereby united into One Body Politic and Corporate by the Name or Style of "The *Edinburgh*, *Leith*, and *Newhaven* Railway Company," and by that Name shall have perpetual Succession and a Common Seal, and by that Name may sue and be sued in all Civil and Criminal Courts, and shall have Power and Authority to purchase and hold Lands, Grounds, and Heritages for the Purposes of this Act.

Description of Line of Railway.

II. And be it further enacted, That the said Company shall be and are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Railway or Railways, and other Works connected therewith, passable for Waggons and other Carriages; first, from, at, or near to *Canal Street* in the said City of *Edinburgh* at a Place named *Market Street*, in the Parish of the *High Church* of *Edinburgh*, through the Lands and others lying between the said *Market Street* and *Prince's Street* of *Edinburgh*; thence by a Tunnel across but under *Prince's Street*, and thence continuing by a Tunnel through the Parishes of *St. Andrew's* and *St. Mary's* of *Edinburgh* in the Line of *St. Andrew's Street*, the East Side of *St. Andrew's Square*, *Duke Street*, *Dublin Street*, and in the same Line passing through *Drummond Place* to *Scotland Street*, and in the Line of *Scotland Street* to the lower End of the same; thence to the Lands and Grounds of *Heriot Hill* in the Parish of *St. Cuthbert's* or *West Kirk*, passing under the Turnpike Road from *London Street*, *Edinburgh*, to *Inverleith*, and the Road from the Town or Village of *Stockbridge* to *Blanfield*; thence by or near to the Lands and Grounds of *Logie Green* and *Bonnington Bridge* in the Parish of *St. Cuthbert's* or *West Kirk*, or the Parishes of *St. Mary's* of *Edinburgh* and *St. Cuthbert's* or *West Kirk* respectively, passing under the Road from *Edinburgh* to *Newhaven* at or near to *Bonnington Bridge*; thence by or near to *Hillhousefield* and the Bridge across the *Water of Leith* at *Great Junction Street* to the Harbour or Docks of *Leith* at *Dock Street* in

or

or near the Town of *Leith*, in the Parishes of *North Leith* and *South Leith* respectively, passing under the said *Great Junction Street*; and, secondly, from the Line here described from *Market Street, Edinburgh*, to the Lands and Grounds of *Heriot Hill* at the said Lands of *Heriot Hill*, through the Lands of *Logie Green* in the Parish of *St. Cuthbert's* or *West Kirk*, or Parishes of *St. Mary's* of *Edinburgh* and *St. Cuthbert's* or *West Kirk*; thence by the West of *East Warriston*, the East of *Bangholm* Farmhouse and *Lixmount* to *Maitland Place* at the Village or Town of *Newhaven* in the Parishes of *St. Cuthbert's* or *West Kirk* and *North Leith* respectively, passing under the Turnpike Roads from *Queensferry* to *Leith*, and from *Golden Acre* to *Cherry Bank*, and to the Town or Village of *Newhaven*, with Branches from the said *Maitland Place* to the *Pier* of *Newhaven* and to the *Chain Pier* of *Trinity*; and, thirdly, from the Line herein-before described at the said Lands and Grounds of *Logie Green* by the East Side of the said *Bangholm* Farmhouse, and through the Lands of *Trinity* and others to the *Chain Pier* of *Trinity* in the Parish of *St. Cuthbert's* or *West Kirk* and *North Leith* respectively, passing under the said Turnpike Road from *Queensferry* to *Leith*, and from *Golden Acre* to *Cherry Bank* and to the Town or Village of *Newhaven*, with a Branch to the said *Pier* of *Newhaven*, all in the County of *Edinburgh*;

Power to enter Lands and construct Works.

and for the Purposes aforesaid the said Company, their Deputies, Agents, Officers, Workmen, and Servants, are hereby authorized and empowered to enter into and upon the Lands, Grounds, and Heritages of or belonging to any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or Company whatsoever, and to survey and take Levels of the same or any Part thereof, and to set out, ascertain, and appropriate, for the Purposes herein-before and after mentioned, such Parts thereof as they shall think necessary and proper for making, completing, and maintaining the said Railway or Railways, Tunnel or Tunnels, Inclined Plane or Planes, with stationary, locomotive, Steam or other Engines, Branches, Depôts, Warehouses, Wheels, Machinery, Roads of Communication, and all other Works, Matters, and Conveniences hereby authorized to be made; and also to bore, dig, cut, open, cast, trench, get, remove, take, carry away, deposit, lay, use, and manufacture any Earth, Clay, Stone, Soil, Rubbish, Trees, (leaving such Trees for the Owner or Owners thereof), Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the said Railway or Railways and other Works connected therewith, or out of the Lands, Grounds, and Heritages of or belonging to any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or Company, adjoining thereto, and which may be proper, requisite, or necessary for making, completing, and maintaining the said Railway or Railways and other Works, or which may hinder, prevent, or obstruct the making, using, or completing, extending or maintaining, the same respectively, according to the Intent and Meaning of this Act; also to make, build, alter, erect, widen, and set up in, over, under, or upon the said Railway or Railways and other Works, and upon the Lands adjoining the same, such and so many Embankments, Drains, Reservoirs, and other Conveniences as may be necessary or convenient for collecting or conveying Water necessary for the Purposes of the said Railway or Railways and other Works, or the Steam Engines used by the said Company; and also

also to erect such and so many Wharfs, Warehouses, Toll Houses, Posts, Ropes, and Chains, Weighing Beams, Cranes, Steam Engines, or other Machines and Conveniences, as the said Company shall think necessary and convenient; and also to make, maintain, repair, and alter any Bridges, Aqueducts, Tunnels, Passages, or Fences over, under, or through the said Railway or Railways and other Works; and also to make and set out proper Places for Waggons and other Carriages to turn, lie, or pass each other, as the said Company shall think convenient, and to construct, erect, alter, widen, and keep in repair any Piers, Arches, and other Works in, upon, and across any Streams or Brooks for the making, effecting, preserving, improving, completing, using, maintaining, and repairing of the said Railway or Railways and other Works, and to alter such Streams or Brooks and Communications as may run in or near the said Railway or Railways and other Works; and also to alter the Course of the Road leading by *East Warriston Gate* to *Canon Mills* and the Road or Street leading from *Prince's Street* to *Canal Street* and *Market Street* of *Edinburgh*, and to construct, erect, alter, make and do all other Matters and Things which they shall think convenient or necessary for the making, erecting, effecting, altering, preserving, improving, completing, and using of the said Railway or Railways and other Works to be made or constructed in pursuance of and according to the true Intent and Meaning of this Act; they the said Company, their Deputies, Agents, Officers, Workmen, and Servants, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction in manner herein-after mentioned to the Owners and all Persons interested in any Lands, Grounds, and Heritages which shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company, and their Deputies, Officers, Agents, Workmen, and Servants, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as are herein-after mentioned and contained.

When and how Streets, &c. may be opened.

III. And be it further enacted, That when at any Time the said Company, or any Persons in their Name and Behalf, shall have Occasion to open, cast, cut, trench, or dig any Road or Street, or to interfere with or alter any Common Sewer, they shall give Six Days previous Notice of their Intention so to do to the Superintendent or Surveyor of the District where the same is situated, specifying the Place where and the Mode in which the Work is intended to be performed or interfered with, and in every such Case the said Company shall restore the Road, Street, or Common Sewer with as little Delay as possible to a proper, good, and sufficient Condition, to the Satisfaction of such Superintendent or Surveyor, or if the Parties cannot agree, then to the Satisfaction of the Sheriff or Sheriff Substitute of the County of *Edinburgh*, or a proper Person or Persons of Skill to be appointed by such Sheriff or Sheriff Substitute upon a summary Application to be made for that Purpose; and in carrying on the said Railway or Railways, Tunnel or Tunnels, or other Works, and in opening, altering, relaying, or restoring the Causeways, Pavements,

Metal, or Common Sewers, or any of them, all such shall be effected at the sole Expence of the said Company, and shall be done and performed to the Satisfaction of the said Sheriff or Sheriff Substitute.

Railway to be carried under Streets by means of a Tunnel.

IV. And be it further enacted, That the said Tunnel or Tunnels shall be made and constructed under the Superintendence of a Person or Persons to be appointed by the Sheriff or Sheriff Substitute of the County of *Edinburgh*, and shall be formed or carried by Excavation, and forming an Archway of Stone, Brick, or Metal, where the same may be necessary, regularly as the Works proceed, and shall be so formed and constructed that the Waggons and other Carriages travelling along or using the same shall pass solely under and beneath the Streets before mentioned from *Prince's Street* (including the same) to the lower End of *Scotland Street* of the said City, and not over the Surface of the said Streets.

Limitation of Line.

V. And be it further enacted, That the said Company, in making the said Tunnel or Tunnels within the Space before described, namely, between *Prince's Street* and the lower End of *Scotland Street*, shall not deviate more than Ten Yards from the Line or Tunnel under the said Streets, nor carry or form the said Tunnel or Tunnels under any of the Houses or sunk Areas within the said Space; and in the event of the said Company forming or carrying the said Tunnel or Tunnels under any House or sunk Area within the said Space it shall be competent for any Proprietor of any such House or sunk Area to apply by summary Application to the Judge Ordinary of the Bounds for an Interdict to stop the Progress of the said Tunnel or Tunnels where so passing under any such House or sunk Area, which Interdict such Judge is hereby required, notwithstanding this Act, forthwith to grant and enforce; and the said Company shall further be obliged, upon Proof that the said Tunnel or Tunnels have so passed under any such House or sunk Area, to purchase from the Proprietor of such House or sunk Area the whole of such House, Area, and the Pertinents thereto belonging; and in case of Difference as to the Price or Value thereof the same shall be settled by the Valuation and Verdict of a Jury in the same Manner as the Value of any other Lands, Grounds, and Heritages is hereby directed to be ascertained and settled; but nevertheless such Interdict shall not continue in force longer than until the said Company shall produce sufficient Security that they shall implement the Verdict to be given by the said Jury, and that to the Satisfaction of the said Judge Ordinary.

If Damage is done to Excise Office the Company to purchase the same.

VI. And be it further enacted, That if by means of the said Tunnel or Tunnels passing beneath the Area of the Excise Office or Custom House in *Drummond Place*, or by means of the Execution of any of the Works hereby authorized, any Damage, Injury, or Deterioration whatsoever shall be done to the said Premises or any Part thereof, the said Company shall make full Compensation for the Amount of the said Damage, Injury, or Deterioration; or in case the Commissioners of Excise shall require the same the said Company shall purchase the whole of the inclosed Ground and Area, and the House and Premises standing thereon, now occupied by the Commissioners of Excise; and in case of any Difference as to the Amount of any such Damage,

Injury, or Deterioration, or as to the Value of any such Ground, House, and Premises, the same shall be settled and determined in such Manner as the Lords Commissioners of His Majesty's Treasury may from Time to Time direct and appoint.

Company to purchase Houses, &c. that may be undermined if required.

VII. And be it further enacted, That before the said Company, or any Person or Persons employed by them, or acting under their Authority, shall bore, excavate, mine, or dig under any Lands or Grounds not being a Street or Road laid open to the Public before the passing of this Act, or under any Houses, Buildings, or Heritages, they shall, if required by the Owners thereof, respectively purchase by Agreement, or if the Parties do not agree, then by the Valuation of a Jury, as directed by this Act, the said Lands, Grounds, Houses, Buildings, or Heritages so to be bored or undermined, or such Part or Parts thereof as the Jury shall fix and determine to be requisite, or to be injured or deteriorated by the said Works, and shall pay or tender the Purchase or Consideration Money for the same in manner herein-after mentioned.

Company to compensate any Damage, Injury, or Deterioration which shall be done to any House, Building, or Building Ground along the Line.

VIII. And be it further enacted, That if, where the said Railway or Railways, Tunnel or Tunnels, or other Works connected therewith, shall pass or be executed solely along the Line of and under any Street or Road already laid off and open to the Public, any Damage, Injury, or Deterioration shall be done to any adjoining House or other Building along the said Line, or to the Foundations thereof, or to any adjoining Building Ground, the said Company shall compensate the Amount of the said Damage, or, in the Option of the Proprietor of the House or Property so damaged, the said Company shall purchase the said Houses, Buildings, or Building Ground so damaged; and if any Difference shall arise between the Parties as to the said Damage or Deterioration the Amount of the Compensation Money so to be paid, or the Price of the said House, Building, Building Ground, or otherwise, all such Differences shall be settled and determined by a Jury to be summoned and impanelled in manner herein directed: Provided always, that where the said Damage shall only arise from the temporary Occupation or Obstruction of the Road or Street by open-casting the same, or where no Crack or Sitt shall take place by the Operations of the said Company in such adjoining House or Building or Building Ground, the said Company shall not be obliged to purchase such adjoining House, Building, or Building Ground, but shall compensate and pay all Damages and lawful Claims arising, if any shall arise, from such Obstruction, to the Proprietors of such adjoining Houses or other Property; and if the Parties cannot agree, or any Questions shall arise between them in regard thereto, the same shall also be settled and determined by a Jury in manner herein directed.

Company to give Security, if required, for Operations in Streets.

IX. And be it further enacted, That if any Person, being a Proprietor or Occupier or otherwise interested in any House or Premises situated along any of the Streets under which the said Tunnel or Tunnels or other Works of the said Company are intended to be carried, or within Thirty Yards of the Line of any such Tunnel or Tunnels or other Works, shall, after Twenty-four Hours previous Notice

Notice given to the Secretary of the said Company, make Application to the Judge Ordinary of the Bounds, stating that he or she has Reason to dread or apprehend that Injury or Damage will be done to any such House or Premises, it shall be competent to such Judge Ordinary, upon being satisfied that such Application or Complaint is well founded, to grant an Interdict against all or any of the Operations of the said Company opposite or adjoining to such Person's Property, or affecting the same, notwithstanding the Powers hereby granted to the said Company, until Security and Caution shall be found to the Satisfaction of such Judge Ordinary for the Payment or Compensation of all such Damage as aforesaid, as the same shall be ascertained by the Verdict of a Jury in manner herein directed, if the Parties shall not otherwise agree in regard thereto.

Protecting Water and Gas Company's Pipes.

X. And be it further enacted, That wheresoever in executing the Works of the said Company it shall be required to alter or disturb any of the Pipes of the *Edinburgh* Water Company, or *Edinburgh* Gas Light Company, or *Leith* Gas Light Company, or of any of them, the said Company hereby incorporated or those acting for them shall give at least Six Days previous Notice to the respective Clerks or Managers of the respective Company whose Pipes it may be so intended to alter or disturb, and shall submit to such respective Clerks or Managers a written Statement or Specification of the Operations intended, and of the Time at which it is proposed to execute the same; and the said Company hereby incorporated shall without Delay restore and relay the Pipe or Pipes in a proper and sufficient Condition, and shall make good to the said Companies respectively all Loss and Damage of whatsoever Description arising by such Operations; and in case the said Water or Gas Light Companies or any of them respectively shall not be satisfied with such Specification, or if the Parties shall not otherwise agree, it shall not be lawful to the said Company hereby incorporated to alter or disturb the Pipes of the Company so objecting until a proper and competent Person of Skill shall, upon the summary Application of any of the Parties, be appointed by the Sheriff or Sheriff Substitute of the said County to examine and approve or alter the said Specification or Plan, or to superintend the said Work; and the said Sheriff or Sheriff Substitute shall make such Order for and in regard to the due and proper Execution of the said Work, and the Expence of Procedure, as to him shall seem just; and the Loss and Damage otherwise arising, if any shall arise, by the Interruption or Loss of Water, Gas, or other Cause whatsoever, to the said Company whose Pipes are to be altered or disturbed, or to the Company hereby incorporated or their Contractors, in case the said Sheriff or Sheriff Substitute shall find the Opposition or Objection of the Company so opposing to have been unnecessary or unreasonable, shall, if the same shall not otherwise be settled or agreed on between the Parties, be settled and determined by the said Sheriff or Sheriff Substitute.

Railways not to cross Turnpike Roads on a Level.

XI. And be it further enacted, That where the said Railway or Railways shall cross any Turnpike Road, either such Turnpike Road shall be carried over the said Railway or Railways, or the said Railway or Railways shall be carried over the said Turnpike Road, at the Expence

Expence of the said Company, by means of a Bridge or Tunnel, where not otherwise provided for by this Act, of such Construction as herein-after mentioned, excepting always the Road along the Shore from *Leith* to *Granton*, in crossing which it shall not be lawful to use a locomotive Engine under a Penalty of Ten Pounds, to be recovered in the same Manner as other Penalties under this Act.

Railway not to cross other Roads on a Level.

XII. And be it further enacted, That where the said Railway or Railways shall cross any public Carriage Road or Highway other than a Turnpike Road, either such Railway or Railways shall be carried over the said Highway at the Expence of the said Company by means of a Bridge, or under the same by means of a Tunnel, in such Cases where the Sheriff or Sheriff Substitute of the County of *Edinburgh* shall deem it expedient that such Highway shall not be crossed by the said Railway or Railways on a Level; and wherever the said Railway or Railways shall cross any Footpath not on a Level, the said Company shall and they are hereby required to make a convenient Ascent or Descent for such Footpath.

Ascent or Descent to be made to Footpath.

Where Railways cross public Highway on a Level Company to erect Gates.

XIII. And be it further enacted, That in all Cases wherein the said Railway or Railways shall cross any public Highway on a Level, the said Company, if required by any Meeting of the Trustees for public Roads for the District or Parish, shall erect and at all Times maintain good and sufficient Gates across the said Railway or Railways at the Point where these shall cross such public Highway, all which Gates shall be constantly kept shut by some Person or Persons to be appointed by the said Company, and which Person or Persons the said Company is hereby required to appoint, under a Penalty of Five Pounds for each Default, except during the Times when Waggons and other Carriages passing along the said Railway or Railways shall have to cross such public Highway, and then the said Gates shall be open for the Purpose of letting such Waggons and other Carriages pass through, and the Person or Persons intrusted with the Care of such Gates shall cause every such Gate to be shut as soon as such Waggons and other Carriages shall have passed through the same, under the Penalty of Forty Shillings for every Default therein.

Regulations as to Ascent to Bridges, Tunnels under Roads, and Heights of Bridges.

XIV. And be it further enacted, That when any Bridge or Tunnel shall be erected or made for the Purpose of carrying the said Railway or Railways over or under any Road, the Ascent or Inclination of the Roadway over or under every such Bridge or Tunnel with respect to Turnpike Roads shall not be more than One Foot in Thirty Feet, and with respect to public Carriage Roads or Highways other than Turnpike Roads not more than One Foot in Twenty Feet, and with respect to any private or Accommodation Carriage Road not more than One Foot in Sixteen Feet; and that in Cases where the Bridges are over such Roads, or such Roads shall be carried under the Railway or Railways by means of a Tunnel, the clear Height from the Middle of such Road to the Crown of the Arch of every such Bridge or Tunnel with respect to Turnpike Roads shall not be less than Eighteen Feet, and with respect to public Carriage Roads or Highways not less than Sixteen Feet, and with respect to private or Accommodation Carriage Roads not less than Thirteen Feet; or that

in all Cases the Width of such Roads, of whatever Description, shall be such as shall be convenient and sufficient for the Traffic upon the Road to be crossed, Reference being had to the present Width of such Road, and of any Bridges that may now exist thereon: Provided always, that in no Case shall any Bridge over or under any Turnpike Road, or any such Tunnel as aforesaid, give a Width of less than Twenty Feet in the Clear, and with respect to any public Carriage Road or Highway not less than Fifteen Feet for the Passage of such Roads; and a good and sufficient Parapet Wall or Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

In case of Injury to Roads.

XV. And be it further enacted, That in all Cases when, in Exercise of the Powers hereby granted, it shall be found necessary to cut through, take, or so much injure any Part of any Carriage or Horse Road, either public or private, so as to render the same impassable or inconvenient for Travellers or Carriages, or to the Persons entitled to the Use thereof, the said Company shall at their own Expence, before any such Road shall be cut through, taken, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road (as the Case may require) to be set out and made instead thereof, as convenient for Passengers and Carriages as the Road so to be cut through, taken, or injured as aforesaid, and as near thereto as may be, and shall cause the same to be put in good and substantial Order and Condition, where the former Road cannot be more easily restored; and if the said Company shall refuse or neglect so to do within Fourteen Days after due Notice thereof, then the said Company shall forfeit the Sum of Twenty-five Pounds Sterling for every Day of such Delay or Neglect, to be recovered in the same Manner as other Penalties under this Act.

Plan and Book of Reference deposited with the Clerk of the Peace to remain there, and be open to Inspection.

XVI. And whereas a Survey has been made to ascertain the Practicability of the said Railway or Railways and other Works connected therewith, and a Map or Plan showing the different Lines thereof, with a Book of Reference thereto containing a List of the Names of the Owners or reputed Owners and Occupiers of the Lands, Grounds, and Heritages through which the same is or are to be carried, has been deposited in the Office of the Clerk of the Peace for the County of *Edinburgh*; be it further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace of the said County to the end that all Persons shall have Liberty at all reasonable Times to resort to and examine or make Extracts from or Copies of the same as Occasion shall require, paying to the said Clerk of the Peace the Sum of One Shilling for every such Inspection, and of Copies or Extracts from the said Book of Reference at the Rate of Sixpence for every One hundred Words; and the said Company, in making the said Railway or Railways, shall not deviate more than One hundred Yards in Lands, or in Towns or Streets more than Ten Yards, from the Course or Direction delineated on the said Map or Plan, and set forth in the said Book of Reference; it being hereby provided, that on that Part of the said Line of Railway situated between *Prince's Street* and the lower End of *Scotland Street* as aforesaid no Deviation shall take place

further than Ten Yards, nor shall each Direction extend beyond the Line of the Streets running between these Two Points.

Misnomer not to interrupt Execution of the Works.

