ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

****

Cap. cli.

An Act to enable the *Edinburgh, Leith, and Granton* Railway Company to make a Branch Railway to the *Upper Drawbridge* in the Town of *Leith*. [9th *July* 1847.]

WHEREAS an Act was passed in the Sixth and Seventh Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for making and maintaining a* 6 & 7 W. 4.
Railway or Railways from the City of Edinburgh *to* Leith, *and to* c. 131.
the Shore of the Frith of Forth *at or near to* Newhaven *and* Trinity, *all in the County of* Edinburgh; and another Act was passed in the Second and Third Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to alter, amend, and enlarge the Powers* 2 & 3 Vict.
and Provisions of an Act passed in the Seventh Year of the Reign c. 51.
of His Majesty King William *the Fourth, intituled '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; *'and to alter and vary the Lines and Levels of the Railways thereby 'authorized to be made; and for other Purposes relating to the said 'Undertaking;'* and another Act was passed in the Seventh and Eighth Year of the Reign of Her present Majesty, intituled *An Act* 7 & 8 Vict.
to alter, explain, revive, and continue the Powers and Provisions of c. 81.

the Acts relating to the Edinburgh, Leith, and Newhaven *Railway, and to make Two Branch Railways therefrom;* and another Act was passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act to amend and enlarge the Powers of the Acts relating to the* Edinburgh, Leith, and Granton *Railway:* And whereas in virtue of the Powers of the said recited Acts the said Railway and Branch Railways have been constructed and are now in operation: And whereas it would be attended with public Advantage and Convenience if the said Company were authorized to make another Branch Railway from the Line of their present *Leith* Branch to the *Upper Drawbridge* in