XVII. Provided always, and be it enacted, That although any of the Owners or reputed Owners and Occupiers of any of the said Lands, Grounds, and Heritages in, through, under, or along which the said Railway or Railways and other Works connected therewith are intended to be made or to pass shall have been erroneously set forth or omitted, or any of the said Lands, Grounds, and Heritages have been wrong described, such Misnomer or Omission or wrong Description shall not afford any Ground or Pretence for objecting to or interrupting the Execution of the Works to be done by the said Company, provided that it shall appear to any Two or more Justices of the Peace for the County of *Edinburgh*, and to be certified by a Writing under their Hands, that such Misnomer or Omission or erroneous Description proceeded from Accident or Mistake.

Breadth of Land, &c. to be taken for Railway.

XVIII. And be it further enacted, That the Lands, Grounds, and Heritages to be taken or used for the Purposes of this Act shall not exceed Thirty Yards in Breadth, except in such Places where it shall be judged necessary for Waggons or other Carriages to turn, lie, remain, or pass each other, or for raising Embankments for crossing any Valley, or in deep Cuttings, or in the Avenues or Bridges, or where any Warehouses, Cranes, Weighbeams, Steam Engines, or other Machines may be erected, or where any Pond, Basin, or Reservoir may be formed or constructed, or where any Places may be set out or appropriated for the Reception or Delivery of Goods, Wares, Merchandize, and other Matters and Things conveyed on the said Railway or Railways and other Works connected therewith; and in no Place shall more than Fifty Yards in Breadth, exclusive of the Breadth required for cutting or embanking, be taken or used, excepting always what may be required to be taken at the Termini at *Edinburgh* and at the *Frith* of *Forth* near *Leith*, *Newhaven*, and *Trinity*, where the Breadth of such Termini shall not exceed One hundred Yards; and where such Breadth of Fifty or One hundred Yards, exclusive of the Breadth required for cutting and embanking, shall be taken as aforesaid, it shall not extend in Length in any one Place to more than Three hundred Yards.

Houses and Gardens not to be used without Consent, unless specified in Schedule.

XIX. And be it further enacted, That nothing herein contained shall authorize the said Company or any Person acting under their Authority, to take, injure, or damage, for the Purposes of this Act, any Houses or other Buildings which were erected or built on or before the passing of this Act, or any Ground which was then set apart or used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk, or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted or set apart as a Nursery for Trees, other than and except such as are specified in the Schedule to this Act annexed, without the Consent in Writing of the Owners and Occupiers thereof respectively, unless the Omission thereof in such Schedule shall have proceeded from Mistake, and unless it shall be so certified in manner herein-before provided for in Cases of unintentional Errors in the said Book of Reference.

XX. And

Proprietors and incapacitated Parties empowered to convey.

XX. And be it further enacted, That after any Lands, Grounds, and Heritages specified in the Plan or Book of Reference hereinbefore mentioned shall be thought necessary by the said Company for the Purposes of this Act, and after the same shall be set out by the said Company for such Purpose, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Companies, Heirs of Entail, Life-renters, Husbands, Tutors, and Curators, and other Guardians, Trustees for charitable and other Purposes, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of those for whom they are Tutors, Curators, Guardians, or Trustees, whether Infants, Minors, Issue unborn, Lunatics, Idiots, Married Women, or other Person, and to and for all Married Women who are or shall be seised, possessed of, or interested in their own Right, or entitled to Terce or other Interest therein, and to and for every other Person whomsoever who is or are or shall be seised or possessed of or interested in any such Lands, Grounds, and Heritages which shall be so set out for the Purposes aforesaid, and they are hereby authorized, to contract for, sell, feu, and convey the same and every Part thereof to and in favour of the said Company; and all such Contracts, Sales, Feus, and Conveyances shall be valid and effectual to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom, or other Matter or Thing, to the contrary in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever so conveying as aforesaid, are hereby indemnified for what they shall respectively do by virtue of or in pursuance of this Act; and all Conveyances so to be made as aforesaid may be made and expressed in the Words or to the Effect following; (that is to say,)

Form of Conveyance.

'I *A. B.* of in consideration of the Sum of to me paid by the *Edinburgh*, *Leith*, and *Newhaven* Railway Company, [*or other Consideration, as the Case may be,*] do hereby dispone and convey to the said Company all [*describing the Premises to be conveyed*], and all my Right, Title, and Interest in and to the same and every Part thereof, to hold to the said Company and their Successors for ever by virtue and according to the true Intent and Meaning of an Act passed in the Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act, and insert a Clause as to the Feu Duty (when the Property is feued), and a testing Clause, according to the Form of the Law of Scotland*].'

And every such Conveyance, being registered in the particular Register of Sasines for the County of *Edinburgh* (and the Keeper of the said Register is hereby required and authorized to register the same), shall have the full Effect of a valid and formal Disposition or Feu Charter and Disposition followed by Infeftment and Sasine duly recorded, and shall give and constitute a good and undoubted Right and Title to the said Company to the Lands, Grounds, and Heritages therein described, any Law or Custom to the contrary notwithstanding.

Compensation to be made for

XXI. And whereas in making and executing the said Railway or Railways and other Works by this Act authorized it may be necessary for

for the said Company, their Deputies, Agents, Officers, Servants, and Workmen, to enter upon and take temporary Possession of some Parts of the Lands adjoining to the Line of the said Railway or Railways and other Works for the Purpose of laying or depositing and working thereon Earth, Clay, Stones, Bricks, Slates, Timber, Lime, and other Materials, or of manufacturing such Clay into Bricks, or for forming temporary Roads or Approaches to and from the said Works; and inasmuch as a Jury summoned as directed by this Act to assess a Compensation for the Damage and Injury done to such adjoining Lands by the Exercise of the Powers and Authorities by this Act granted cannot, either upon View or from Evidence, form a just Opinion of the permanent Injury which will be sustained by the Owners or Proprietors of such adjoining Lands by the Exercise of the Powers and Authorities aforesaid until the Works shall have been completed, it is expedient that the said Company, their Deputies, Agents, Officers, Servants, and Workmen, shall be empowered to enter upon such adjoining Lands for the Purposes aforesaid without having previously made such Payment, Tender, or Investment of Money as herein-before mentioned; be it therefore enacted, That notwithstanding any thing in this Act contained it shall be lawful for the said Company, their Deputies, Agents, Officers, Servants, and Workmen, and they are hereby empowered, to enter upon the Lands of any Person, Body Politic, or others as aforesaid whatsoever, adjoining or lying near to the said Railway or Railways and other Works by this Act authorized to be made and maintained, or any of them, or any Part thereof respectively, for the Purpose of laying, depositing, working, or manufacturing upon such Lands or upon any Part thereof respectively any Earth, Clay, Stones, Bricks, Slates, Timber, Lime, or other Materials, or for forming temporary Roads or Approaches to and from the said Works, and also to make use of any existing Roads; they the said Company, their Deputies, Agents, Officers, Servants, and Workmen, doing as little Damage as may be in the Exercise of the several Powers hereby granted to them, and making such Compensation for such temporary Occupation or temporary Damage of the said Lands to the Owners and Occupiers thereof, such Compensation, in case the Parties differ about the same, to be settled and recovered in manner herein-before provided in Cases of Disputes as to the Value of Lands in, through, or under which the said Railway or Railways and other Works are intended to be made, and the Compensation for and Damage sustained by reason of the Execution of any of the Works by this Act authorized: Provided always, that the said Company shall and they are hereby required to make such Compensation and Satisfaction for the permanent Damage or Injury, if any, which may have been done to the same by the Exercise of any of the Powers and Authorities aforesaid, within Six Months after the Expiration of the Period of this Act granting for completing the said Railway or Railways and other Works: Provided also, that before it shall be lawful for the said Company to make such temporary Use as aforesaid of the Lands adjoining or lying near to the said Railway or Railways or other Works, the said Company shall and they are hereby required to give Six Days previous Notice of such their Intention to the Owners or Occupiers of such Lands, and to separate and set apart by sufficient Railings or Fencings so much of the Lands as

temporary Damage.

shall be required to be so used as aforesaid from the other Lands and Heritages adjoining thereto.

Provision as to Property of Dr. Neill.

XXII. Provided always, and be it enacted, That it shall not be lawful to nor in the Power of the said Company, in making, completing, using, or maintaining the said Railway or Railways or other Works connected therewith, to take or acquire, enter upon, occupy, or use, either permanently or for any temporary Purpose (except in the event of their being required to purchase the same in manner after mentioned), any Part or Portion of the Lands, Grounds, Houses, or other Premises at *Canon Mills*, belonging to Doctor *Patrick Neill*, situate to the Westward of a Line delineated and marked A. B. on a Map or Plan made out by Messrs. *Grainger* and *Miller*, Civil Engineers, and docqueted and subscribed by the Right Honourable *John Archibald Murray*, the Lord Advocate of *Scotland*, as relative hereto.

How Works are to be constructed in passing Dr. Neill's Property.

XXIII. Provided further, and be it enacted, That in the event of the said Railway or Railways and other Works being formed in the Course described upon the said Map or Plan, or in any other Course intersecting or touching upon the Property of the said Doctor *Patrick Neill*, to the Eastward of the foresaid Line marked A. B. on the said Map or Plan, the same shall be carried in a good and substantial covered Way or Tunnel below the Surface of the Ground from a Point marked C. to a Point marked D. on the said Plan at the Expence of the said Company, who shall be bound to execute the said Operations and to restore the Surface of the said Ground to its permanent State with the least possible Delay; and the Ground over the said Tunnel, so far as the said Tunnel intersects or passes through the Lands of the said Doctor *Patrick Neill* or any Part thereof, shall remain and continue the Property of the said Doctor *Patrick Neill* and his Heirs and Assignees; providing that the said Doctor *Patrick Neill* and his aforesaids shall not occupy the Ground to the Eastward of the said Line marked A. B. in any Way or Manner which may interrupt the free Use or injure or destroy the Works of the said Railway or Railways and other Works, but reserving always to him and them every Claim competent to them for Price, Compensation, and Damages for or on account of the Formation of the said Railway or Railways and other Works, or for the Occupation of the said Property, or the Removal of the Houses and Buildings thereon, or otherwise resulting or arising therefrom; and in order that the said Conditions may be fully observed, and that the Property of the said Doctor *Patrick Neill* may be secured against all Encroachments, permanent or temporary, to the Westward of the foresaid Line marked A. B. on the said Plan, it shall not be lawful to nor in the Power of the said Company to commence any Operations on the Property of the said Doctor *Patrick Neill* until a Plan and Specification of the said intended Operations and of the Mode in which the same are proposed to be carried on shall have been submitted to and approved of in Writing by a Civil Engineer or other skilful Person to be appointed by the Sheriff of the County of *Edinburgh*, who is hereby authorized and required to make such Appointment upon the Application of both or either of the said Parties; and the said Plan and Specification being so approved of shall not afterwards be altered or departed from without the previous Consent in Writing

Writing of the said Doctor *Patrick Neill* or his Successors in the same Property.

Company, if required, to purchase the whole of Dr. Neill's Property.

XXIV. And be it further enacted, That if the said Railway or Railways, or any Part thereof, or of the Works connected therewith, shall intersect or touch upon any Part of the Property at *Canon Mills* belonging to the said Doctor *Patrick Neill*, then it shall be in the Power of the said Doctor *Patrick Neill*, or his Heirs and Assignees, at any Time after the passing of this Act and before the Expiration of Six Months after the opening of the said Railway or Railways for the Purposes of Trade, to require the said Company to purchase the whole of the Lands, Grounds, Houses, and Buildings at present belonging to him situate at *Canon Mills*; and the said Company shall upon receiving Notice to that Effect be bound, and are hereby required and empowered, to purchase and pay for the whole of such Property at *Canon Mills* now belonging to the said Doctor *Patrick Neill*, the Price whereof shall be ascertained, in case of Difference of Opinion among the Parties, by the Means and in the Manner herein-after provided for ascertaining the Value of Lands, Grounds, and Heritages required to be taken for the Purposes of this Act: Provided also, that the said Company shall not be bound to purchase the Property of the said Doctor *Patrick Neill* as aforesaid unless the said Railway or other Works shall intersect or touch some Part thereof, but without Prejudice to any Claim of Compensation or Damages competent in that Event under this Act to the said Doctor *Patrick Neill*, or his Heirs or Successors, for or in respect of the Formation of the said Railway and other Works in the Vicinity of the said Property without touching the same.

In case of Disagreement as to Price.

XXV. And be it enacted, That in case the Price or Value to be paid for any Lands, Grounds, and Heritages taken or used for the Purposes of this Act, or the Recompence to be given for Damage caused to the same, cannot be settled by Arbitration or otherwise by or between the said Company, or their Agents and others, and the Owners or Occupiers of and Persons interested in the said Lands, or if any such Owners or Occupiers of or Persons interested in such Lands shall, for the Space of Fourteen Days after Notice in Writing given to some One or more of the principal Officers of any Bodies Politic, Corporate, or Collegiate, or to the Owners or Persons interested as aforesaid, or left at the last or usual Places of their Abode, or with the Tenants or Occupiers of such Lands, neglect or refuse to treat or shall not agree with the said Company, or by reason of Absence shall be prevented from treating, or through Disability cannot treat for themselves, or make such Agreements as shall be necessary or expedient for enabling the said Company to take such Lands, or to proceed in making the said Railway or Railways and other Works connected therewith, or shall not produce and evince a clear Title to such Lands or to the Interest which they may claim therein to the Satisfaction of the said Company, or if the said Company shall, for the Space of Eight Days after Notice in Writing given to the said Company by any Owner or Occupier of or Person interested in any Lands taken or used for the Purposes of this Act, neglect or refuse to treat with such Owner or Occupier or other Person, or cannot agree with him, then

and

and in every such Case the said Company, or the said Owner or Occupier, or other Person interested in or entitled to such Lands, shall be and they are hereby respectively empowered to make Application in Writing to the Sheriff or Sheriff Substitute of the said County for the Purpose of such Price or Value or Recompence being ascertained by the Verdict of a Jury, and the said Sheriff or Sheriff Substitute is thereupon required to summon a Jury of Twenty Persons in the Manner in which Juries are in use to be summoned in *Scotland* to meet at such Time and Place as such Sheriff or Sheriff Substitute shall think fit to appoint, not being less than Six Days after such Application being made, of whom the said Sheriff or Sheriff Substitute shall impannel a Jury of Twelve Persons, all Parties concerned having their lawful Challenges or Exceptions against any of the said Jurymen; and the said Sheriff or Sheriff Substitute is hereby empowered and required to summon and call before him every Person who shall be thought necessary by either Party to be examined as a Witness touching the Matter in question by or before such Jury, and the said Sheriff or Sheriff Substitute may order and authorize the said Jury, or any Three or more of them, to view the Place or Premises in controversy; and the said Jury shall inquire of, assess, and fix by the Verdict of a Majority of their Number the Sum of Money to be paid for such Lands, or the Recompence to be given for the Damages that may be sustained as aforesaid; and the said Sheriff or Sheriff Substitute shall give Judgment for such Purchase Monies or Recompence assessed by such Juries, which said Verdict and the Judgment thereupon shall be signed by the said Sheriff or Sheriff Substitute, and shall be binding and conclusive to all Intents and Purposes against every Person whomsoever.

Juries to distinguish between Value and Damages.

XXVI. And be it enacted, That the said Juries respectively shall award all Verdicts which they shall respectively make and give in the Execution of the Powers hereby vested in them concerning the Value of Lands, Grounds, and Heritages, separately or distinctly from the Consideration of any other Damages sustained or to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Lands, Grounds, and Heritages, and the Money assessed or adjudged for such Damages.

Sheriff may impose Fines for Nonattendance.

XXVII. And be it further enacted, That the said Sheriff or Sheriff Substitute shall have Power and he is hereby authorized from Time to Time to impose any reasonable Fine or Fines, not exceeding the Sum of Five Pounds Sterling, on any Person or Persons who shall be summoned and returned on such Jury or Juries who shall not appear, or who shall refuse to be sworn (or being Quakers to affirm) on the said Jury or Juries, or being so sworn shall not give his or their Verdict, and also on any Person or Persons who shall be summoned as aforesaid to give Evidence touching any of the Matters aforesaid, and shall not attend after being paid or tendered a reasonable Sum for his or their Costs and Expences, or shall refuse to be sworn, (or being Quakers to affirm,) or who being sworn shall refuse to give his, her, or their Evidence, and on any other Person or Persons who shall in any Manner wilfully neglect his, her, or their Duty in the Premises contrary

trary to the true Intent and Meaning of this Act, and shall or may from Time to Time levy such Fine or Fines by such Compulsitors as are competent by the Laws and Practice of *Scotland* to compel any Person or Persons who may be summoned as a Witness or Witnesses, or as Custodiers of Writings and Title Deeds, to appear and give Evidence as aforesaid, and to exhibit and produce such Writings and Title Deeds, all which Fines shall be applied to and for the Purposes granted by this Act.

Verdicts to be recorded.

XXVIII. And be it further enacted, That all the Verdicts of the Juries and the Judgments of the said Sheriff or Sheriff Substitute thereon as aforesaid shall be transmitted to and be kept by the Sheriff Clerk of the County, and shall be deemed Records to all Intents and Purposes; and the same or true Extracts thereof, duly authenticated by the said Clerk or his Deputy, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for each Inspection the Sum of Two Shillings and no more, and to take Copies thereof or Extracts therefrom, paying for every Copy or Extract after the Rate of Sixpence for every One hundred Words.

Upon legal Tender the Works not to be impeded.

XXIX. And be it enacted, That upon Payment or legal Tender of such Sum of Money as shall have been contracted or agreed for between the Parties or assessed by a Jury for the Purchase of any Lands to be taken for the Purposes of this Act, or as a Compensation for Damages as herein-before mentioned, within Two Calendar Months after the same shall have been contracted, agreed for, or assessed as aforesaid, to the Proprietor of such Lands, or to such other Person as shall be interested therein, or entitled to receive such Money or Compensation respectively, or if the Person so entitled or interested shall not be able to make a good Title thereto to the Satisfaction of the said Company, or cannot be found, or shall refuse to receive such Sum of Money as aforesaid, or execute a Conveyance to the said Company of such Lands, then upon Payment of the said Sum of Money, within Two Calendar Months after the same shall have been contracted or agreed for or assessed as aforesaid, into the Bank of *Scotland*, the Royal Bank of *Scotland*, the *British* Linen Company, the Commercial Bank of *Scotland*, or the National Bank of *Scotland*, for the Use of such Person so interested or entitled as aforesaid, then and in all or any of the said Cases, as often as the same shall happen, it shall be lawful for the said Company, and their Deputies, Agents, Officers, Workmen, and Servants, immediately to enter, or if they have entered to continue, upon such Lands respectively, and then and thereupon such Lands, Grounds, and Heritages, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person therein, shall from thenceforth be vested in and become the sole Property of the said Company to and for the Purposes of this Act for ever; and such Payment, Tender, Deposit, or Investment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person entitled to or interested in such Lands, but shall also extend to and be deemed and construed to bar the Courtesy of the Husband and the Terce of the Wife of every such Person, and all other Right and Title of every other Person whomsoever therein: Provided nevertheless, that

that before such Payment, Tender, Deposit, or Investment as aforesaid shall have been made it shall not be lawful for the said Company or any Person acting under their Authority to dig or cut for the Purposes of this Act the Lands of the Person entitled to such Payment without his Consent in Writing.

Expences of Jury how to be paid.

XXX. And be it further enacted, That in every Case in which the Verdict of a Jury shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands, Grounds, and Heritages to be used or taken by them for the Purposes of this Act, or as Compensation or Satisfaction for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury and the Expences of Witnesses shall be defrayed by the said Company, and such Costs, Charges, and Expences shall be settled and determined by the said Sheriff or Sheriff Substitute; and in case such Costs and Expences shall not be paid to the Party or Parties entitled to receive the same within One Calendar Month after the same shall have been demanded, then the same shall and may be levied and recovered by poinding and Sale of any Goods or Effects of the said Company or of the Treasurer of the said Company, (unless such Treasurer shall pay such Costs, Charges, and Expences, and the Costs of the Bond given by the Parties requesting the Jury, out of the Monies received by him by virtue of this Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by the Sheriff or Sheriff Substitute or any Justice of the Peace for the County of *Edinburgh* not interested in the Matter in question, which Warrant such Sheriff or Sheriff Substitute or Justice is hereby authorized and required to issue under his Hand on Application made to him for that Purpose by any Party entitled to receive such Costs, Charges, and Expences; but if the Verdict of the Jury shall be given for an equal or for a less Sum than shall have been previously offered by the said Directors, One Moiety or Half of the said Costs, Charges, and Expences shall be defrayed by the Party or Parties with whom the said Company shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Company; and the former Moiety of such Costs, Charges, and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such Party or Parties as aforesaid as so much Money advanced to and for his, her, or their Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in Cases in which by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Costs, Charges, and Expences shall be borne and paid by the said Company.

Application of Compensation Money where amounting to 200*l.*

XXXI. And be it further enacted, That if any Monies shall be agreed to be paid for any Lands, Grounds, and Heritages purchased, taken, or used for the Purposes of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Company, Heir of Entail, Married

Married Woman, Infant, Lunatic, or any other Person or Persons under any Disability or Incapacity, or as a Recompence for Damages caused thereby, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds Sterling, with all convenient Speed be paid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or the Commercial Bank of *Scotland*, or National Bank of *Scotland*, without Fee or Reward, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the Court of Session, to be signified by an Order made upon a Petition to be preferred in a summary Manner by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Grounds, and Heritages, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Grounds, and Heritages, or affecting other Lands, Grounds, and Heritages standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Grounds, and Heritages, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Grounds, and Heritages which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchases shall be made the Interest or annual Produce of such Money shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Grounds, and Heritages hereby directed to be purchased in case such Purchase or Settlement were made.

Where less than 200*l.* and amounting to 20*l.*

XXXII. Provided always, and be it further enacted, That if any Money so agreed to be paid for any Lands, Grounds, and Heritages purchased, taken, or used for the Purposes aforesaid, and belonging to any Body Politic, Corporate, or others, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds Sterling, and shall amount to or exceed the Sum of Twenty Pounds Sterling, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Grounds, and Heritages so purchased, taken, or used, of his, her, or their Tutors or Curators in case of Infancy or Lunacy, to be signified in Writing under their respective Hands,) be paid into One of the said Banks, and shall be ordered to be applied in manner herein-before directed; or otherwise the same shall be paid at the like Option of Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Company (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Interest arising thereon may be applied in any Manner herein-before directed, so far as the Case may be applicable, without obtaining or being

being required to obtain the Direction or Approbation of the said Court.

Where less than 20*l.*

XXXIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned shall be less than Twenty Pounds Sterling, then and in all such Cases the same shall be applied to the Use of the Person or others who would for the Time being have been entitled to the Rents and Profits of the Lands, Grounds, and Heritages so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Company shall think fit, or in case of Infancy or Lunacy, then to his or their Tutor or Curator, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, the Court shall order Payment of Expences.

XXXIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be payable shall refuse to accept the same, or shall not be able to make good a Title to the Premises to the Satisfaction of the said Company, or in case the Person or Persons entitled to such Lands, Grounds, and Heritages be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Company to pay the Sum or Sums of Money so payable as aforesaid into the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or Commercial Bank of *Scotland*, or National Bank of *Scotland* respectively, as the Case may be, to the Credit or for the Use of the Party or Parties interested in the said Lands, Grounds, and Heritages, describing them if they are known, and if they are not known, then generally to the Credit or for the Use of the Party or Parties interested in the same, without Description of them, subject to the Order, Control, and Disposition of the said Court of Session; which said Court, or either of the Divisions thereof, on the Application of any Person or Persons making claim to such Sum or Sums of Money or any Part thereof by Petition, shall be and are hereby empowered, in a summary Manner of proceeding or otherwise, as to the said Court shall seem meet, to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Treasurer, Cashier, or Manager of the Bank of *Scotland*, or Royal Bank of *Scotland*, or Bank of the *British* Linen Company, or Commercial Bank of *Scotland*, or National Bank of *Scotland* respectively, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the same, mentioning and specifying the Amount and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into such Bank or Banks as aforesaid.

Where Questions arise touching the Title to any Money.

XXXV. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into any such Bank as aforesaid, in pursuance of this Act, for the Purchase of any Lands, Grounds, and Heritages, or of any Estate, Right, or Interest in any Lands, Grounds, and Heritages to be Purchased in pursuance thereof, or to any Interest of such Money, the Person, or Persons who shall have been in Possession of the Lands, Grounds, and Heritages at the Time of such Purchase, and all Persons claiming under such such Person or Persons, or under the Possession of such Person

Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Grounds, and Heritages, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Session; and the Interest of such Money and also the Principal Sums shall be paid, applied, and disposed of accordingly, until it shall be made appear to the Court that such Possession was a wrongful one, and that some other Person or Persons was or were lawfully entitled to such Lands, Grounds, and Heritages, or to some Estate or Interest therein, when the said Court shall have Power to dispose of the Principal and Interest as the Circumstances of the Case may require.

The Court may order Payment of reasonable Expences of Purchases.

XXXVI. And be it enacted, That where by reason of any Disability or Incapacity of the Person entitled to any Lands, Grounds, and Heritages to be taken or used for the Purposes of this Act, the Purchase Money for the same shall be required to be paid into any of the said Banks, to be applied in the Purchase of other Lands, Grounds, and Heritages in pursuance of this Act, it shall be lawful for the said Court of Session to order the Costs, Charges, and Expences of all Purchases from Time to Time to be made in pursuance of this Act, or which may be incurred in consequence thereof, and of the Payment into the said Banks of the said Purchase or Compensation Money, and of the Re-investment of the said Purchase or Compensation Money in Land, or other Disposition of the same, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders for such Purposes, and of the Payment of the Interest of such Purchase or Compensation Money, and of the Payment of the Principal of the same out of the said Banks, to be paid by the said Company, who shall accordingly from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct.

No Person compellable to sell Part of his House if willing to sell the whole.

XXXVII. And be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or Company, or others, by this Act authorized to sell and convey any House or Building, shall be applied to by or on behalf of the said Company to treat for, sell, dispose of, or convey any Part of any House or Building, and shall by Notice in Writing, to be left in manner herein after directed within Fourteen Days after such Application, signify his Inclination or Desire to treat for, sell, dispose of, and convey the whole of such House or Building, and if it shall happen that the said Company shall not think proper or be willing to purchase the whole of such House or Building, then and in such Case nothing in this Act contained shall extend or be construed to extend to compel such Person or Persons and others as aforesaid interested therein to treat for, sell, dispose of, or convey, or to authorize the said Company to take or use, any Part only or less than the Whole of such House or Building, any thing herein contained to the contrary notwithstanding.

Empowering Company to purchase Thirty Acres of Land.

XXXVIII. And whereas it may tend to the public Advantage and Accommodation if the said Company be empowered to purchase or obtain in Feu Farm any Quantity of Land not exceeding Thirty Acres, and also to purchase or obtain in Feu Farm any Lands, Grounds, and Heritages,

Heritages, for the Purpose of making, erecting, forming, and providing any Coal-yards, Lime-yards, Warehouses, and other Buildings and Conveniences; be it therefore enacted, That it shall and may be lawful for the said Company, and they are hereby authorized and empowered, to contract with any Person or Persons, Body or Bodies Corporate or Collegiate, or Company, or any incapacitated Person as aforesaid, for the Purchase or obtaining in Feu Farm of any Parcel or Parcels of Lands, Grounds, and Heritages (not exceeding in the whole Thirty Acres) in such Place or Places as shall be deemed eligible or convenient for the Purpose of making, erecting, and forming and providing any Coal-yards, Lime-yards, Warehouses, and other Buildings and Conveniences, for the Purpose of receiving, lodging, depositing, or keeping any Goods, Wares, Merchandize, and other Matters and Things conveyed or intended to be conveyed upon the said Railway or Railways and other Works, or any of them, which the said Company shall deem requisite or necessary or convenient; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, or Company, and all other Persons whomsoever, to sell and grant and convey to the said Company any Parcel or Parcels of Land, Ground, and Heritages whatsoever for the Purposes last aforesaid or any of them, in the same Manner as herein-before directed concerning Lands, Grounds, and Heritages to be taken or used for the Purpose of forming, making, and maintaining the said Railway or Railways and other Works connected therewith.

Feu Duties may be granted instead of Gross Sums for Lands, &c., at the Option of Proprietors, but not of Company.

XXXIX. And be it enacted, That it shall and may be lawful to the said Company to contract with any Person or Persons, Body or Bodies Politic or Collegiate, or Company, or any incapacitated Person as aforesaid, through, in, under, or upon whose Lands, Grounds, and Heritages the said Railway or Railways, or other Works by this Act authorized, for Payment of the best and most approved Feu Duty or Ground Rent as can be obtained; such Feu Duty or Ground Rent to be ascertained by Agreement between the said Company and the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, and others as aforesaid, as Satisfaction for the Value of such Lands, Grounds, and Heritages, and for the Damages sustained or to be sustained by such Lands, Grounds, and Heritages, instead of gross Sums, at the Option of such Owner or Owners, but not of the said Company; and all such Contracts being made shall be good, sufficient, and binding on all Parties interested.

If Feu Duty not paid, the Land shall revert to the original Owner.

XL. Provided always, and be it enacted, That in case the Feu Duty payable for any Lands, Grounds, and Heritages shall be at any Time unpaid for the Space of Two Years after a written Notice or Demand for Payment, then and in any such Case it shall and may be lawful to the Court of Session in *Scotland*, on the Application of any Party having Interest, to inquire regarding such Failure to pay, and, failing the Payment of the Feu Duty in arrear, and the Costs of Suit, to give Judgment, according to the Forms in use in such Cases in *Scotland*, to the Effect that the Right of the said Company to such Lands, Grounds, and Heritages shall be held to have reverted to the original Owner or Owners thereof, or his or their Successors having

having Right for the Time to such Feu Duty, who shall be entitled to enter and to retain Possession of the same as if the said Company had never possessed any Right or Interest therein.

Company shall sell Land not wanted.

XLI. And be it further enacted, That the said Company shall and they are hereby required, within Four Years from the passing of this Act, to sell, feu, or dispose of any Part or Parts of such Lands, Grounds, and Heritages to be purchased or acquired by virtue of this Act as may not be necessary to be retained for effecting the Purposes thereof, together with all or any Part or Parts of the Erections, Buildings, and Improvements which shall be built and made in and upon the same respectively, either together or in Parcels, by public Auction or private Contract, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to purchase or to feu the same; and such Conveyance from the said Company shall be valid and effectual, any thing in this Act contained, or any Law, Statute, or Custom, to the contrary thereof notwithstanding: Provided always, that the said Company, before they shall sell and absolutely dispose of any such Lands, Grounds, and Heritages, shall first offer to sell the same to the Person or Persons from whom the same shall have been purchased in case he or they shall have any Land adjoining thereto, and in case of his or their Refusal, then to the Person or Persons whose Lands, Grounds, or Heritages shall immediately adjoin the Lands, Grounds, and Heritages so possessed, to be sold as aforesaid; and such Person or Persons, in case he, she, or they shall be desirous of purchasing the same, shall signify such his, her, or their Desire in that Behalf to the said Company, through their Secretary, within One Calendar Month after such Offer of Sale shall have been made; and in case such Person or Persons shall refuse or decline to avail himself, herself, or themselves of such Offer, or shall neglect or omit to signify his, her, or their Desire to purchase such Lands, Grounds, and Heritages for the Space of One Calendar Month, then and in every such Case an Affidavit made and sworn before the said Sheriff or Sheriff Substitute, or any Justice of the Peace of the County of *Edinburgh*, by some Person or Persons not interested in the same Lands, Grounds, and Hertiages, stating that such Offer was made by or on behalf of the said Company, and that such Offer was refused or declined or was not accepted and agreed to by the Person or Persons to whom the same was made within the Space of One Calendar Month from the Day or Time of making the same, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or declined or not accepted and agreed to within the Time aforesaid by the Person or Persons to whom such Offer was made, as the Case may be; and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they and the said Company shall differ or not agree with respect to the Price thereof, then and in such Case the Price or Prices thereof shall be ascertained by a Jury in the Manner by this Act directed with respect to the disputed Value of Premises to be purchased by the said Company, and in pursuance thereof; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as in and by this Act is directed with respect to Purchases made by the said Company, *mutatis mutandis*; and the Money produced by the Sale of such Lands,

Such Lands to be first offered to the Owners of adjoining Lands.

Lands, Grounds, and Heritages which may be made by the said Company as aforesaid shall be applied to the Purposes of this Act.

For paying off Incumbrances on Lands taken by the Company.

XLII. And be it enacted, That in case any Lands, Grounds, and Heritages to be taken or used for the Purposes of this Act shall happen to be burthened with any heritable Debt to any Person or Persons whatsoever, it shall be lawful to the said Company, upon Application made to them by such heritable Creditors, and the said Company are hereby authorized and required, to pay such Sum or Sums of Money agreed for, and adjusted and assessed in manner foresaid, for such Lands, Grounds, and Heritages burthened with heritable Debts to such heritable Creditors in whole or in part of the Principal Money due on such heritable Debts, as the Case may be: Provided always, that upon Receipt of such Sum or Sums such heritable Creditors shall acknowledge the Receipt of such Sum or Sums of Money either by Indorsement to be made on the Security for such heritable Debts, and signed by such heritable Creditors in the Presence of Two or more credible Witnesses, in satisfaction of so much of the Principal Money due upon such heritable Debts or otherwise by such other Receipt, Acknowledgment, or Discharge for such Payment as shall by the Law of *Scotland* be good and effectual to the Debtor; and in case such heritable Creditors shall refuse to receive Payment if required by the said Company to accept thereof, or in case Doubts shall arise as to the Rights of any heritable Creditor or Creditors, it shall be lawful for the said Company to consign the said Sum or Sums of Money in the Bank of *Scotland*, Royal Bank of *Scotland*, Bank of the *British* Linen Company, Commercial Bank of *Scotland*, or National Bank of *Scotland*, and upon Payment or Consignation being made as aforesaid such Lands, Grounds, and Heritages shall henceforth be freed and disburthened of all such heritable Debts.

The whole Expence to be subscribed before Act is put in force.

XLIII. And whereas the probable Expence of making and completing the said Railway or Railways and other Works connected therewith, and the other Expences, will, according to the Estimate made thereof, amount to the Sum of Ninety-nine thousand seven hundred and thirty-five Pounds Sterling or thereabouts, and Four Fifths of this Sum and upwards have already been subscribed for defraying such Expences under Contracts binding the Subscribers, their Heirs, Executors, Administrators, and Assigns, severally and respectively, for Payment of the several Sums of Money so subscribed by them respectively; be it therefore enacted, That the whole of the Sum of One hundred thousand Pounds Sterling of Capital Stock shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

Company to raise Money among themselves for making the Railway and other Works connected therewith,

XLIV. And be it further enacted, That it shall and may be lawful for the said Company to raise and contribute among themselves, including the Money already subscribed and contributed, a Sum of Money by way of Capital Stock to be applied to the making, completing, and maintaining the said Railway or Railways and other Works connected therewith, and for the other Purposes of this Act, to the Extent of the Sum of One hundred thousand Pounds Sterling; and the said Sum shall be divided into Shares of not less than Twenty

Pounds each, and all and every Proprietor or Proprietors of any Share or Shares shall be entitled to and interested in the said Capital Stock and Effects of the said Company, and the Profits and Advantages attending the same, according to the Number of Shares which he, she, or they shall hold, without Prejudice to an Increase of the said Capital Stock, in manner after provided.

Sums subscribed and paid to be the Capital Stock, and to be deemed Personal Estate.

XLV. And be it further enacted, That the Sum which has been or shall be subscribed for the Purposes of this Act, or such Part or Parts thereof as shall be required, shall when paid in be considered as the Capital Stock of the said *Edinburgh*, *Leith*, and *Newhaven* Railway Company, and the same, and the said Railway or Railways and other Works connected therewith, and every Part thereof, are hereby vested in the said Company and their Successors, for the Purposes of this Act, for the Use and Benefit of the Proprietors thereof, in proportion to the Sum which he, she, they, and each of them shall have so severally subscribed thereunto; and all and every Share or Shares of the present Capital Stock and increased Capital Stock of the said Company shall be and is hereby deemed to be Personal Estate, and transmissible and distributable as such, and not in any respect of the Nature of Real or Heritable Property.

Subscribers to pay the Calls on their Subscriptions.

XLVI. Provided always, and be it further enacted, That the respective Persons who have subscribed or agreed to advance, or who shall subscribe or agree to advance, any Money towards the said Company, or shall be a Proprietor or Proprietors of any Share or Shares of the Capital Stock, shall and they are hereby required to pay the Sum or Sums severally subscribed by them towards carrying the said Works and Premises into execution, and shall further pay the same in such Parts or Proportions as shall from Time to Time be called for by the said Company, by virtue of the Powers and Directions of this Act, at such Times and Places, and to such Bank or Bankers, and in such Manner, as shall be appointed by the said Company; and in case any of such Subscribers shall neglect or refuse to pay the same at the Time and Place and in the Manner so required for that Purpose, the said Company are hereby empowered to sue for and recover the same in any Court of Law or Equity, as herein-after provided.

Power to pay Subscriptions in advance.

XLVII. And be it further enacted, That it shall be lawful for the Proprietors or Proprietor of any Share or Shares of the Capital Stock, whether before or after any Call shall have been paid in respect of any such Share or Shares, to pay in advance, in case the Directors of the said Company shall think proper to accept the same, which they are hereby authorized to do, to such Bank or Bankers as the said Directors shall appoint, the Sum or Sums by them severally subscribed, or such Part or Proportion thereof as shall be wanting (over and above the Amount, if any, actually paid in respect of such Share or Shares,) to make up the full Sum of Twenty Pounds in respect of each such Share; and the said Company shall and they are hereby required to pay Interest at such Rate, not exceeding the Rate of Five Pounds for every One hundred Pounds by the Year, upon the Principal Monies which shall have been so paid in advance, or for so much thereof

Interest to be paid on the Amount of the Advance.

thereof as shall from Time to Time exceed the Amount of the Calls which shall have been made upon the said Share or Shares in respect of which such Money shall have been paid in advance as aforesaid, as the Proprietor paying such Sum in advance and the said Directors shall agree upon.

No Persons answerable for more than their respective Stock.

XLVIII. Provided always, and be it further enacted, That no Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or Company, who is or shall be a Proprietor or Proprietors of any Share or Shares of the Capital Stock of the said Company, or Subscribers or Contributors thereto, or his, her, or their Heirs, Successors, Executors, Administrators, and Assignees, or his, her, or their Real or Personal Estate, shall be charged with or liable to any Debt or Demand whatsoever due or to become due by the said Company beyond the Extent of his, her, or their Share or Shares of the present Capital Stock or increased Capital Stock of the said Company; any Law, Custom, or Usage to the contrary thereof in anywise notwithstanding.

Company to make Calls.

XLIX. And be it further enacted, That the said Company shall have Power from Time to Time to call for, audit, and settle, without Prejudice however to such final or further Audit as the Proprietors of the said Company at a General or Special Meeting may direct or authorize to be made, all Accounts of Money laid out and disbursed for the Purposes of this Act, or on account of the said Railway or Railways and other Works connected therewith, or any Part thereof, and to make such Call or Calls of Money from the present or any future Proprietors, their Heirs, Successors, Executors, Administrators and Assignees, according to the Amount of their respective Interests, Shares, and Subscriptions already belonging to or subscribed for, or or hereafter to belong to or be subscribed for by him, her, or them for the Purposes of this Act, as the Directors of the Company shall from Time to Time deem necessary for those Purposes, payable on such Day or Days as shall be fixed by the said Directors, due Notice of which shall be made to the Proprietors by Advertisement in One or more of the Newspapers published in *Edinburgh*, giving not less than Fourteen Days Notice, or by a Letter put into the Post Office, signed by the Secretary or other Officer or Person or Persons appointed by the Directors; but that no Call shall exceed the Sum of Two Pounds for every Twenty Pounds on the Sum or Sums so subscribed, and so as no Call to that Amount be made but at an Interval of Three Calendar Months at least from the preceding Call; which Money so called for shall be paid to such Bank or Bankers and in such Manner as the said Directors shall from Time to Time appoint or direct for the Purposes of this Act, and the said Calls shall bear Interest from and after the Periods of Payment so fixed until Payment; and in case such Proprietor or Proprietors shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share or Parts or Shares of the said Money to be called for as aforesaid, and Interest thereon, for the Space of Two Calendar Months after the Time or any of the respective Times fixed for Payment thereof as aforesaid, then and in every such Case the same, with the Interest due thereon

If Calls and Interest are not paid within Two Months the Company may sue for the same, or declare the Shares to be forfeited, and sell them.

and

and Costs of Suit, may be either sued for and recovered by the said Company in the Manner after directed in the Court of Session, or in any competent Court or Courts in *Scotland*, or in any of His Majesty's Courts of Record at *Westminster*, or in the Court of King's Bench or Common Pleas at *Dublin*, as the Case may be; or otherwise, in the Option of the said Directors, such Proprietor or Proprietors neglecting to pay the same shall forfeit all her or their respective Share or Shares of the said Capital Stock, or Part or Parts thereof, previously paid, and Interest in the said Company, all which Forfeitures shall go to and be for the Benefit of the said Company; and all such forfeited Share or Shares shall or may be sold by private Contract or public Sale for the most Money that can be got for the same, and the Produce thereof, or the said forfeited Share or Shares, shall form Part of the Capital Stock of the said Company: Providing always, that no Advantage shall be taken of any Forfeiture of any such Share or Shares until Notice of such intended Forfeiture in Writing shall have been previously given by the Secretary or other Officer, Person or Persons, appointed by the Directors, to the Proprietor or Proprietors of such Share or Shares, by a Letter or Notice put into the Post Office, or left at his, her, or their usual or last known Place of Abode, nor unless the same shall be declared to be forfeited at some Meeting of the said Company, General or Special, to be held within Six Calendar Months next after such Forfeiture shall happen to be made; which Declaration shall, *ipso jure*, be a Forfeiture of the said Share or Shares, of all Sums paid thereon, and all Interest or Benefit arising therefrom, and that without the Necessity of any Process of Law to that Effect; and in case of such Forfeiture the same shall be an Indemnification to and for every Proprietor so forfeiting all his or her Share or Shares, and Interest as aforesaid, against all and every Action or Actions, Suit or Suits, to be commenced or prosecuted for any Breach of Contract or other Agreement between such Proprietor or Proprietors so forfeiting and the other Proprietors.

No Advantage to be taken of any Forfeiture until after Notice.

L. And be it further enacted, That in any Actions or Suits brought by the said Company in the Manner herein-after directed, against any Proprietor or Proprietors of any Share or Shares in the said Company, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defender or Defenders, Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Company, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount to for such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defender or Defenders, Defendant or Defendants, as the Case may happen to be, whereby a Right of Action or Suit hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and in such Action or Suit it shall only be necessary to prove that the Defender or Defenders, Defendant or Defendants, at the Time of making such Call or Calls was or were a Proprietor or Proprietors of some Share or Shares in the said Company, and that such

Procedure in Actions for Calls.

such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Directors who made such Call or Calls, or other Matters whatsoever, and the said Company shall thereupon be entitled to recover the Call or Calls which shall appear to be due, and the legal Interest that may be due thereon, and the Expences that may be incurred in prosecuting for and recovering the same.

No Sale after a Call until Payment thereof is made.

LI. And be it further enacted, That after any Call of such Money shall have been made as aforesaid no Person or Persons shall sell or transfer any Share or Shares in the said Company which he, she, or they shall possess, on pain of forfeiting his, her, or their respective Share or Shares to the said Company, in Trust for the Benefit of the said Proprietors, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid and discharged the whole and entire Sum of Money which shall have been called for upon the Share or Shares so sold or transferred; such Forfeiture nevertheless to be first notified and declared at a General or Special Meeting in the Manner before directed.

Application of the Money to be raised.

LII. And be it enacted, That the Money to be raised by the said Company by virtue of this Act is hereby directed and appointed to be laid out and applied, in the first place, for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expences in applying for, obtaining, and passing this Act, and all the necessary Expences preparatory and relating thereto, and the Remainder of such Money for and towards making, completing, and maintaining the said Railway or Railways, Tunnel or Tunnels, Inclined Plane or Planes, Branches, Depôts, Warehouses, Wheels, Machinery, Roads of Communication, and all other Works, Matters, and Conveniences belonging or requisite thereto, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

Shares to be numbered and registered.

LIII. And be it further enacted, That the said Company shall and they are hereby required to cause the Names, Designations, and Places of Abode of the several Persons who shall be entitled to Shares in the said Company, with the Number of Shares and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book or Books to be named the Register Book or List of Proprietors, to be kept by the Secretary or other Officer, Person or Persons, appointed by the Directors, and after such Entry to cause the same to be signed by the Chairman or Deputy Chairman; and they shall also cause a Certificate so signed by the Chairman or Deputy Chairman and Secretary, or other Officer, Person or Persons, appointed by the Directors, and with the Common Seal of the Company affixed, to be delivered to every Proprietor on Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Company; and such Certificate shall be admitted in all Courts of Law and Equity whatsoever as Evidence of the Title of such Proprietor, his, her, or their Heirs, Successors, Executors, Administrators, and Assignees, to the Share or Shares herein specified; and which Certificate may be in Words to the following Effect:

Form of Certificate.

‘ *Edinburgh, Leith,* and *Newhaven* Railway Company.

‘ No.

‘ THESE are to certify, That is a
‘ Proprietor of Share *or* Shares of the *Edinburgh, Leith,*
‘ and *Newhaven* Railway Company, subject to the Rules, Regu-
‘ lations, and Orders of the said Company, and that the said
‘ his *or* her Executors, Administrators, or
‘ Assignees, is and are entitled to the Profits and Advantages of such
‘ Shares. Given under the Common Seal of the said Company the
‘ Day of in the Year of our Lord .’

Proprietors may sell Shares.

LIV. And be it further enacted, That it shall be lawful for the several Proprietors, and his, her, or their respective Heirs, Successors, Executors, Administrators, and Assignees, to sell and dispose of or gratuitously to transfer any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned; but it shall, for the Purpose of Regularity and the more perfect Security of the said Company, belong exclusively to the Secretary, or such other Officer, Person or Persons, as the Directors may appoint, to prepare and make out all voluntary Transferences and Conveyances *inter vivos* to such Share or Shares: Provided always, that no Transference and Conveyance shall be made or entered in the Book or Books of the said Company of or concerning any smaller Sum of the Capital Stock of the said Company than One Share thereof; and any and every such Transference and Conveyance which shall or may at any Time or Times be attempted to be made, and shall be so entered, of or concerning such smaller or less Sum of the said Capital Stock than One Share thereof, shall be utterly null and void, any thing in this Act contained notwithstanding; which Transferences and Conveyances of the said Share or Shares shall be in Writing, and may be in the Form or as nearly as may be to the Effect following; *viz.*

Form of Transfer.

‘ I *A.B.* of in consideration of paid to me by
‘ *C.D.* of do hereby sell, assign, convey, and transfer
‘ to the said *C.D.* the Sum of Capital Stock of and in
‘ the *Edinburgh, Leith,* and *Newhaven* Railway Company, being
‘ One Share [*or so many Shares, as the Case may be,*] in the said Com-
‘ pany, to be held and taken by the said *C.D.*, and his *or* her Heirs,
‘ Successors, Executors, Administrators, and Assignees, subject to
‘ the Provisions of the Act in that Case made, and to the same Rules,
‘ Orders, Restrictions, Bye Laws, and on the same Conditions, that I
‘ held the same immediately before the Execution hereof; and I the
‘ said *C.D.* do hereby agree to take and accept the said Capital Stock
‘ and Share, [*or* Shares, *as the Case may be,*] subject to the Provisions
‘ of the said Act, and to the same Rules, Orders, Restrictions, Bye
‘ Laws, and Conditions [*here insert the particular Conditions of Sale,*
‘ *if any be, and Clause of Warrandice*]; and I consent to the Re-
‘ gistration hereof in the Books of Council and Session, or other
‘ competent Register, therein to remain for Preservation; and, if
‘ necessary, that Letters of Horning on Six Days Charge, and all other
‘ necessary Execution, may pass upon a Decree to be interponed
‘ hereto, and thereto constitute my
‘ Procurators,

‘ Procurators, *&c.* In witness whereof these Presents, written on
‘ this and the preceding Pages [*as the Case may be*] of
‘ stamped Paper, by are subscribed by me at
‘ the Day of before these Witnesses, *&c.*’

Transference to be recorded.

And in any such Sale the said Transference and Conveyance (being executed by the Seller or Sellers and Purchaser or Purchasers of such Share or Shares) shall be indorsed by any Two of the said Directors, and shall be kept by the said Purchaser or Purchasers for his, her, or their Security after the Secretary or other Officer, or Person or Persons, appointed by the Directors of the Company, shall have entered into a proper Book or Books to be kept for that Purpose a Copy of such Transference and Conveyance for the Use of the said Company, and have testified or indorsed a Certificate of the Entry of such Copy on the said Transference and Conveyance, for which Entry no more than Five Shillings shall be paid; and the said Secretary or other Officer, or Person or Persons, appointed as aforesaid, is and are hereby required to make such Entry immediately without any undue Delay; and until such Transference and Conveyance, Indorsement and Certificate, shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Right to draw any Share or Shares of the Profits of the said Company, nor to have any Vote as a Proprietor or Proprietors of the said Company.

Registered Shareholders liable in Calls.

LV. And be it further enacted, That all and every Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or Company, whose Name or Names shall at any Time hereafter stand in the said Register Book or List of Proprietors, either as a Proprietor or Proprietors of One or more Share or Shares in the said Company, or as Heir, Successors, Executors, or Administrators or Assignees of such Proprietor or Proprietors, shall be deemed and taken to be the Proprietor or Proprietors of the several Share or Shares standing in the said Book in their respective Names or in the Names of those whom they may represent, and shall be subject and liable to the Payment of every Call or Calls made and to be made thereon, and to all Actions, Suit, Forfeitures, and Penalties to which original Proprietors of Shares in the said Company are made subject and liable by this Act; and all Notices thereof required to be given previous to the Forfeiture of Shares to the Proprietors thereof shall, if given to the Person or Persons appearing by the Register Book or List of Proprietors to be such Proprietor or Proprietors, or to their Heirs, Successors, Executors, Administrators, or Assignees, or left at or sent through the Post Office to his, her, or their Place or Places of Abode last mentioned in the said Register Book or List of Proprietors, be in all respects good, sufficient, and conclusive; and all Payments of Dividends due and to become due on such Share or Shares shall be made to such Person or Persons as by the said Registry Book or List of Proprietors shall so appear to be Proprietor or Proprietors thereof; and no Transference and Conveyance, Bargain or Sale of any Share or Shares, or other Instrument proving a Title to any Share or Shares, which shall not have been enrolled or registered as directed by this Act, shall be admitted as Evidence, either to defeat any Action or Suit brought or to be brought by the said Company to recover the said Calls, or to enable

any Person or Persons to recover any Share or Shares forfeited to the said Company, or to make the said Company liable to the Payment of the Dividends to any other Person or Persons than such as appear in the said Register Book or List of Proprietors to be the Proprietor or Proprietors of the said Share or Shares, but that in all Cases the said Register Book or List of Proprietors shall be considered as Evidence of Proprietorship of the said Share or Shares.

Half-yearly General Meetings.

LVI. And be it further enacted, That Two General Meetings of the said Company shall be held yearly and every Year, whereof One shall be on such Day within the Months of *January* and *July* respectively in each Year as the Directors of the said Company shall appoint; and the said Directors are hereby required to give at least Ten Days Notice of the Time and Place of holding the same by One or more Advertisements in One or more Newspapers published in *Edinburgh*; and at the stated General Half-yearly Meetings in each and every Year the Directors shall lay before the Proprietors the Balance Sheet of the Company for the preceding Half Year, to be prepared in manner after provided; that at the said General Meetings the Dividends shall be declared in the Manner after provided, and the Treasurer or Treasurers shall pay the said Dividends within such Periods as shall be appointed at the said Meetings; and also all Bye Laws, Rules, and Regulations made by the Directors in virtue of the Powers conferred by this Act shall be sanctioned, altered, amended, or revoked by the General Meetings, and all other Matters regarding the said Company shall be settled at the said Meetings; and all Meetings of the said Company, whether Ordinary or Special, shall be held within the City of *Edinburgh*.

Qualification and Limitation of Votes at Meetings.

LVII. And be it further enacted, That at all General or Special Meetings the said Proprietors shall have Right to vote either in Person or by Proxy, every Proxy being a Proprietor of Shares in the said Company; and all and every Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or Company, his, her, or their Heirs, Successors, Executors, Representatives, Administrators, and Assignees, who shall be a Proprietor or Proprietors of Five Shares of the Capital Stock and less than Ten Shares, shall have One Vote at every Meeting of the said Company, whether General or Special; and the Proprietor or Proprietors of Ten and less than Twenty Shares shall have Two Votes, and the Proprietor or Proprietors who shall have Twenty and less than Fifty Shares shall be entitled to Three Votes, and the Proprietor or Proprietors who shall have Fifty Shares and upwards shall be entitled to Four Votes, and no more; and that whenever Two or more Persons shall be jointly possessed of any Share or Shares, such Persons shall be entitled to a Vote or Votes by the Person whose Name shall stand first in the said Register Book or List of Proprietors; and every Question, Matter, or Thing which shall be proposed, discussed, or considered at such Meetings shall be finally determined by the Majority of Votes so reckoned: Provided always, that no such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or Company, and their foresaids whatever, or Proxy, shall be entitled to attend and vote at such Meetings, but only the Treasurer or Secretary, or One of the Officers of such Body or Bodies Politic,

Politic, Corporate, or Collegiate, or One Member or Partner of a Company, specially appointed by them for that Purpose by a written Authority; and no Trustee upon a bankrupt Estate, and no Creditor of the said Company, by reason of any Bond or other Deed of Security, or any Transference or Assignation of such Bond or other Deed of Security, or on account of his, her, or their having lent or advanced any Money on the Credit of such Bond or other Deed of Security, and no Proprietor who is in arrear of any Part of the Calls, shall be entitled to attend or vote either personally or by Proxy; and at all the said Meetings the Chairman, or in his Absence the Deputy Chairman, or in the Absence of either the Person highest in the List of the Directors, shall be the Preses of the said Meetings and of the Meetings of Directors; and in the Case of the Absence of the whole Directors the General or Special Meetings shall have Power to name their own Preses from among the Proprietors or Persons present, the Votes being reckoned in the Manner before directed; and at all such General or Special Meetings of the said Company the Person acting as the Preses shall not only have a deliberative Vote or Votes, but also a casting Vote in case of Equality; and the said Proxy shall be according to the following Form, or in Words to the like Effect; (that is to say,)

Form of Proxy.

'I *A.B.* of Proprietor of Shares of the *Edinburgh, Leith,* and *Newhaven* Railway Company, do hereby nominate, constitute, and appoint *C.D.* to be my Proxy, in my Name and in my Absence to vote or give my Assent or Dissent to any Business, Matter, or Thing relating to the said Undertaking at a Meeting to be held at on the Day of next, in such Manner as the said *C.D.* shall think proper according to his Opinion and Judgment. In witness whereof I have hereunto set my Hand this Day of in the Year One thousand eight hundred and .'

Directors or Proprietors may call a Special Meeting.

LVIII. And be it further enacted, That it shall be lawful for the Directors of the said Company when they shall see Cause, and they are hereby authorized, at any Time from and after the passing of this Act when the whole Capital Stock is subscribed, or as soon after as may be, to call a Special Meeting of Proprietors or Subscribers by causing Notice thereof to be advertised in One or more Newspapers published in *Edinburgh*, or by Circular Letters (specifying in such Notice or Letter the Business for which such Meeting is called, and the Time and Place of such Meeting); and it shall be lawful for any One or more of the said Proprietors who shall be possessed of One Tenth Part of the subscribed Capital Stock or upwards, and if he, she, or they shall judge it necessary or expedient to have a Special Meeting of the said Company called, to request the same to be so called by a Requisition in Writing under his, her, or their Hands, delivered to the Directors, specifying in such Requisition the Business intended to be brought before such Meeting, and the said Directors shall thereupon be obliged, within Ten Days after the Delivery of such Requisition, to call such Special Meeting in the Manner before directed; and in case the said Directors shall refuse or shall delay to call such Meeting beyond the said Period of Ten Days, then it shall be lawful to the said Proprietor or Proprietors to the Extent of the Part

Part of the subscribed Capital Stock before specified, to call such Meeting in his, her, or their Names in the same Manner as is hereby authorized and directed to be done by the Directors; and all Proceedings at such Meetings relative to the Business specified in such Notice shall be deemed as valid and effectual, to all Intents and Purposes, as if the same had been done at the General Half-yearly Meetings herein-before appointed.

First Directors of the Company.

LIX. And be it further enacted, That the Affairs and Management of the Company, the making, completing, and maintaining the said Railway or Railways and other Works connected therewith, and carrying into effect the Matters and Things by this Act authorized and directed, shall be conducted by a Board of Directors after mentioned, and by such Deputies, Agents, Officers, Servants, or Persons as the said Directors may consider necessary; that the said Directors shall consist of a Chairman, Deputy Chairman, and Seven other Directors, who shall constitute the said Board of Directors of the said Company; and that Sir *Andrew Leith Hay* Chairman, Colonel *George Wright* Deputy Chairman, and *William Dumbreck*, *John Robertson*, *David Sandeman*, *Alexander Scot*, *Thomas Sprot*, *Alexander Wood*, and *John Stewart Wood*, hereby named and appointed Directors, shall constitute the First Board of Directors of the said Company, and shall have full Power to carry into execution the whole Purposes of this Act, until the First General Meeting of the said Company to be held as before enacted, not later than Six Months after the said Railway or Railways and other Works are completed and opened for public Use; and the whole Provisions, Powers, and Authorities conferred by this Act on Directors shall be vested in the Directors herein named and appointed.

Election of future Directors.

LX. And be it further enacted, That the Directors herein named shall be and continue Directors of the said Company until the First General Meeting of the said Company to be held as herein-before provided, not later than Six Months after the said Railway or Railways and other Works are completed and opened for public Use as before provided, unless any of such Directors shall die, or resign, or dispose of his Share or Shares of the said Capital Stock, so as no longer to be possessed of the Sum of Three hundred Pounds at the least of the Capital Stock of the said Company, which is hereby declared to be the Qualification necessary for such Appointment, or shall become disqualified by Insolvency, in which Case it shall be lawful for the Directors to nominate and appoint a new or other qualified Director in the Room of every such Director who shall have died, resigned, or become disqualified, and so from Time to Time as Occasion may require, and until the First General Meeting of the said Company thereafter; that the Election of future Directors after those herein named, excepting in the Events before specified, shall only take place at the General Meeting first to be held under this Act not later than Six Months after the Completion of the said Railway or Railways as aforesaid, and so on at the succeeding annual Meeting thereafter; that the Three Directors who shall then be at the Top of the List shall go out of Office, and an equal Number of New Directors shall be elected in their Place and added to the List; that the Chairman and Deputy

Chairman may be once re-elected, but no such Chairman or Deputy Chairman shall continue successively in Office for a longer Period than Three Years; that none of the Directors going out by Rotation as aforesaid shall be re-elected until he shall have remained One Year out of Office, except as Chairman or Deputy Chairman; that before proceeding to the Election of Directors as aforesaid the said Meeting shall nominate the Chairman and Deputy Chairman for the ensuing Year; that the said first and future Directors shall meet regularly upon the First *Thursday* of every Month at the principal Office or Place of Business of the Company, and also at such other Times and Places and as often as they may deem needful, for the Purpose of managing the Affairs of the Company, and of directing and superintending the Works, examining the Books, and of giving such Advice and Instructions as they may think proper to the Deputies, Agents, Officers, Servants, or Persons appointed by them for carrying this Act into execution; that all the Meetings of Directors shall be called by a Circular Notice to be issued by the Secretary or other Officer, or Person or Persons appointed by the Directors; that at all Meetings of the said Directors each Director shall have only One Vote, without regard to the Extent of his Interest in the said Company, with the Exception of the Chairman for the Time being, who in case of Equality shall not only have a deliberative but a casting Vote; and the Resolutions, Deeds, Contracts, Submissions, Orders, and Proceedings of the Majority in Number present shall be binding, valid, and effectual on the said Company, the whole Number of Directors present at any such Meeting of Directors not being less than Three, which Number is hereby declared to be a Quorum; that the Directors shall have Power to divide themselves into Sub-Committees for the Purpose of superintending and managing the Affairs of the Company and for carrying this Act into effect as they shall deem expedient; and it is hereby expressly provided, that the whole Books, Letters of Correspondence, and other Writings relative to the Business of the Company shall be open and patent to the Chairman, Deputy Chairman, and Directors, and for that End that the Desks, Repositories, and lockfast Places at the Office or Place of Business of the Company shall be considered and held the exclusive Property of the Company.

Company to give Allowance to Directors.

LXI. And be it enacted, That it shall be lawful for the said Company at any General or Special Meeting to grant or allow from the Funds of the said Company to the said Directors such reasonable Sum of Money, for their Trouble in attending Meetings and otherwise managing the Affairs of the said Company, as to such Meeting shall appear proper.

Power to make Bye Laws.

LXII. And be it further enacted, That any General or Special Meeting of the Company held in pursuance of the Provisions of this Act shall have full Power and Authority as often as may be thought expedient to make and enforce Rules, Bye Laws, and Regulations for the good Government of the said Company, their Deputies, Agents, Officers, Workmen, Servants, or Persons appointed or employed by them in making, maintaining, and using the said Railway or Railways and other Works connected therewith, or for the regulating or doing any Matter or Thing that shall or may be necessary to be made or

done with the view of carrying the Powers of this Act into effect, or for the good Government of all Persons in charge of or interested in any Waggons or other Carriages, Goods, Wares, Merchandize, and other Matters and Things conveyed or intended to be conveyed on or along the said Railway or Railways and other Works connected therewith, or for the Prevention of Persons trespassing on the said Railway or Railways and other Works connected therewith, or for the Regulation, good Order, and Use of the said Depôts or Warehouses, or for the Regulation of the Police of the said Railway or Railways and other Works connected therewith, as shall be deemed by the said Company to be proper and necessary; and it shall also be lawful for the said Company from Time to Time to alter and rescind and again to renew such Bye Laws, Rules, and Regulations, and to impose, inflict, and levy such Fines and Forfeitures, as shall be thought to be reasonable by the said Company, upon and from all Persons offending against the same, not exceeding the Sum of Five Pounds for any one Offence; all which said Rules, Bye Laws, and Regulations shall be reduced into Writing, and the Common Seal or Stamp of the said Company affixed thereto; and the same or such Parts thereof as shall by the said Directors be thought expedient shall be distinctly and legibly painted on Boards, and affixed on different Toll Houses on the said Railway or Railways, and shall, when worn out, defaced, or obliterated, be from Time to Time renewed; and such Bye Laws, Rules, and Regulations shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify any Persons who shall act under the same, provided they be not repugnant to the Laws of *Scotland*, or any Direction in this Act contained.

Authenticated Bye Laws to be Evidence.

LXIII. Providing always, That in all Cases of Prosecution for Offences against the said Rules, Bye Laws, and Regulations the Production of a written or printed Paper purporting to be the Rules, Orders, Bye Laws, and Regulations of the said Company, and authenticated by having the Common Seal of the Company affixed thereto as aforesaid, shall be Evidence of the Existence of such Rules, Bye Laws, and Regulations; and it shall be sufficient to prove that a Board painted according to the Directions of this Act, purporting to be a Copy of such Rules, Bye Laws, and Regulations, hath been affixed and published in manner by this Act directed, and in case of its being afterwards displaced or damaged hath been replaced by another such Board as soon as conveniently might be in some conspicuous Place upon or near adjoining the Place where the Offence was committed, unless Proof shall be adduced by the Defender that such Board is not a Copy of such Rules, Bye Laws, and Regulations, or hath not been duly kept up and generally continued on the Toll Houses of the said Railway or Railways and other Works connected therewith, in manner by the said Act directed.

Directors to appoint Officers, &c.

LXIV. And be it further enacted, That it shall be lawful for the said Directors to appoint a Bank or Bankers, and all such Deputies, Agents, Officers, Servants, or Persons as they shall find necessary for the Purposes of this Act, and for the due and proper Regulation, Service, and Management of the said Railway or Railways and other Works connected therewith, or any Part thereof, or of the Affairs of the

the said Company; and the said Directors are hereby required to take such Security from the said Deputies, Agents, Officers, Servants, or Persons as to them shall seem right and proper for the Execution of his or their respective Offices and Duties; and it shall be lawful for any Two or more Justices of the Peace for the County of *Edinburgh* from Time to Time to appoint such Person or Persons as they shall select and nominate for that Purpose to be Special Constables for the Preservation of the Peace, and for the Security of Property against all unlawful Acts within the Limits of the said Railway or Railways, or the Works connected therewith, or any Part thereof, or the Roads or Approaches leading thereto; and such Special Constables shall have, use, exercise, and enjoy all such Powers, Authorities, Protections, and Privileges for apprehending Offenders and enforcing the Powers and Authorities granted by this Act, and for doing all Acts, Matters, and Things for the Prevention, Discovery, and Prosecution of Offences, and for the Preservation of the Peace, as Constables duly appointed now have by the Laws of this Kingdom; and it shall be lawful for the said Justices or the said Directors to dismiss or remove any such Constable from his Office of Constable, and upon every such Dismissal or Removal all Powers, Authorities, Protections, and Privileges vested in any such Person so dismissed or removed by virtue of such Appointment as aforesaid shall wholly cease; and it shall be lawful also for the said Directors from Time to Time to remove or suspend such Deputies, Agents, Officers, Servants, or Persons, or any of them, and appoint another or others in the Room of such as shall be removed or suspended, or shall die, or resign, or become incapable of performing his or their Office or Offices or Duties, and out of the Monies applicable to the Purposes of this Act to pay or allow such Salaries, Allowance, or Recompence to such Deputies, Agents, Officers, Servants, or Persons respectively, during or after the Period of his or their Service or Employment, as to the said Directors shall from Time to Time seem reasonable.

Officers to account.

LXV. And be it enacted, That every Deputy, Agent, Officer, Servant, or Person who shall be appointed by virtue of this Act shall from Time to Time, when thereunto required by the said Company or Directors by Notice in Writing to him given, or left at his usual Place of Abode, or within Three Days next afterwards, make out and deliver to the said Company or Directors, or to such Person as they shall appoint to inspect and examine the same, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof had been disposed of, together with the Vouchers and Receipts for such Payments; and every such Deputy, Agent, Officer, Servant, or Person shall and is hereby required to pay all such Monies as upon the Balance of such Accounts shall appear to be owing from him to the said Company to such Person as the said Company or Directors shall appoint to receive the same; and if any Deputy, Agent, Officer, Servant, or Person shall neglect or refuse to render or deliver such Account as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner and within the Time aforesaid, or shall neglect or refuse, on such Requisition

Requisition as aforesaid, to deliver up to the said Company or Directors, or to such Person as they shall appoint, all Books, Papers, Writings, Matters, and Things in his Custody or Power relating to the Execution of this Act, or which they shall have disposed of without the Consent of the said Company or Directors, then and in every such Case, Complaint being made by the said Company or Committee where such Neglect or Refusal shall happen, or by any other Person on their Behalf, of any Neglect or Refusal, to the Sheriff or Sheriff Substitute for the County where the Officer or Person so neglecting or refusing shall live or reside, such Sheriff or Sheriff Substitute is hereby authorized and required by Warrant under his Hand to cause such other Officer or Person to be brought before him, and on his appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account (if produced) in such Manner as the said Company or Directors might have done; and if upon the Confession of the Deputy, Agent, Officer, Servant, or Person against whom such Complaint shall be made, or by the Oath of any Witness, or upon the said Account (if produced), it shall appear to such Sheriff or Sheriff Substitute that any of the Monies which shall have been collected or received shall be in the Hands of or owing by such Deputy, Agent, Officer, Servant, or Person to the said Company, the said Sheriff or Sheriff Substitute may and is hereby authorized, upon Nonpayment thereof within such Time as such Sheriff or Sheriff Substitute shall direct, by Warrant under his Hand and Seal to cause such Monies to be levied by Poinding and Sale of the Goods and Effects of such Officer or Person respectively; and if no Goods or Effects can be found sufficient to answer and satisfy the said Monies, and the Charges of taking, making, keeping, and selling such poinded Goods and Effects, or if such Deputy or Person as aforesaid shall not appear (without having sufficient Excuse) before the said Sheriff or Sheriff Substitute at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to the said Sheriff or Sheriff Substitute such Account in Writing as aforesaid, or to produce and deliver up to the said Sheriff or Sheriff Substitute the several Vouchers and Receipts relating to such Account, or to deliver up to him all such Books, Papers, Writings, Matters, and Things as aforesaid, to be by him delivered over to the said Company, then and in any of the Cases aforesaid the said Sheriff or Sheriff Substitute is hereby authorized and required by Warrant under his Hand to commit such Deputy, Agent, Officer, Servant, or other Person to the Common Gaol of the County, Burgh, or Place where he shall live or reside, there to remain until he shall have delivered in and settled such Account as aforesaid, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Monies that shall appear to be in the Hands of or owing from him to the said Company, and the reasonable Charges of such Poinding and Sale (if any) as shall in that respect have been made, or until he shall have compounded with the said Company (and which Composition the said Company are hereby empowered to make) for such Money and Charges, and pay the Composition Money to the said Company, or to such Person as they shall appoint to receive the same, and shall have delivered up as aforesaid such Books, Papers, Writings, Matters,

and Things as aforesaid, or have given to the said Company Satisfaction in respect thereof: Provided always, that no Person who shall be committed for Want of sufficient Goods and Effects only shall be detained in Prison for any longer Time than Two Calendar Months.

Treasurer and Secretary not to be the same.

LXVI. And be it further enacted, That it shall not be lawful for the said Directors to appoint the Person who may be appointed their Secretary in the Execution of this Act, or the Partner or Partners of any such Secretary, or the Secretary or other Person or Persons in the Service or Employ of any such Secretary, or of his or their Partner or Partners, the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Secretary or other Person or Persons in the Service or Employ of any such Treasurer, or of his or their Partner or Partners, the Secretary to the said Directors; and if any Person shall accept both the Offices of Secretary and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner or Partners of any such Secretary, or other Person or Persons in the Service or Employ of such Secretary or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer, or of his or their Partner or Partners, shall accept the Office of Secretary in the Execution of this Act, every such Person or Persons so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in the Court of Session in *Scotland* by a summary Petition; and the said Court shall adopt such Form of Process as the Judges of the said Court shall deem requisite for determining the same, or as is usual in other summary Cases of the like Nature.

Treasurer to find Security.

LXVII. And be it further enacted, That the Treasurer shall find Security for the faithful Execution of his Office.

Entries of Proceedings to be made.

LXVIII. And be it further enacted, That the Secretary, or Person or Persons appointed as aforesaid, shall make fair and regular Entries in a Minute Book to be kept for that Purpose of the several Meetings and Names of the Persons attending such Meetings, and of the Meetings of the Directors and Sub-Committees, and of the Nomination of all Deputies, Agents, Officers, Servants, and Persons, and of all Acts, Deeds, Orders, and Proceedings relative to the Execution of this Act; and the Chairman for the Time being, and the Secretary or his Clerk, attending such Meetings, shall subscribe their Names to the Proceedings of every such Meeting; and all Entries in such Books, being signed as aforesaid, shall be deemed Originals, and shall bear Evidence in all Suits, Petitions, Prosecutions, or Diligence touching any thing to be done by virtue of this Act; and the said Deputies, Agents, Officers, Servants, or Persons appointed as aforesaid shall keep such other Books, in addition to those before and after specified, as may be deemed requisite by the Directors for carrying on and properly conducting the Affairs and Management of the said Company.

LXIX. And

Books to be balanced twice a Year, and to be open for Inspection for a certain Time.

LXIX. And be it further enacted, That the Books of the said Company shall be brought to an exact Balance twice a Year, upon the Thirty-first Day of *December* and Thirtieth Day of *June* in each Year, and half-yearly thereafter upon the same Days if lawful Days, or if a *Sunday* upon the Day preceding, and shall for Ten Days previous to and for Ten Days after the said Two General Meetings be open for the Inspection of all or any of the Proprietors at the principal Office or Place of Business of the Company; but none of the said Proprietors (except the Chairman, Deputy Chairman, and Directors, who shall at all Times have Access to the Books,) shall be entitled at any other Time to demand the Use or Inspection of any of the Books belonging to the Company unless in virtue of a written Order signed by Three of the said Directors; that an exact Balance Sheet of the Company's Affairs shall be made up on the said Thirty-first Day of *December* and Thirtieth Day of *June* in each Year, signed by One of the principal Officers of the said Company, exhibiting a fair and true Statement of the Amount and Value of the Capital Stock and Property of every Description belonging to the said Company at that Date, the Debts due by the said Company, and a distinct View of the Profit or Loss which has arisen on the Transactions of the Company in the course of the preceding Half Year; which Balance Sheet shall, previously to each Half-yearly General Meeting, be examined and docqueted by the Directors or any Three of their Number; and along with the said Balance Sheet the Directors shall exhibit a Cast or Scheme of the Appropriation or Division of the Profit among the Proprietors, and if Profit has been realized a Dividend according to such Cast or Scheme shall be declared at the said General Meetings, but the said Directors shall be entitled, before declaring the Dividend, to set aside such Sum as they may think proper to meet Contingencies, or for further enlarging, repairing, or improving the said Railway or Railways and other Works connected therewith, or any Part thereof, and to divide the Balance only among the Proprietors: Provided always, that no Dividend shall be made whereby the Capital Stock of the Company shall be in any degree reduced or impaired, nor shall any Dividend be paid in respect of any Share or Shares after the Day appointed for Payment of any Call of Money in respect thereof until such Call shall have been paid.

Mode of prosecuting and defending and doing Diligence.

LXX. And be it further enacted, That, without Prejudice to the Rules herein-after enacted relative to the Mode of recovering Rates, Tolls, and Dues, Fines, Penalties, Forfeitures, and Damages, all Actions, Suits, Petitions, or Prosecutions in any Court or Courts of Law, or Diligence, on account of or at the Instance of the said Company, Notices or other legal Proceedings shall be sued, prosecuted, made, or used in the Name of the Company or of the Secretary for the Time being when such Actions, Suits, Petitions, Prosecutions, or Diligence are commenced or presented; and it shall be lawful to carry on and follow forth such Actions, Suits, Petitions, Prosecutions, Diligence, Notices, or other legal Proceedings, although such Secretary do not then hold Office, without the Necessity of sisting his Successors or Successor; and that all Citations, Services, Intimations, Notices, or Executions of Diligence against the said Company, or for arresting or attaching the Share or Shares of any Proprietor or Proprietors in the said

Mode of citing the Company.

said Company, shall be given and served personally on the Secretary, or left for the said Secretary at the principal Office or Place of Business of the Company, and shall be held, taken, and considered as legal, sufficient, and good Citations, Services, Intimations, Notices, or Executions of Diligence foresaid against the said Company, and as effectual in Law, to all Intents and Purposes whatsoever, as if such Citations, Services, Intimations, Notices, or Executions of Diligence foresaid had been executed, served, given, or used personally on or to each or every Proprietor of the Capital Stock of the said Company, or left at each and every of their several Dwelling Place or Places of Abode.

Mode of Recovery of Debts and Damages against the Company.

LXXI. And be it further enacted, That all Debts, Damages, Costs, and Expences due or payable by the said Company may be levied and recovered by Poinding and Sale of any Goods or Effects of the said Company or of the Treasurer of the said Company, unless such Treasurer shall pay such Debts, Damages, Costs, and Expences out of the Monies to be received by him by virtue of this Act, under a Warrant or Decree to be issued for that Purpose by any competent Court of Law or Equity.

Directors not answerable for Officers.

LXXII. Provided always, and be it enacted, That the said Directors shall not be answerable for Mistakes or Omissions, nor for making, signing, or executing in his or their Capacity of Director or Directors, pursuant to this Act, any Contract, Submission, Agreement, Draught, Check, Assignation, Disposition, Conveyance, or Deed of Security, or for suing, prosecuting, presenting, defending, answering, or suspending any Actions, Suits, Petitions, Prosecutions, or Diligence, or other Act or Acts for or on behalf of or against the Company, or otherwise lawfully executing any of the Powers or using the Authority given to them or any of them by this Act, nor be liable to be sued or prosecuted, or liable to Diligence, either collectively or individually, by or from any Person or Persons whatever in any Court of Law or Equity, or in his or their Effects, Moveables, Lands, or Heritages, or in his or their Person or Persons, nor for the Sufficiency or Responsibility of Banks or Bankers with whom the Funds of the Company may be deposited, nor for any Security or Securities to be taken under the Authority of this Act, nor for the Receipts, Acts, or Omissions of any Officer or Officers, Porters, Servants, Person or Persons, appointed or employed by the said Company, nor shall any One of the said Directors be liable *in solidum*, nor for the Acts and Deeds of each other; but that in every such Case any Person or Persons making such Claim or Demand upon the said Company, or upon any Director or Directors thereof, under or by virtue of any such Contract, Submission, Agreement, Assignation, Disposition, Conveyance, or Deed of Security, or for suing, prosecuting, presenting, defending, answering, or suspending any Actions, Suits, Petitions, Prosecutions, or Diligence, or other Act or Acts, may sue or execute Diligence against the said Company, in manner before provided, but shall not be entitled to any further or other Remedy whatsoever.

Power to borrow Money on Rates and Works,

LXXIII. And be it further enacted, That in case by a Majority of Votes at any Special Meeting or Meetings to be called as aforesaid it shall be deemed advisable to borrow the said further and

additional Sum of Forty thousand Pounds, or a Part thereof, at Interest, in manner herein-after mentioned, or in case any Banking Company or Bankers shall agree to allow the said Company a Credit to the Extent of the said Sum of Forty thousand Pounds or a Part thereof on a Cash Account or Accounts according to the Use of Bankers in *Scotland*, then and provided such Meeting or Meetings, or the Majority of Votes entitled to vote thereat, shall declare it to be necessary and expedient, it shall be lawful for the said Company to borrow and take up at Interest on the Security or Securities herein-after mentioned any Sum or Sums of Money, so as the same, together with any additional Capital Stock that may hereafter be subscribed, shall not in any Case exceed the Sum of Forty thousand Pounds Sterling; and in order to the raising of the same, or any Part or Parts thereof, the Directors shall and may, at the Costs and Charges of the said Company, grant, execute, and deliver to and in favour of the Lender or Lenders, Banking Company or Bankers, an Assignation or Assignations of all Right, Title, and Interest which the said Company have or may have in the said Railway or Railways and other Works connected therewith belonging to the said Company, together with the Rates, Tolls, and Dues arising or to arise by virtue of this Act, or a competent Part thereof, as a Security for such Sum or Sums of Money to be borrowed as aforesaid, with Interest at such Rates as may be agreed on, and these to such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or Company, Trustee, Heir of Entail, Tutor or Curator for Infants, Minors, furious or fatuous or other Persons, and Married Women, and for all others whomsoever, though under any legal Disability or Incapacity of any Kind, not only in behalf of themselves, but of those for whom they act, their Heirs, Successors, Executors, Administrators, and Assignees, who shall lend the same; all which Assignations in Security shall be made under the Common Seal of the said Company and under the Hands of any Three of the said Directors in the following Words, or Words to the like Effect; (that is to say,)

and obtain Cash Accounts.

‘ BY virtue of an Act made in the Year of the Reign of His Majesty King intituled [*here set forth the Title of this Act*], we, the *Edinburgh*, *Leith*, and *Newhaven* Railway Company, incorporated by and under the said Act, in consideration of the Sum of paid to us in hand [*or, in case of Cash Credits*, to be advanced and paid from Time to Time when required under a current or current Account,] by do hereby dispone, convey, and assign unto the said his, her, or their Executors, Administrators, and Assignees [*as the Case may be*], the said Railway or Railways and other Works connected therewith, and all and singular the Rates, Tolls, and Dues arising by virtue of the said Act [*or such Part or Parts thereof as may be disponed and assigned*], and all Right, Title, and Interest of and in the same, to hold unto the said his, her, or their Executors, Administrators, and Assignees [*as the Case may be*], until the said Sum of [*or, in case of Cash Credits*, such Sum or Sums as shall be advanced and paid from Time to Time, and shall be due and owing, as the Balance on the said current Account, not exceeding in all the Sum of]

Form of Assignation in Security.

‘ together with Interest for the same after the Rate of
‘ for every for a Year, shall be fully paid and satisfied.
‘ Given under our Common Seal this Day of
‘ in the Year of our Lord .’

Assignees to be equally entitled.

And all and every Person or Persons, Body or Bodies Politic, Corporate, or others, as aforesaid, to whom such Security or Assignation shall be made, shall be equally entitled one with the other to his, her, or their Proportion or Proportions of the said Rates, Tolls, and Dues and Premises, according to the respective Sums in such Assignations mentioned to be advanced, without any Preference by reason of Priority of such Assignations or on any other Account whatsoever; and a Minute or Memorial of every such Assignation, containing the Date, Name or Names of the Person or Persons or others to whom made, the Sums of Money borrowed, and the Rate of Interest, shall be entered in a Book or Books to be kept by the Secretary of the said Company, which said Book or Books shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Company without Fee or Reward; and all and every Person or Persons to whom any such Security or Securities, Assignation or Assignations, shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right or Interest therein to any Person or Persons or others aforesaid whomsoever; which Transference shall be by Writing duly stamped, and may be in the following Words, or Words to the like Effect; (that is to say,)

Form of Transference.

‘ I do hereby dispone, convey, assign, and transfer
‘ the within Assignation, with all my Right and Title to the Prin-
‘ cipal Sum hereby secured, and to all the Interest now due or
‘ hereafter to become due, to and in favour of his,
‘ her, or their Heirs, Executors, Successors, Administrators, and
‘ Assignees [*as the Case may be*]. In witness whereof,’ *&c.*

Which Transference shall, within Seven Days after the Date thereof, be produced and notified to the Directors at the principal Office or Place of Business, who shall cause an Entry or Abstract thereof to be made containing the Date, Names of the Parties, and Sums of Money thereby transferred, in the said Book or Books to be kept for the entering the said original Assignations; and after such Entry made, but not till then, every such Assignation and Transference shall entitle every such Assignee or Assignees, his, her, or their Heirs, Successors, Executors, Administrators, and Assignees, to the Benefit thereof; and such Assignee or Assignees may convey, transfer, and assign the same again, and so *toties quoties;* and it shall not be in the Power of any Person or Persons who shall have made any such Assignation and Transference to make void or discharge the same, or any Monies thereby due, or any Part thereof.

Power to borrow Money from Exchequer Loan Bill Commissioners.

LXXIV. And be it further enacted, That it shall be lawful for the said Company at a Special Meeting or Meetings to borrow from the Commissioners for carrying into execution an Act of Parliament, passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act to amend Two Acts of the Fifty-seventh of His late*

and

and First of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Act, any Sum or Sums of Money not exceeding in the whole the Sum or Sums of Money hereby authorized to be borrowed as aforesaid, and by Deed under the Common Seal and at the Costs of the said Company to dispone, convey, and assign to the Secretary for the Time being of the said Commissioners and as they shall direct, free from all Incumbrances, the said Railway or Railways, or other Works connected therewith, belonging to the said Company, together with the Rates, Tolls, and Dues accruing or to accrue by virtue of this Act or otherwise, for securing to the said Commissioners the Repayment of the Amount of the Exchequer Bills to be borrowed as aforesaid. 3. G. 4. c. 86.

Rates, Tolls, and Dues.

LXXV. And be it further enacted, That it shall and may be lawful for the said Company from Time to Time and at all Times hereafter to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company, for Goods, Wares, Merchandize, and other Matters and Things which shall be carried or conveyed upon the said Railway or Railways and other Works connected therewith, or upon any Part thereof, the Rates, Tolls, and Duties herein-after mentioned; that is to say,

For all Coal, Coke, Culm, and for all Stone, Cinders, Chalk, Marle, Sand, Lime, Clay, Earth, Gravel, Ashes, Peat, Limestone, Pitching and Paving Stone, Bricks, Tiles, Slates, and Building Materials, and for all Kinds of Manure, Potatoes, Turnips, or other gross Agricultural Produce, and for Iron, Lead, or other Metals and Minerals unmanufactured, such Sum and Sums of Money respectively as the said Company shall from Time to Time direct and appoint to be taken for the Tonnage of any or either of the said Kinds of Goods or Things, not exceeding Four-pence *per* Ton *per* Mile:

For all Sugar, Corn, Grain, Flour, Dyewoods, Timber, Staves, Deals, Bar Iron, and other Metals, such Sum as the said Company shall from Time to Time appoint, not exceeding the Sum of Sixpence *per* Ton *per* Mile:

For all other Goods, Wares, Merchandize, and other Matters and Things whatsoever carried on the said Railway or Railways and other Works, other than those herein-after specified, such Sum or Sums of Money as the said Company shall from Time to Time direct or appoint, not exceeding Sixpence *per* Ton *per* Mile:

For the Use of any Waggon, Crane, Shed, Machinery, Engine, Power, or Depôt belonging to the said Company, such Sum or Sums, in addition to the said Rates, Tolls, and Dues, as the said Company shall from Time to Time direct and appoint:

For all Goods, Wares, Merchandize, and other Matters and Things which shall pass any Inclined Plane upon the said Railway or Railways by means of a stationary Steam Engine or other Machinery, in addition to all other Rates, Tolls, and Dues, such Sum as the said Company shall from Time to Time direct and appoint, not exceeding the

the Sum of One Shilling *per* Ton for each Inclined Plane which may be constructed upon the said Railway or Railways.

Company authorized to provide Carriages, &c. to carry Passengers, Cattle, and Goods, and to charge for the same.

LXXVI. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized to erect, provide, establish, and keep up all such Waggons or other Carriages, locomotive or moveable Engines, as they shall think proper, and to use and employ the same for the Purpose of carrying and conveying upon the said Railway or Railways and other Works connected therewith all such Passengers, Cattle, and other Animals, Goods, Wares, Merchandize, and other Matters and Things as shall be offered to them for that Purpose, and to make such reasonable Charges for such Conveyance as they may from Time to Time determine upon, in addition to the several Rates, Tolls, and Dues by this Act authorized to be taken.

Company may take Tolls.

LXXVII. And be it further enacted, That it shall and may be lawful to and for the said Company to ask, demand, take, receive, and recover, to and for the Use and Benefit of the said Company, for or in respect of Passengers, Beasts, Cattle, or other Animals conveyed in Waggons, or other Carriages upon the said Railway or Railways and other Works connected therewith, and for and in respect of the several Matters and Things herein-after mentioned, any Rates, Tolls, or Dues not exceeding the following; that is to say,

Tolls.

For every Person conveyed in or upon any such Carriage, any Sum not exceeding Sixpence *per* Mile:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, any Sum not exceeding Sixpence *per* Mile:

For every Calf, Pig, Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, any Sum not exceeding Three-pence *per* Mile:

For every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, any Sum not exceeding One Shilling *per* Mile.

As to small Parcels.

LXXVIII. And be it further enacted, That it shall be lawful for the said Company from Time to Time to make such Orders for fixing the Sums to be charged by them in respect to small Parcels, not exceeding One Hundred Weight each, as to them shall seem proper, and from Time to Time to repeal or vary the same as they shall think fit: Provided always, that the Provision herein-before contained shall not extend to Articles, Matters, or Things sent in large aggregate Quantities, although made up of separate and distinct Parcels, such as Bags of Sugar, Coffee, Meal, and the like, but only to single Parcels unconnected with Parcels of a like Nature which may be sent upon the said Railway or Railways and other Works connected therewith at the same Time.

Regulations as to Fractions of a

LXXIX. And be it further enacted, That in all Cases where there shall be a Fraction of a Ton a Proportion of the same Rates shall be demanded

demanded and taken for such Fraction according to the Number of Quarters of a Ton contained in such Fraction, if a Fraction of a Quarter of a Ton, such Fraction shall be deemed and considered as a whole Quarter of a Ton; and in all Cases where there shall be Fraction of a Mile in the Distance where any Waggon and other Carriage shall pass upon the said Railway or Railways and other Works connected therewith, the Tonnage, Rate, Tolls, and Dues of which shall be demanded and taken shall be after the Rate of the Number of Quarters of a Mile which the said Waggon or other Carriage shall have passed, and when there shall be a Fraction of a Quarter of a Mile such Fraction shall be deemed and considered as a Quarter of a Mile; and in order to ascertain and calculate with greater Precision and Facility the Distance for which Tonnage Rates, Tolls, and Dues shall be demanded and taken upon the said Railway or Railways and other Works, the said Company shall cause the said Railway or Railways and other Works to be measured, and Stones or other conspicuous Marks to be set up and for ever maintained at the Distance of One Quarter of a Mile from each other, with proper Inscriptions; and whenever any Waggon or other Carriage shall have passed such Stones or Marks, or the Place where the same shall have been set up, such Waggon and other Carriage shall be deemed to have passed One or more Quarters of a Mile along the said Railway or Railways and other Works, and Tonnage for such Distance shall be due and payable, although the Distance actually travelled be less than is thus computed.

Ton and of a Mile.

LXXX. Provided always, and be it further enacted, That it shall and may be lawful for the said Company, for the Encouragement of the Trade on the said Railway or Railways and other Works connected therewith, from Time to Time, at any General or Special Meeting of the said Company to be held as herein-before directed, to lessen or reduce all or any of the Rates, Tolls, and Dues herein-before or after granted on all or any Kind of Passengers, Cattle, or other Animals, Goods, Wares, Merchandize, and other Matters and Things passing upon the Whole or any Part of the said Railway or Railways and other Works connected therewith, and afterwards from Time to Time at any General or Special Meeting called as aforesaid to advance all or any of the said Rates, Tolls, and Dues so lessened to any Sum or Sums not exceeding the Rates, Tolls, and Dues before authorized to be taken.

Rates may be varied.

LXXXI. And be further enacted, That the aforesaid Rates, Tolls, and Dues to be taken by virtue of this Act shall at all Times be charged equally and after the same Rate *per* Ton *per* Mile throughout the whole of the said Railway or Railways and other Works connected therewith, in respect of the same Description of Passengers, Cattle, or other Animals, Goods, Wares, Merchandize, and other Matters or Things; and that no Reduction or Advance in the said Rates, Tolls, and Dues shall, either directly or indirectly, be made partially or in favour of or against any particular Person or Company, or be confined to any particular Part of the said Railway or Railways and other Works, but that every such Reduction or Advance of Rates, Tolls, and Dues upon any particular Kind or Description of Passengers, Cattle, or other Animals, Goods, Wares, Merchandize,

Rates to be charged equally.

and other Matters and Things, shall extend to and take place throughout the Whole and every Part of the said Railway or Railways and other Works upon and in respect of the same Description of Passengers, Cattle or other Animals, Goods, Wares, Merchandize, and other Matters or Things so reduced or advanced, and shall extend to all Persons whomsoever using the same, or carrying the same Description of Goods, Wares, Merchandize, and other Matters and Things thereon, any thing to the contrary thereof in anywise notwithstanding.

Evasion of Rates.

LXXXII. And be it further enacted, That if any Person or Persons shall fraudulently carry or convey any Passengers, Cattle or other Animals, Goods, Wares, Merchandize, and other Matters and Things whatsoever, on the said Railway or Railways and other Works, for Payment of lower Rates, Tolls, and Dues than those to which such Passengers and others are hereby subject or liable, and shall be thereof convicted before the Sheriff or Sheriff Substitute or any Justice of the Peace of the said County, every such Person or Persons so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and above the Rates, Tolls, and Dues to which such Passengers, Articles, and others are liable, to be levied and recovered in the same Manner as any other Penalty or Forfeiture under this Act can or may be levied and recovered.

Weights allowed to be carried on Railway.

LXXXIII. And be it further enacted, That no Waggon or other Carriage shall carry or bear at any one Time upon the said Railway or Railways and other Works, including the Weight of such Waggon or other Carriage, more than Four Tons Weight, except in any One Piece of Timber, Block, or Stone, Boiler, Cylinder, or single Piece of Machinery, or other single Article, which shall nevertheless not exceed the Weight of Eight Tons, including the Weight of the Waggon or Carriage, and for the Tonnage of which the said Company are hereby authorized to demand, receive, and recover such Rates as they may from Time to Time direct or appoint, not exceeding Four-pence *per* Ton *per* Mile; and no Piece of Timber, Stone, Machinery, or other Article exceeding the Weight of Eight Tons, including the Weight of the said Carriage, shall be carried upon any Part of the said Railway or Railways without the special Licence of the said Company, and for the Tonnage of which the said Company are hereby authorized to demand, receive, and recover such Sum as they may deem proper.

Locomotive Engines to consume their own Smoke.

LXXXIV. And be it further enacted, That the Boiler of every locomotive Steam Engine to be used upon the said Railway or Railways and other Works shall be constructed upon the Principle of consuming its own Smoke, under the Penalty of Five Pounds for every Offence, to be recovered in the same Manner as other Penalties and Forfeitures (for the Recovery whereof no special Directions are given) are by this Act directed to be recovered; one Half of which Sum, as often as the same shall be recovered, shall be paid to the Informer, and the other Half to the Session Clerk or other proper Officer of the Parish or Place where such Offence shall be committed, for the Benefit of the Poor of such Parish or Place.

LXXXV. And

Company may lease Carriages.

LXXXV. And be it enacted, That it shall and may be lawful for the said Company to lease to any Person or Persons the Right of establishing and using any Waggons or Carriages, and any locomotive or moveable Engines or other Powers, and to grant Licences to Persons willing to establish the same, for the Conveyance and Transport of Passengers, Cattle, or other Animals, Goods, Wares, Merchandize, and other Matters and Things, upon and along the said Railway or Railways and other Works, at such annual Sum or Rent as may be mutually agreed on by the said Company and such Person or Persons: Provided always, that such Waggons or Carriages, Engines or other Powers, be constructed agreeably to the Rules and Regulations to be made by the said Company for the Construction of Waggons or Carriages to be used on the said Railway or Railways and other Works as herein-after provided.

Act not to prevent Company from hiring locomotive Engines.

LXXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to prevent the said Company from making any Agreement with any Person or Persons for the Hire or Use of any locomotive Engine or of any Carriage, and to pay for the same such reasonable Sum as may be agreed on between the said Company and such Person or Persons, any thing herein contained to the contrary thereof notwithstanding.

Company empowered to lease the Railway Tolls.

LXXXVII. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, at any General Meeting, to let the Rents, Tolls, and Dues by this Act made payable, or any Part thereof, from the Whole or any Part of the said Railway or Railways and other Works connected therewith, to any Person or Persons, and to delegate to the Lessee or Tacksman the Powers conferred by this Act for receiving, levying, or recovering the said Rates, Tolls, and Dues, or any One or more of the same so let, and the Fines and Forfeitures by this Act imposed, or the Bye Laws thereby authorized, and that for any Term which they shall think proper not exceeding Three Years from the Commencement of any such Lease, and to commence Possession upon or within Three Calendar Months after granting the same; and every such Lease shall be valid, and the respective Lessees thereof, and also such Persons as such Lessees shall appoint to collect and receive the Rents, Tolls, and Dues so let, shall, during the Continuance of such Lease, be deemed Collectors of the Rates, Tolls, and Dues so let, but for the proper Use of the Lessees thereof, and shall have the same Power and Authority to collect and recover the same, and be subject to the same Rules, Duties, and Penalties, as if they had been appointed for that Purpose by the said Company: Provided always, that public Notice of the Intention to let the said Rates, Tolls, and Dues, or the Part thereof intended to be let, shall be given by the said Company by Advertisement to be inserted in Three *Edinburgh* Newspapers Fourteen Days at least prior to any General Meeting of the said Company at which it may be intended that the said Rates, Tolls, and Dues shall be let as aforesaid.

Collectors to put up their Names.

LXXXVIII. And be it further enacted, That every Collector appointed either by the said Company or by any Lessee or Lessees under them to

to collect the Rates, Tolls, or Dues payable at any Gate to be erected by virtue of this Act, shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or Toll Gate immediately upon his coming on Duty, each of the Letters of such Name to be at least Three Inches in Length and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon such Duty; and if any Collector of the said Rates, Tolls, and Dues shall not place such Board as aforesaid and keep the same there during the Time aforesaid, or shall demand or take a greater or less Rate from any Person or Persons than he shall be authorized to do by virtue of the Powers of this Act, or shall refuse to permit or suffer or shall in anywise hinder any Person or Persons from reading such Christian or Surname, or shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same, on having been paid the said Rates, Tolls, and Dues, or any of them, or shall give a false Name or Names on such Demand, or shall refuse or neglect to deliver a Ticket denoting the Payment of the Rate, and naming and specifying the several Gates freed by such Payment, or shall make use of any scurrilous or blasphemous Language to any Person or Persons travelling upon the said Railway or Railways and other Works, or shall without sufficient Cause detain or delay any Person or Persons travelling thereon, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence, as the Justice or Justices before whom the Complaint to be laid shall adjudge; and such Penalty shall be levied, recovered, and applied in such and the same Manner as other Penalties are by this Act directed to be levied, recovered, and applied.

On Payment of Rate, a Ticket to be delivered.

LXXXIX. And be it further enacted, That upon the Payment of the Rates, Tolls, and Dues granted by this Act at any Gate erected by virtue thereof, the Collector or Receiver thereof respectively shall and he is hereby required to deliver to the Person paying such Rates, Tolls, and Dues a Note or Ticket denoting such Payment, and stating the Weight paid for, and which Note or Ticket shall be provided by the said Company, and there shall be printed and specified thereon the Name of the Gate or Gates freed by such Payment.

Rates how to be levied.

XC. And be it further enacted, That the Rates, Tolls, and Dues herein authorized to be demanded and taken shall be paid to such Person or Persons, at such Place or Places at or near the said Railway or Railways and other Works, in such Manner, and under such Regulations as the said Company at some General or Special Meeting shall direct or appoint; and in case of Refusal or Neglect of Payment of any such Rates, Tolls, and Dues, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company may sue for the same by Action in any Court competent in *Scotland*, or the Person or Persons to whom the Rates, Tolls, and Dues ought to have been paid may and he or they is and are hereby authorized to seize the Cattle or other Animals, Goods, Wares, Merchandize, and other Matters and Things, for or in respect

whereof any such Rates, Tolls, and Dues ought to have been paid, or any Part thereof, and the Waggon or other Carriage laden with such Cattle or other Animals, Goods, Wares, Merchandize, and other Matters and Things, and detain the same until such Payment shall be made, and also until Payment of all Arrears of any Rates, Tolls, and Dues which may be due from the Owner or Owners of such Waggon or other Carriage, as the Case may be, to the said Company, together with the reasonable Charges for such Seizure and Detention; and if such Cattle or other Animals, Goods, Wares, Merchandize, and other Matters and Things, shall not be redeemed within Three Days next after the taking thereof, the same shall be distrained, appraised, and sold, returning the Overplus (if any there be), upon Demand, to the Owner or Owners thereof after such Rates, Tolls, and Dues, and the reasonable Charges of distraining, keeping, and selling the same, shall be deducted and paid.

For settling Disputes.

XCI. And be it further enacted, That if any Dispute shall happen about the Amount of the Rates, Tolls, and Dues granted by this Act, or the Charges occasioned by any Distress, it shall and may be lawful for the Collector or the Person or Persons so distraining to retain such Distress or the Money arising from the Sale thereof (as the Case may happen) until the Amount of the Rates, Tolls, and Dues due, and the Charges of the Distress and Sale and of keeping the Distress, be ascertained by the Sheriff or Sheriff Substitute, or any Two Justices of the Peace for the said County of *Edinburgh*, who, upon Application to be made for that Purpose, shall examine the Matter on the Oath of the Parties or Witness or Witnesses, and shall determine the Amount of the Rates, Tolls, and Dues due, and shall award such Costs and Charges to either Party as to the said Sheriff or Sheriff Substitute or Justices shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Warrants under the Hand of such Sheriff or Sheriff Substitute or Justices, rendering the Overplus (if any), upon Demand, after deducting the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Effects shall have been so distrained and sold.

Account of the Lading of Waggons to be given.

XCII. And for the better ascertaining and more easily collecting the said Rates, Tolls, and Dues, be it further enacted, That the Owner or Owners, Person or Persons having the Care of any Waggon or other Carriage passing upon the said Railway or Railways, or any Part thereof respectively, shall give an exact and true Account in Writing signed by him or them to the Collectors of the said Rates, Tolls, and Dues, at the Place or Places where they shall attend for that Purpose, of what Quantity of Goods, Wares, Merchandize, and other Matters or Things as aforesaid, shall be in such Waggon or other Carriage, and from whence brought, and where the same are intended to be unloaded or left; and in case any Person shall neglect or refuse to give such Account or to produce his Bill of Lading to any such Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading or Goods at any other Place or Places than what is or are mentioned in such Account, with Intent to avoid Payment of the said Rates, Tolls, and Dues, or any Part of them, he

shall forfeit and pay any Sum not exceeding Five Pounds for every Ton of Goods, Wares, Merchandize, and other Matters and Things, and so in proportion for any less Quantity than a Ton which shall be in any such Waggon or other Carriage of which such Account shall be so refused to be given, or which shall be fraudulently delivered out as aforesaid, as the Case shall happen to be, over and above the respective Rates, Tolls, and Dues directed by this Act to be paid for the same.

Packages containing Goods of a dangerous Quality to be marked.

XCIII. And for the better preventing of Accidents or Injury which might arise on the said Railway or Railways and other Works from the unsafe and improper Carriage of certain Goods, Wares, and Merchandize, and other Matters and Things upon the same, be it further enacted, That every Person who shall send or cause to be sent by the said Railway or Railways and other Works any Aquafortis, Oil of Vitriol, Gunpowder, or other Goods of a dangerous Quality, shall distinctly mark or state the Nature of such Goods, Wares, Merchandize, and other Matters and Things, on the Outside of the Package containing the same, or shall otherwise give Notice in Writing to the Officer or Servant of the said Company attending at the Station of so sending or causing the said Goods, Wares, Merchandize, and other Matters and Things to be sent, on pain of forfeiting for every Default herein the Sum of Fifty Pounds: Provided always, that the said Company shall not be compelled or compellable to carry upon the said Railway or Railways and other Works any Gunpowder, or other Goods, Wares, Merchandize, and other Matters and Things which in the Judgment of the said Company shall be of a dangerous Character, and it shall be lawful also for the said Company to restrain any other Persons from carrying thereon Gunpowder, or such other Goods and others as aforesaid.

Waggons may be measured or weighed.

XCIV. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, Tolls, and Dues, and the Owner or Person having the Charge of any Waggon or other Carriage, or the Owner of any Goods, Wares, Merchandize, or other Matters and Things, it shall be lawful for any such Collector to stop and detain any such Waggon or other Carriage, and to weigh, measure, or gauge such Waggon or other Carriage, and all such Goods, Wares, Merchandize, and other Matters and Things as shall be therein contained respectively; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than what is set forth and contained in the Account given thereof as aforesaid, then the Owner, Person or Persons, giving in such Account, shall pay the Costs and Charges of such weighing, measuring, and gauging; all which said Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied by such Ways and Means and in such Manner as the said Rates, Tolls, and Dues are hereby appointed to be levied and recovered; but if such Goods, Wares, Merchandize, or other Matters and Things shall appear to be of the same or less Weight or Quantity than the same shall by such Account appear to be of, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and also pay to such Owner, Person or Persons, or to the Owner or

Owners of such Goods, Wares, Merchandize, and other Matters and Things, such Damages as shall appear to have arisen from such Detention; and in default of immediate Payment thereof by the Collector the same shall be recovered from the said Company or from their Collector by Distress and Sale of the Effects of the said Company or of such Collector, and by the like summary Process by which any Fines or Penalties by virtue of this Act may be recovered or levied.

Company may make Regulations for Passengers and Carriages.

XCV. And be it further enacted, That it shall be lawful for the said Company from Time to Time to make such Rules and Regulations as they shall think proper for regulating the travelling upon and Use of the said Railway or Railways and other Works connected therewith, and the Times when the same shall be open for Use, and for or relating to Passengers, Waggons, and other Carriages passing upon the said Railway or Railways and other Works, and for or relating to the Mode or Means by which and the Speed at which such Waggons and other Carriages shall from Time to Time be moved or propelled, and the Times of their Departure and Arrival, and the loading or unloading thereof respectively, and the Weights which they shall respectively carry, and the Delivery of Goods, Wares, Merchandize, and other Matters and Things which shall be conveyed in or upon such Waggons and other Carriages, and also for preventing the smoking of Tobacco and the Commission of any other Nuisance in or upon any such Waggons and other Carriages, or in any of the Stations or Premises occupied by or belonging to the said Company, and generally for regulating the passing upon, using, or working the said Railway or Railways and other Works by this Act authorized, or in anywise relating thereto respectively; and all Rules and Regulations shall be binding upon and be conformed to by the said Company, and by all Owners of and Persons having the Care or Conduct of such Waggons and other Carriages, and by all Persons using or working the said Railway or Railways and other Works, and by all Passengers travelling, passing upon the said Railway or Railways and other Works, upon pain of forfeiting and paying a Sum not exceeding Five Pounds, which the said Company may attach to any such Default: Provided always, that in and every Case of Infraction or Nonobservance of any such Rules and Regulations which shall be attended with Danger to the Public, or Annoyance to Travellers and Passengers, or which shall obstruct or hinder the said Company in their due and lawful Use and working of the said Railway or Railways and other Works, it shall be lawful for the said Company, and their Deputy, Officers, Agents, and Servants, summarily to interfere to obviate such Danger, or to remove or prevent such Obstruction, Nuisance, or Hindrance.

Carriages not to be used unless constructed as directed by the Company.

XCVI. And be it further enacted, That no Carriage shall pass along or be upon the said Railway or any Part thereof, or the Works connected therewith (except in directly crossing the same as herein authorized for the Occupation of the respective Lands through which such Railway shall be laid), or in passing any public or private Carriage Road (which may happen to cross the said Railway), unless such Carriage shall at all Times, so long as it shall be used or shall be on the said Railway and Works or any Part thereof, remain and be of such Construction and in such State and Condition as the Rules and Regulations

Regulations of the said Company may from Time to Time or at all Times require (and which Rules and Regulations the said Company are hereby expressly authorized to make, and wholly or partially alter or revoke from Time to Time, with Power to make new Rules and Regulations from Time to Time in lieu of or in addition to any former Rules or Regulations): Provided always, that all the Rules and Regulations which the said Company may from Time to Time make in regard to such Carriages shall, before they shall have any Effect as Rules and Regulations, be published once in some One Newspaper usually circulated in *Edinburgh*, and some other Newspaper usually circulated in the County of *Edinburgh*, and such Publications as aforesaid shall be deemed and taken to be sufficient for all Purposes, and to be express Notice of all such Rules and Regulations to all Persons and Companies whomsoever; and the Production of a Newspaper circulated in each of the said Places, containing a Notice purporting to be a Notice of the Rules and Regulations of the said Company, shall for all Purposes be considered sufficient Evidence of the due making and Publication of such Rules and Regulations: Provided also, that if any Dispute shall at any Time and from Time to Time arise between the said Company and the Owner of any such Carriage as to the original Construction or as to the State and Condition from Time to Time, or at any Time, of any such Carriage in reference to the past or existing Rules and Regulations of the said Company, such Disputes shall from Time to Time when and as they may arise be immediately referred to Two indifferent Persons, one to be appointed by the said Company, and another by the Owner of any such Carriage, and the Third to be appointed by the Two so first appointed, previous to their entering on the Business of the Reference, and the Decision in Writing of such Two Arbitrators and their Umpire, or of any Two of them (as the Case may be), shall be final and conclusive; and if the said Company or the said Owner shall, for Fourteen Days after being so required in Writing by the other of them, neglect or refuse to appoint a Referee to act on their or his Behalf, then the Referee of the other Party may alone make a final Decision in Writing; and such Award or Decision shall, upon Proof of the Signatures thereto, be admitted in all Courts, and before all Judges, Justices, and others, as sufficient Evidence for all Purposes whatsoever of all the Facts therein stated; and if any Carriage at any Time not being in the State and Condition which the Rules and Regulations of the said Company in existence at that Time may require shall pass or be upon any Part of the said Railway or the Works connected therewith (except as aforesaid), the Owner thereof, or his Servant or any One of his Servants having for the Time being the Charge of any such Carriage, shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds for every such Offence, to be recovered in the same Manner as other Penalties under this Act.

Engines used on Railway to be approved of by the Company.

XCVII. And whereas for the greater Security of Passengers and other Persons travelling upon and using the said Railway it is expedient that the moving Powers to be from Time to Time used in drawing or propelling of Carriages upon or along the said Railway should be under the Control of the said Company; be it therefore enacted, That no locomotive or other Engine, or other Description of

of moving Power, shall at any Time be brought upon or used on the said Railway, unless the same shall first have been approved of by the said Company; and it shall be lawful for the said Company and they are hereby required, within Fourteen Days after Notice given to them by any Person desirous of bringing any such Engine on the said Railway, to cause their Engineer or other Agent to inspect and examine such Engine at any Place within Five Miles of the said Railway, and to report thereon to the said Company, who shall, within Seven Days after such Report, in case such Engine shall be fit and proper to be used on the said Railway, give a Certificate to the said Party requiring the same of their Approval of every such Engine; and it shall be lawful for the said Company from Time to Time, upon any Engine used upon the said Railway being out of repair, or unfit to be used upon the said Railway, to order the same to be taken off, or to forbid the same to be used upon the said Railway; and in case any Person shall bring or use upon the said Railway any locomotive or other Engine, or any other moving Power, without having first obtained such Certificate of Approval as aforesaid, or in case, after Notice given by the said Company to remove from or not to use upon the said Railway any such Engine as aforesaid, the Person to whom such Engine shall belong shall not forthwith remove the same, or shall use any such Engine upon the said Railway without having first repaired the same to the Satisfaction of the said Company, and obtained such Certificate of Approval as aforesaid, every such Person shall forfeit and pay any Sum not exceeding Twenty Pounds for every such Offence, and the said Company are hereby authorized to remove such Engine from the said Railway.

Names of Owners of Waggons to be painted on them.

XCVIII. And for the better Regulation of the Owners of Waggons and other Carriages, and others employed by orunder them respectively, and for the more easy Detection of any thing by them done contrary to the Directions of this Act, be it further enacted, That every Owner of any Waggon or other Carriage passing along the said Railway or Railways and other Works connected therewith shall cause the Tare of such Waggon or other Carriage, his or her Name and Place of Abode, and the Number of his or her Waggon or other Carriage, to be painted in large White Letters and Figures on a Black Ground, Four Inches high at the least and of a proportional Breadth, on some conspicuous Part of the Outside of every such Waggon or other Carriage, and shall permit and suffer every such Waggon or other Carriage to be gauged or measured at the Expence of the said Company whenever it shall be required by them, or any Person or Persons appointed for that Purpose; and every Owner of any Waggon or other Carriage which shall pass on any Part of the said Railway or Railways and other Works connected therewith without having such Name and Figures thereon as before directed, and every Person who shall alter, erase, or destroy the same or any Part thereof, or who shall refuse to permit and suffer the same to be gauged and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Railway not to be used as a Passage for Horses and Cattle.

XCIX. And be it enacted, That if any Person or Persons (save and except the Deputies, Agents, Officers, Servants, or Persons employed by the said Company, or others having their Authority,) shall lead, ride,

ride, or drive, or cause to be ridden, led, or driven thereon, any Horse, Cow, or other Neat Cattle, Sheep, Swine, or other Beast or Animal, except only in directly crossing the same at Places to be appointed for that Purpose, or he, she, or they shall forfeit and pay to the said Company any Sum not exceeding Five Pounds: Provided always, that nothing herein contained shall extend or be construed to extend to subject any Person or Persons having any Goods, Wares, Merchandize, or other Matters and Things, carried along the said Railway or Railways, to any Penalty for passing along the same for the Purpose *bonâ fide* of superintending the Carriage and Delivery of such Goods, Wares, Merchandize, or other Matters and Things.

Penalty on Waggons remaining on the Railway.

C. And be it further enacted, That if any Waggon or other Carriage, or Horse or Horses, or other Cattle, shall be placed or suffered to remain on any Part of the said Railway or Railways and other Works so as to obstruct the Passage thereof, and the Person having the Care of such Waggon or other Carriage, or Horse, Horses, or Cattle, shall not immediately upon Request made remove such Waggon or other Carriage, or Horse, Horses, or Cattle, he shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, and for every Hour such Obstruction shall continue after the making of such Request any Sum not exceeding Five Pounds; and it shall be lawful for any Deputy, Agent, Officer, Servant, or Person employed by the said Company to cause such Waggon or other Carriage to be unloaded if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction, and detain such Waggon or other Carriage and the Loading thereof until the Charges occasioned by such Removal shall be paid; and if such Payment shall not be made within the Space of Ten Days, then it shall be lawful for the said Company to sell and dispose of such Waggon or other Carriage, with the Loading thereof, in such Manner as before directed with regard to Distress, rendering to the former Owner of such Waggon or other Carriage the Surplus after such Expences and Charges of such Sale shall be deducted.

Penalty on Persons on Foot using the Railway.

CI. And whereas it may be attended with very great Danger to the Public if the said Railway or Railways and other Works connected therewith should be used by Persons on Foot; be it therefore enacted, That if any Person shall be or travel or pass upon Foot upon the said Railway or Railways, or other Works connected therewith, without the Licence and Consent of the said Company, (unless for the Purpose of attending any Waggon or other Carriage under his Care, and except the respective Owners or Occupiers of Lands and Grounds through which the said Railway or Railways and other Works connected therewith shall pass, and their respective Servants in passing across or over the same, as herein-before authorized,) every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Penalty on Persons obstructing free Course of Railway.

CII. And be it further enacted, That if any Person or Persons shall throw, place, or wilfully scatter or drop any Gravel, Stone, Rubbish, or any other Matter or Thing upon any Part of the said Railway or Railways or other Works, or shall extinguish any Light

or Lamp set up on or near the said Railway or Railways or other Works connected therewith, (unless by Authority of the said Company,) or shall wilfully obstruct or prevent any Person or Persons in the lawful Execution of this Act, or shall do any Act, Matter, or Thing to obstruct the free Passage of the said Railway or Railways and other Works connected therewith, or any Part thereof, he and every Person or Persons actually or constructively aiding or assisting therein shall respectively forfeit and pay any Sum not exceeding Twenty Pounds nor less than Two Pounds for every such Offence.

Penalty for damaging the Works.

CIII. And be it further enacted, That if any Person shall carelessly, wilfully, or maliciously break, throw down, derange, or destroy any Part of the said Railway or Railways and other Works connected therewith to be made and erected by virtue of this Act, every Person so offending, and being thereof lawfully convicted, shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds Sterling nor less than Two Pounds, over and above the full Amount of Damages thereby done to the said Railway or Railways and other Works connected therewith.

Penalty on Officers showing Partiality.

CIV. And be it enacted, That if any Officer or Servant of the said Company shall give any Preference or show any Partiality to any Person or Persons in loading or unloading any Goods, Wares, Merchandize, and other Matters and Things, at any of the Warehouses, Weighbeams, Cranes, and other Machines belonging to the said Company, and shall thereof be convicted in manner herein-after mentioned, any Person so offending shall forfeit and pay for every Offence any Sum not exceeding the Sum of Five Pounds.

Company to erect Fences and other Works, and maintain the same.

CV. And be it enacted, That the said Company shall and may at their own Expence, after any Part of the said Railway or Railways and other Works shall be laid out and formed, make, erect, and in all Time coming maintain and support such and so many convenient Gates in and upon the said Railway or Railways and other Works, and all such Bridges, Arches, Culverts, Ditches, Drains, and Passages over and under or by the Side of the said Railway or Railways, of such Dimensions and in such Manner as the said Company may deem proper and necessary for inclosing, protecting, and draining the said Railway or Railways and other Work or Works, or the Lands adjoining thereto, or as shall be deemed necessary and appointed, on the Application of any Owner or Occupier of Lands and other Heritages in, through, or under which the said Railway or Railways and other Works connected therewith may be made, by the Sheriff or Sheriff Substitute of the said County of *Edinburgh*, in case there should be any Dispute about the same, for the Use of such Owners and Occupiers of the Lands, Grounds, or other Heritages in, through, or under which the said Railway or Railways and other Works connected therewith shall be made, not only for protecting the said Lands and other Heritages from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof from straying or escaping thereout, but also conveying the Water clear from the Lands adjoining or lying near to the said Railway or Railways and other Works without obstructing or impeding the same to the Prejudice of any of the said Lands, and

for

for enabling any Person occupying Lands or other Heritages adjacent thereto and in use to be irrigated by means of any neighbouring Rivers, Brooks, Streams, or Springs of Water, to irrigate such adjacent Lands; and in case the said Company shall refuse or neglect to make or erect and maintain such Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages as herein-before directed, for the Space of Thirty Days next after the Time to be appointed for these Purposes respectively by such Sheriff or Sheriff Substitute, in every such Case it shall be lawful for any of the Owners or Occupiers of the said Lands or Heritages who shall find himself aggrieved by such Neglect or Refusal to make or erect the same, or to maintain, repair, and support the same in all Time coming, so that in making and maintaining thereof the said Railway or Railways and other Works shall not be obstructed or injured for any longer Space of Time or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Sheriff or Sheriff Substitute, shall be repaid by the said Company to the respective Owners or Occupiers of the said Lands, Grounds, and other Heritages who shall have so erected and made, repaired and maintained the same, within the Space of Ten Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered or made thereof to or from the said Company or their Secretary for the Time being; and in default of Payment of the said Costs and Charges within the Time aforesaid the said Sheriff or Sheriff Substitute shall and he is hereby required by Warrant under their Hands to levy the said Costs and Charges by Poinding and Sale of any of the Goods and Chattels of the said Company, for the Use of such Person to whom such Costs and Charges shall have been allowed; and every and any of the said Owners and Occupiers, upon Refusal or Neglect by the said Company to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against the said Company for the Recovery thereof by Action at Law.

Gates, &c. may be maintained by Owners of Lands.

CVI. Provided always, and be it enacted, That if the Owners or Occupiers of the Lands, Grounds, and Heritages through which the said Railway or Railways and other Works connected therewith shall be made in the Case aforesaid do or shall at any Time or Times hereafter apprehend that any of the Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages respectively made by the said Company are insufficient, either in their Number or Situation, for the commodious Use and Occupation of the respective Lands, Grounds, and Heritages through which the said Railway or Railways and other Works connected therewith shall pass, then and so often or in any such Case it shall be lawful for any such Owners or Occupiers, with the Consent and Approbation of the said Company, upon Request made to them or their Secretary for the Time being, or in case of their Neglect or Refusal for the Space of Ten Days next after such Request made, then with the Consent of the said Sheriff or Sheriff Substitute, to make, fix, and erect, at their own Costs and Charges, any such other Gates, Bridges, Arches, Culverts, Ditches, Drains, or Passages in, upon, or near to the said Railway or Railways and other Works connected therewith, in such Places as shall be found and adjudged most necessary

sary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands, Grounds, and Heritages, and to repair and support the same at their own like Costs and Charges as Occasion shall require, so that the Passage through or along the said Railway or Railways and other Works connected therewith be not prevented or obstructed thereby for any longer Space of Time or in other Manner than the same would have necessarily been if such Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages had been made or erected by the said Company.

Company to erect Fences.

CVII. Provided also, and be it enacted, That the said Company shall and they are hereby empowered and required, at their own proper Charges, after any Lands, Grounds, and Heritages shall be taken for the Use of the said Railway or Railways and other Works connected therewith, to divide and separate and keep constantly divided and separated the same from the Lands, Grounds, and Heritages adjoining to such Railway or Railways and other Works connected therewith with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences so to be made as aforesaid, in case the Owner or Owners of such Lands, Grounds, and Heritages adjoining to such Railway or Railways and other Works connected therewith, or any of them respectively, shall at any Time desire the same to be fenced off, or in case the said Company shall think proper to fence off the same, instead of the Gates being erected as aforesaid; and the said Company shall also make and maintain all necessary Gates in all such Fences to be made as aforesaid, all Gates being made to open towards such Lands, Gounds, and Heritages; then and in every such Case the Powers, Povisions, Directions, and Regulations hereinbefore contained with respect to the Gates and other Works as aforesaid shall extend and apply to the making and maintaining of such Fences as fully and effectually to all Intents and Purposes as if the said Powers, Provisions, Directions, and Regulations were now repeated and re-enacted with respect to such Fences.

Fences to be made on the Owners' Lands.

CVIII. And be it enacted, That where Fences shall be made by the said Company the same shall be made on the Lands, Grounds, and Heritages of the adjacent Owners of Lands, Grounds, and Heritages, and not upon the Space allowed for the Breadth of the said Railway or Railways and other Works connected therewith, unless the said Company shall prefer it.

Company to pay Owners for fencing their Lands.

CIX. And be it enacted, That if the Owners of inclosed Lands, Grounds, and Heritages taken for the Use of the said Railway or Railways and other Works shall so require it, the said Company are hereby required, over and above the Value of the Lands, Grounds, and Heritages so occupied by the said Railway or Railways and other Works connected therewith, to pay to the respective Owners of such inclosed Lands, Grounds, and Heritages as aforesaid such Sums of Money as the said Company shall judge reasonable for the Purpose of making and erecting proper and sufficient Fences, and keeping the same in repair, on the Side of the said Railway or Railways and other Works, for the whole Length of the inclosed Lands, Grounds, and Heritages of such Owners over and along which the said Railway or

Railways and other Works shall be made; and if the Sums offered by the said Company shall not be deemed sufficient or be refused to be accepted of by such Owner or Owners of inclosed Lands, Grounds, and Heritages, then and in that Case the Amount of the Sum or Sums to be paid to such Owner or Owners shall be ascertained by a Jury in the same Manner and with the like Effect as herein-before directed in case of the Disagreement of the said Company, and the Owners of Lands, Grounds, and Heritages taken for the Purposes of this Act, touching the Value or Price of such Lands, Grounds, and Heritages: Provided also, that in case of the Money being so paid for erecting Fences to such Owners of inclosed Lands, Grounds, and Heritages, such Owners shall and they are hereby required to make and erect such Fences in a good and sufficient Manner within Two Months after such Money shall have been paid to them by the said Company, and thereafter to keep and maintain the same in proper and sufficient Repair; and if such Fences shall not be so made within such Time, or if the same be hereafter allowed to fall into Disrepair, it shall and may be lawful for the said Company to make and erect and repair such Fences at the Expence of such Owner or Owners to whom such Money shall have been so paid, to be levied and recovered from such Owner or Owners and their Successors in the said Lands, Grounds, and Heritages in the same Manner as is herein-after directed with regard to the Recovery of Penalties or Forfeitures.

Gates to be shut after passing through them.

CX. And be it enacted, That every Person opening any Gate set up across the said Railway or Railways and other Works shall and he is hereby directed and required to shut and fasten the same so soon as he or she and the Waggon or other Carriage driven or attended by such Person shall have passed through the same; and every Person neglecting so to do shall be liable for the Damage or Injury occasioned by such Neglect, and shall also forfeit and pay for every such Offence a Sum not exceeding Five Pounds, to be levied and recovered as herein-after mentioned.

Owners of Lands may make Railways to cross the Railway.

CXI. And be it enacted, That nothing herein contained shall be construed to prevent any Owner or Occupier of any Lands, Grounds, and Heritages through which the said Railway or Railways and other Works connected therewith may pass from carrying, at his, her, or their own Expence, any Railway or Railways or other Road, or any Cut or Canal, which such Owner or Occupier is entitled to make in his or her Lands, Grounds, and Heritages, across the said Railway or Railways and other Works within the respective Lands, Grounds, and Heritages of such Owner or Occupier: Provided always, that no Injury or Obstruction shall be thereby done or caused to the said Railway or Railways and other Works hereby authorized to be made; and that in no Case any Railway or Railways or other Road, or any Cut or Canal, shall be made across the said Railway or Railways and other Works hereby authorized to be made on the same Level, but that the Owner or Occupier making the same shall erect and provide, at his or her Expence, such sufficient and commodious Bridge or Bridges as may be necessary for the said Railway or Railways and other Works hereby authorized to be made, and before commencing any Operations affecting such Railway or Railways and other Works hereby authorized

to be made shall give at least Two Months previous Notice in Writing to the said Company or their Secretary, and shall also, at his or her Expence, provide such Works and Conveniences as will enable the said Company to continue to use the said Railway or Railways and other Works without Interruption while the permanent Bridge or Bridges is or are in course of being erected, so that no Interruption may at any Time take place.

Railway, on Payment of Rates, to be free.

CXII. And be it enacted, without Prejudice to any of the Provisions herein contained, That every Person or Persons whomsoever shall have free Liberty to pass upon and use the said Railway or Railways and other Works connected therewith with Waggons and other Carriages properly constructed, as herein provided, for the Conveyance of Goods, Wares, Merchandize, and other Matters and Things, upon Payment of such Tolls or Rates as are authorized to be received by this Act.

Company not entitled to use private Wharfs.

CXIII. And be it further enacted, That nothing herein contained shall authorize and empower the said Company, or any other Person or Persons, to make use of any Wharfs, Cranes, Weighbeams, or Warehouses which shall be set out, erected, or made by the Owner or Owners of any Lands, Grounds, and Heritages adjoining or near to the said Railway or Railways and other Works connected therewith, for his, her, or their own private Use only, or to set up, erect, or use any Cranes or Weighing Beams in or upon any such Wharfs, without the Consent of such Owner or Owners.

Power to erect Warehouses, and to levy Dues for Warehouse Room.

CXIV. And be it further enacted, That the said Company shall have Power to build such Warehouses for Goods, Wares, Merchandize, and other Matters and Things as to them shall seem necessary, and also to levy such Dues for the Use of such Warehouses as to them shall seem just and equitable.

Company empowered to contract with other Railway Companies.

CXV. And whereas it would tend much to the Convenience of the Public if Railway Companies were empowered to enter into mutual Arrangements, so as to avoid the Necessity of a Change of Waggons or other Carriages, and other Delays arising from a Diversity of Interest; be it therefore enacted, That, notwithstanding any thing in this Act contained, it shall be lawful for the said Company hereby incorporated, and they are hereby empowered from Time to Time, to make and enter into any Contract or Agreement with any other Railway Company or Companies, and which Contract or Agreement all other Railway Companies are hereby empowered to make and enter into, either for the Division or Apportionment of the Rates, Tolls, and Duties, or for the Passage over or along the Railway or Railways and other Works by this Act authorized to be made, of any Engines, Waggons, or other Carriages of or belonging to any other Railway Company or Companies, or which shall pass over or along any other Line of Railway or Railways, or for the Passage over or along any other Line of Railway or Railways of any Engines, Waggons, or other Carriages which shall belong to the said Company hereby incorporated, or which shall pass over or along their Line of Railway or Railways and other Works, upon Payment of such Rates, Tolls, and Duties, and under such

such Conditions and Restrictions, as may be mutually agreed upon, and also to make and enter into any other Contract with any other Railway Company which may be deemed advisable; and every such Contract may contain such Clauses, Provisions, Conditions, and Agreements as the contracting Parties may respectively think advisable and mutually agree upon: Provided always, that no such Contract shall in any Manner alter, affect, increase, or diminish any of the Rates, Tolls, or Dues which the respective Companies Parties to such Contract shall for the Time being be respectively authorized to have, demand, receive, or recover of or from any Person or Persons or any other Company, but that all other Persons and Companies shall, notwithstanding any such Contract, be entitled to the Use and Benefit of any of the said Railway or Railways and other Works upon the same Terms and Conditions, and upon Payment of the same Rates, Tolls, and Dues, as they would have been in case no such Contract had been entered into; nor shall any such Contract give any Preference or Advantage to any Company Party thereto over any other Company or Persons, but all such Companies so contracting shall, notwithstanding such Contract, pay the same Amount of Rates, Tolls, and Dues as shall from Time to Time be charged to other Companies or Persons not being Parties to such Contracts; and no Person or Party using the said Railway or Railways and other Works shall pay or be liable to pay any greater Amount of Rates, Tolls, and Dues for or in respect of any Engines, Coaches, Waggons, or other Carriages, Cattle, or other Animals, Goods, Wares, Merchandize, and other Passengers, Matters, and Things, carried or conveyed upon or along or using the said Railway or Railways and other Works, than any such Railway Companies.

Mode of recovering Rates and Penalties, and Application thereof.

CXVI. And be it further enacted, That it shall and may be lawful for the said Company or the Secretary, or the Lessee or Tacksman of the Rates, Tolls, and Dues, or any Part thereof, to prosecute for and recover all and every the several Rates, Tolls, and Dues, Fines, Penalties, Forfeitures, and Damages, by this Act imposed, or Bye Laws thereby authorized, or for any Person or Persons who may be aggrieved by any Deputy, Agent, Officer, Servant, or Person appointed or authorized by the said Company, or in any other Way, the Manner of levying and recovering whereof, or prosecuting is not hereby otherwise particularly directed, by Summons and Action or summary Petition if in *Scotland*, or if in *England* by Bill, Complaint, or Information, raised or exhibited within One Month after such Rates, Tolls, and Dues are due, or Offence or Damage is committed or incurred, before the Sheriff or Sheriff Substitute, or any Two or more of His Majesty's Justices of the Peace, or any other Judges competent, within whose Jurisdiction the Person or Persons liable or the Offenders shall reside or be apprehended, and the said Sheriff or other Judges aforesaid shall and he and they is and are hereby empowered and required to proceed to take cognizance of the Matter in a summary Way, and upon proper Evidence, or Conviction by Confession, or by the Oath of One or more credible Witness or Witnesses, to award and give such Orders, Judgments, and Decrees as to him or them shall seem most agreeable to the true Intent and Meaning of this Act; and in default of Payment of the several Rates, Tolls, Dues,

Dues, Fines, Penalties, Forfeitures, and Damages which shall be awarded, the Person or Persons who shall be found liable in the same shall and may, by Warrant under the Hand of any such Sheriff or other Judges, be committed to any legal Place of Confinement in the County of *Edinburgh*, or to the Common Gaol, Bridewell, or House of Correction, or any legal Place of Confinement in any other County or Place where the Matter or Complaint may arise, or the Offender or Offenders may have been convicted, and there be kept in Confinement for such Time as such Sheriff or other Judges shall direct, not exceeding One Month, unless the Sum so awarded against him, her, or them shall be sooner paid and discharged; and that all the Fines, Penalties, Forfeitures, and Damages to be recovered under or by virtue of this Act shall be applied to and for the Purposes of this Act.

Proceedings not to be quashed for Want of Form

CXVII. And be it further enacted, That no Order, Verdict, Judgment, Decree, Warrant of Poinding and Execution, or other Proceedings touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be on any such Account removed or removeable by Advocation, Suspension, or by any other Process whatsoever, to the Courts of Session or Justiciary or Quarter Sessions, any Law or Statute to the contrary notwithstanding.

Penalty on Persons summoned as Witnesses refusing to attend, or giving false Evidence.

CXVIII. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Court, or any Sheriff or Sheriff Substitute, Justice or Justices of the Peace, touching any Causes and Matters of Fact which shall be heard and determined relative to this Act, or for any Offence against this Act, either on the Part of the Pursuer, Plaintiff, Prosecutor, or Defender or Defendant, or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges, without a reasonable Cause for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined on Oath, (or, in case of a Quaker or Quakers, on solemn Affirmation,) and to give such Evidence before such Court, or Sheriff or Sheriff Substitute, Justice or Justices of the Peace, then and in any of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Two Pounds Sterling; and all and every Person or Persons who, on Examination to be taken by virtue of this Act, shall wilfully and corruptly give false Evidence, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishment and Disqualifications as any Person or Persons can or may be subject to for wilful or corrupt Perjury by the Laws or Statutes of that Part of the United Kingdom called *Scotland*.

Testimony of Officers.

CXIX. And be it further enacted, That no Person or Persons shall be deemed incompetent to give Evidence in any Causes and Matters of Fact which shall be heard and determined relative to this Act, or for any Offence against this Act, by reason only or on account that such

such Person or Persons shall act officially under the Appointment of the said Company or of the Directors thereof.

Appeal.

CXX. Provided always, and be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Bye Law, Rule, Order, or Regulation made in pursuance of this Act, or by any other Matter or Thing done under or in pursuance of this Act, then and in every such Case it shall be lawful for such Person or Persons to appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be holden for the County or Place where the Cause of Complaint shall have arisen, within Two Calendar Months next after such Cause of Complaint shall have arisen, or to the next Quarter Sessions after the Expiration of the said Two Calendar Months, such Appellant or Appellants first giving or causing to be given Ten Days Notice at least in Writing of his, her, or their Intention to bring such Appeal and of the Matter thereof unto the Person or Persons appealed against, and within Six Days after such Notice entering into a Bond of Caution before a Justice of the Peace for the said County or Place, with Two sufficient Securities, conditioning to try such Appeal, and abide by the Order of and to pay such Costs as shall be awarded by the Justices at such Sessions; and upon due Proof of such Notice being given as aforesaid, and of the entering into such Bond of Caution, the Justices at such Sessions shall hear and determine the Cause and Matter of such Appeal, and may order any Money to be returned which may have been levied in pursuance of any Bye Law, Rule, Order, or Regulation, and award such Costs to the Party appealing or appealed against, and may also award such further Satisfaction to the Party injured as they shall think proper; and the Determination of the Justices shall be final, binding, and conclusive on all Parties, and shall not be subject to Review by Advocation, Suspension, Reduction, or by any Process whatever, any Law or Statute to the contrary notwithstanding.

Provision for Deficiencies of Land Tax.

CXXI. And be it further enacted, That in order to prevent any Deficiency in the Assessment of the Land Tax in consequence of the Execution of the Works to be effected in pursuance of this Act, the said Company shall, from and after the Time that they shall become possessed of any Premises charged with the Land Tax, and until the said Railway or Railways and other Works connected therewith, or any Part thereof hereby authorized to be made, shall be completed and assessed to such Land Tax (unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax), be subject and liable from Time to Time to pay and make good, out of the Money to arise by virtue of this Act, all such Sum or Sums of Money as shall be deficient in the said Assessment by reason of using for the Purposes of this Act any Lands, Grounds, or Heritages liable to such Assessment according to the Rental at which the same are valued or rated at the Time of passing this Act, and the said Company are hereby required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Land Tax.

CXXII. And

Limitation of Actions.

CXXII. And be it further enacted, That no Claim or Action of Damages or other Causes in respect of any thing done or caused by the said Company or by the Directors thereof, or any Officer or Officers, Person or Persons, appointed or authorized by them in the Execution of this Act, (except for the Value or Price of any Lands, Grounds, and Heritages which are or may be necessary to be acquired for the Purposes of this Act,) shall be competent against the said Company or any others acting under their Appointment, nor shall any Claim or Action for Penalties be competent, unless the same be commenced within Two Months after the Fact so done.

If Property not purchased within Two Years, compulsory Power to take it to cease.

CXXIII. And be it further enacted, That if the said Company shall not, within the Space of Two Years from the passing of this Act, purchase the Lands, Grounds, and Heritages required for the Purposes of this Act, then and from thenceforth the Powers and Authorities hereby granted for enabling them to purchase and take or use the same shall, so far as relates to the Premises not purchased, cease, determine, and be utterly void, (save and except or unless the said several Powers be exercised or carried into effect with the Consent also of the then respective Owners and Occupiers of such last-mentioned Lands, Grounds, and Heritages,) any thing herein contained to the contrary thereof in anywise notwithstanding.

Powers by this Act to cease if Works not completed within Five Years.

CXXIV. And be it further enacted, That in case the said Railway or Railways or other Works connected therewith, intended to be made under the Authority of this Act, shall not have been completed, if not prevented by inevitable Accident or other unavoidable Impediment, so as to answer the Objects of this Act, within the Space of Five Years from the passing thereof, then and from thenceforth all the Powers and Authorities given by this Act shall cease and determine, save only as to such and so much of such Works as shall have been completed within such Time, and save also as to such Matters as shall have been transacted and such Agreements as shall have been made in pursuance of the Powers herein contained, and so that the said Company be not discharged from any Liability or Obligation to any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or Company, arising out of the Provisions herein contained.

If Railway is abandoned, the Lands to vest in the Owners of adjoining Lands.

CXXV. And be it further enacted, That if the said Railway or Railways and other Works connected therewith, or any Part thereof, shall at any Time be abandoned or given up, then and in such Case the Lands, Grounds, and Heritages so purchased or taken by the said Company for the Purposes of this Act, or so much thereof as shall be given up, shall and are hereby declared to be the Property of the Owners of the Lands, Grounds, and Heritages adjoining such Railway or Railways and other Works, the said Owners being always liable to pay the Price or Value of the same to the said Company.

Nothing herein to exempt the Railway hereby to be made from the Provi-

CXXVI. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed, deemed, or taken to extend, to exempt the Railway or Railways and other Works connected therewith, to be made under or by virtue of the Powers in and by this Act contained and given, from the Provisions of any general Act

sions of any general Act for regulating Railways.

Act or Acts for the Regulation of Railroads which may be passed before the Expiration of One Year from the passing of this Act, if Parliament shall be sitting at the Expiration of such Period of One Year, or (if Parliament shall not be then sitting) before the End of the then next Session of Parliament.

Public Act.

CXXVII. And be it further 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.

SCHE-

SCHEDULE to which this Act refers.

Numbers on Plan.	Owners Names.	Occupiers Names.	Description of Property.	Parish.	County.
1. 1. 1. 1.	The Lord Provost, Magistrates, and Council of the City of Edinburgh, the Trustees for City Creditors, and the Trustees of the Middle District.	Public - -	Canal Street, Market Street, and other Streets.	Saint Andrew's and High Church.	Edinburgh.
2.	The Lord Provost, Magistrates, and Council of the City of Edinburgh, or Trustees for City Creditors.	Inhabitants of the Neighbourhood.	Bleaching Green.	St. Andrew's.	—
3.	Ditto - -	Not let - -	Inclosed Ground adjoining the Shambles and Weighing-house.	High Church.	—
4.	Trustees of the late William Trotter.	Themselves.	Timber Yard, Workshop, and Warehouses.	St. Andrew's.	—
5.	The Lord Provost, Magistrates, and Council of the City of Edinburgh, or the Trustees for the City Creditors.	Cleghorn and Company.	Princes Street Gardens.	——	—
6. 6. 6. 6.	Trustees of Middle District, or Lord Provost, Magistrates, and Council of the City of Edinburgh, or Trustees for the City Creditors.	Public - -	Princes Street and St. Andrew's Street.	——	—
7.	The Lord Provost, Magistrates, and Council of the City of Edinburgh, or Trustees for the Creditors of the City, or Trustees for Middle District.	Ditto - -	St. Andrew's Square.	——	—
8.	The Lord Provost, Magistrates, and Council of the City of Edinburgh, or Trustee for the Creditors of the City, or Trustees for Middle District.	Public - -	Junction of Duke Street, St. Andrew's Street, York Place, and Queen Street.	St. Andrew's or St. Mary's.	—
9. 9. 9. 9. 9. 9. 9.	Leith Gas Company. Edinburgh Ditto. Edinburgh Water Company.	Public - -	Gas Pipes. Ditto. Water Pipes.	——	—

Numbers on Plan.	Owners Names.	Occupiers Names.	Description of Property.	Parish.	County.
1.	The Lord Provost, Magistrates, and Council of Edinburgh, or the Trustees for the Creditors of the City, or Trustees of Middle District.	Public - -	Duke Street.	St. Mary's.	Edinburgh.
2.	Ditto - -	Ditto - -	Junction of Duke Street, Dublin Street, Albany Street, and Abercromby Place.	Ditto or St. Andrew's.	—
3.	Ditto - -	Ditto - -	Dublin Street.	St. Mary's.	—
4. 4.	Ditto - -	Ditto - -	Drummond Place.	——	—
5.	The Commissioners of Customs or Commissioners of Excise.	Receiver General and other Officers of Excise.	Excise Office, formerly Custom House, and Pleasure Ground.	——	—
6.	The Lord Provost, Magistrates, and Council of Edinburgh, or the Trustees for the Creditors of the City.	Public - -	Scotland Street.	——	—
7.	Ditto - -	Themselves -	Vacant Ground.	——	—
8.	Directors of St. Mary's School.	Thomas Dewar.	Schoolhouse and Ground.	——	—
9. 9. 9. 9.	Leith Gas Company. Edinburgh Ditto. Edinburgh Water Company.	Public - -	Gas Pipes. Ditto. Water Pipes.	——	—
1.	Patrick Neill.	Ditto - -	Public Lane.	St. Cuthbert's or West Kirk.	—
2.	Ditto - -	Patrick Neill.	Dwelling House and Garden.	——	—
3.	Ditto - -	Widow Gravil.	Dwelling House.	——	—
3.	Ditto - -	James Graham.			
3.	Ditto - -	Thomas Cavines.			
4.	Robert Simpson.	Andrew Jamieson.	Ditto.	——	—
	Do. - -	Thomas Lee.			
	Do. - -	William Forsyth.			
	Do. - -	William Gray.			
	Do. - -	Thomas Meek.			
	Do. - -	William Hogg.			
5.	J. G. Denovan, or the Trustees of the late Mrs. Denovan.	Robert Pinkerton.	Do.	——	—
6.	Patrick Neill - -	Thomas Reid.	Stable.	——	—
		GeorgeMathewson.	Dwelling Houses.	——	—
		Ann Robertson.			
		Thomas Dounet.			
		William Harley.			
		George Foley.			
		J. Walker.			
		Mrs. Forest.			
		Jean Foley.			
		ChristianTurner.			
		Margaret Bookless.			
		Mrs. Stark.			

Numbers on Plan.	Owners Names.	Occupiers Names.	Description of Property.	Parish.	County.
6.	Patrick Neill - -	John Findlay. Nancy Collins. Daniel Collins. Peter Spalding. James M'Gaverin. James Anderson. Thomas Bonar. William Cairns. John Scott. Archibald Sharp. Peter Oliver. Walter Carson. John Liddell.	Dwelling Houses.	St. Cuthbert's or West Kirk.	Edinburgh.
7.	John Learmonth.	Widow Hunter. Robert Cabens. Widow Harvey. Betty Stalker. James Brown. Peter Gedd. Alexander Wales. Widow Douglas. Lauchlane Heron.	Dwelling Houses.	——	—
S.	Mrs. Little Gilmour.	James Robertson.	Pasture Ground.	——	—
9.	Robert Jamieson.	Thomas Liddell.	Garden Ground.	——	—
10. 10.	Trustees of Cramond District of Roads.	Public - -	Turnpike Road from London Street to Inverleith, and Road from Stockbridge to Blanfield.	——	—
11.	Robert Jamieson.	Robert Laurie.	Stable, Coach-house, and Hay Loft.	——	—
	Robert Jamieson.	John Nash. John M'Naughton. Robert Barclay. David Mathewson. John Liddell. Alexander Hunter. William Miller. Thomas Liddell.	Dwelling Houses.	——	—
12.	Do. - -	Alexander Graham	Garden Ground.	——	—
13. 13.	Do. - -	Thomas Young.	Do.	——	—
14.	Mrs. Hay.	John Miller.	Mill Lead.	——	—
15.	James Pollock.	Adam Walker.	Dwelling House, Offices, Garden, Arable, and Planting Ground.	St. Cuthbert's or West Kirk, or partly in Do. and St. Mary's.	—
16.	Do. - -	Francis Farquhar.	Dwelling House, Stable, Byre, and Garden.	St. Cuthbert's or West Kirk.	—
17. 17.17.	Heritors of Parish	Public - -	Parish Road.	——	—
18. 18.18.	Governors of George Heriot's Hospital.	Matthew Hutchinson.	Arable.	——	—
19.	James Bonar.	Himself - -	Arable and Belted Planting.	——	—

Numbers on Plan.	Owners Names.	Occupiers Names.	Description of Property.	Parish.	County.
20.	Trustees of Cramond District of Roads.	Public - -	Road from Queensferry to Leith.	St. Cuthbert's or West Kirk.	Edinburgh.
21. 21.	Robert Clark Rattray.	William Anderson.	Arable.	——	—
22. 22.	Leith Gas Company.	Public - -	Gas Pipes.	——	—
22. 22.	Edinburgh Ditto.		Do.		
22.	Edinburgh Water Company.		Water Pipes.		
1.	Trustees of the late Robert Menzies.	Themselves.	House, Garden, and Pasture.	North Leith.	—
2. 2.	Trustees of Cramond District of Roads.	Public - -	Turnpike Road from Golden Acre to Cherry Bank.	——	—
3.	William Pollock.	George Gunn.	Cottage and Garden.	——	—
4.	Trustees of John Hutchison.	Mrs. Mossman.	Dwelling House and Garden Ground.	——	—
5.	John Gibson.	John Gibson.	Do.	——	—
6.	William Wilson.	John Blackwood and James Gall.	Do.	——	—
7. 7. 7. 7. 7.	Alexander Scot.	Andrew Greig.	Arable.	——	—
8. 8.	Do. - -	Alexander Scot.	Roads.	——	—
9.	Alexander Allan and Company.	Professor Jamieson.	Dwelling House and Garden Ground.	——	—
10. 10.	Alexander Scot.	Andrew Greig.	Arable.	——	—
11.	John Cunninghame.	John Cunninghame.	Ditto.	——	—
12. 12.	Trustees of Cramond District of Roads and Alexander Scot.	Public and Alexander Scot.	Turnpike Road from Granton to Leith, and vacant Ground.	——	—
13.	Do. - -	Andrew Greig.	Bulwark, Sea, and Parapet Wall.	——	—
14.	Do. or Lord Provost, Magistrates, and Council of Edinburgh, or the Trustees for the Creditors of the City.	Do. - -	Sea Shore.	——	—
15.	Mrs. Maitland's Trustees.	Mrs. Maitland's Trustees.	Vacant Ground.	——	—
16.	Clapperton's Heirs.	Thorburn. Alexander Miller. David Syme. John Waters. Robert Steel. James Mossman.	Dwelling Houses.	——	—
17.	Do. - -	Coast Guard Establishment.	Ditto.	——	—
	Do. - -	George Hall.			
	William Candlish.	Robert Nicholson.			
18.	Alexander Laurie	Alexander Laurie	Dwelling House, Cottage, and Garden Ground.	——	—
	Widow Boag.	Widow Boag.	Dwelling House and Garden Ground.		
	Do. - -	Widow Sugden.	Cottage.		

Numbers on Plan.	Owners Names.	Occupiers Names.	Description of Property.	Parish.	County.
18.	Clapperton's Heirs.	Benjamin Haw-. kins.	Dwelling House, Cottage, and Garden Ground.	North Leith.	Edinburgh.
	William Candlish.	William Candlish.	Do.		
	Widow Davidson.	Widow Davidson.	Do.		
	Mrs. Mann.	George Sugden.	Do.		
19.	Mrs. Maitland's Trustees.	Mrs. Maitland's Trustees.	Arable.	—	—
20.	Thomas Williamson Ramsay.	William Cuthberstson.	Garden Ground.	—	—
21.	Do. - -	Himself - -	Garden Ground and Plantation.	—	—
1.	Trustees of Middle District of Roads, or Corporation of Edinburgh, or the Trustees for the Creditors of said City, or Commissioners of Leith Harbour and Docks.	Public - -	Road called Dock Street.	—	—
2.	Widow E. Morton.	Alexandar Farquhar.	Dwelling House.	—	—
		Richard Cant.			
		David Scott.			
		Mrs. Menzies.			
		David Rent.			
		James Simpson.			
		Thomas Fairlie.			
3.	Robert Douglas.	Alexander Muir.	Dwelling Houses.	—	—
		Andrew Grieve.			
		Andrew Hall.			
		Alexander Whitehead.			
		Angus M'Pherson.			
		Andrew Davidson.			
		Archibald Cameron.			
		Do. - -	Garden.	—	—
		Alexander Mackintosh.	Dwelling House.	—	—
		Do.	Do.	—	—
4. 4. 4. 4.	John Archibald Campbell.	James Carnegie.	Pasture and small Coal-yard.	—	—
		Mrs. Brown.	Pasture.	—	—
		John Bennet.	Stable.	—	—
		Mrs. Cowan.			
		Malcolm Donald.			
		George Davidson.			
		Mrs. Goalen.			
		Widow Taylor.	Dwelling House.	—	—
		Mrs. Anthony.			
		John Burnett.			
		James Jack.			
		Thomas Merriman.			
		George Rowan.			
		Common to Tenants.	Garden Ground.	—	—
		Peter Dewar.	Stable.	—	—
		Robert Alexander.	Small Hut.	—	—

Numbers on Plan.	Owners Names.	Occupiers Names.	Description of Property.	Parish.	County.
5.	Heritors of Parish, or Trustees of Middle District of Roads.	Public - -	Cromwell Street.	North Leith.	Edinburgh.
6.	John Archibald Campbell.	Mrs. Gillon.	Vacant Ground.	——	—
7.	Heritors of Parish, or Trustees of Middle District of Roads.	Public - -	Citadel Street.	——	—
8.	Trustees of late William Bryce.	John Aitken. Hugh Cowan. Widow Hadden. James Downie. George Alexander. Benjamin Johnston. Peter Heriot. Samuel Johnston. Hugh Ewart. George Craig. John Brown. David Mason. James Mason. Widow Norrie. Widow Abbey. John Wallace. James Simpson.	Dwelling Houses.	——	—
	Peter Sinclair.	William Marquis. Widow Jackson. Thomas Turner. Donald M'Listie.	Dwelling House.	——	—
9.	Proprietors of House, No. 8.	Occupiers of House, No. 8.	Outhouses and Area.	——	—
10.	Mary Band.	William Runciman.	Vacant Stance for Houses.	——	—
11.	Robert Ritchie. Do. - - -	Robert Ritchie. Elizabeth Henderson.	Dwelling Houses.	——	—
	Robert Simpson.	William Runciman. John Spence. Magnus Linklater. Agnes Sinclair. George Robertson.			
	John M'Craw.	Charles Laidlaw. Robert Buchanan. Alexander Paxton.			
	James Sword. Widow Paterson. George Todd. George Lindsay.	James Sword. Widow Paterson. George Todd. Andrew Richardson.			
	William Marshall.	William Corson.			
12.	Heritors of Parish, or Trustees of Middle District of Roads.	Public - -	Cupar Street.	——	—

Numbers on Plan.	Owners Names.	Occupiers Names.	Description of Property.	Parish.	County.
13.	The Tailor Society of Leith.	Grace Henderson. Alexander Foster. William Hamilton. Robert Thomson. George Wallace. James Goldie.	Dwelling Houses.	North Leith.	Edinburgh.
14.	Widow Robertson.	Gilbert Shearer. Widow Crear. James Flett. Thomas Menzies.	Do.	—	—
15.	Chalmers' Heirs. Do. - -	Chalmers'Heirs. Andrew Moffat.	Waste. Butcher's Shade.	—	—
16.	David Thomson.	John Wright.	House and Garden.	—	—
17.	Chalmers' Heirs.	William Brown.	Smithy.	—	—
18. 18.	Cramond Road Trustees, or Trustees of Middle District.	Public - -	Road from Leith to Queensferry.	—	—
19.	Chalmers' Heirs.	George Nich.	House and Yard.	—	—
20.	Do. - - -	John Scott.	Dwelling House.	—	—
21.	Do. - - -	Robert Menzies and Son.	Wood and Building Yard.	—	—
22.	Corporation of Edinburgh, or Trustees for City Creditors.	Public - -	Turnpike Road and Bridge.	—	—
23.	Chalmers' Heirs.	James Leckie.	Arable and Building Yard.	—	—
24.	British Linen Banking Company.	James Wallace.	House and Garden Ground.	—	—
25. 25.	William Boyd.	William and Archibald Boyd.	Wood-yard.	—	—
26.	British Linen Banking Company.	Thomas Young.	Wood, Pasture, and Brae.	—	—
27. 27.	William Boyd.	William Boyd.	Pasture.	—	—
28.	Do. - -	Do. - -	Old House.	—	—
29.	Do. - - -	Do. - -	Proposed Road.	—	—
30.	Do. - -	Do. - -	Dwelling House and Ground.	—	—
31. 31. 31. 31. 31. 31.	Leith Gas Company. Edinburgh Do. Edinburgh Water Company.	Public - -	Gas Pipes. Do. Water Pipes.	—	—
1. 1. 1. 1. 1. 1. 1.	William Boyd.	Alexander Stewart.	Dwelling House and Garden Ground.	St. Cuthbert's or West Kirk.	—
2. 2.	John Rew.	Francis Williamson.	Garden Ground and Old Houses.	—	—
3.	Trustees of Cramond District of Roads.	Public - -	Road from Edinburgh to Newhaven.	—	—
4. 4. 4.	Colonel Cheyne or John Bonar.	R. Scott - -	Arable, Wood, Pasture, Garden Ground, and Road.	—	—

Numbers on Plan.	Owners Names.	Occupiers Names.	Description of Property.	Parish.	County.
5.	James Cunninghame.	James Cunninghame.	Garden Ground.	St. Cuthbert's or West Kirk.	Edinburgh.
6. 6. 6.	Do. - - -	William Wallace.	Do.	—	—
7.	Leith Ropery Company.	Themselves.	Do.	—	—
8. 8. 8.	James Bonar.	James Ramsay.	Do.	—	—
9. 9.	Do. - -	William Bonar.	Pasture and Offices.	—	—
10.	Governors of George Heriot's Hospital.	Matthew Hutchison.	Arable.	—	—
11.	William Macdonald.	James Syme.	House and Garden Ground.	—	—
12.	Governors of George Heriot's Hospital.	Eagle Henderson.	Do.	—	—

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1836.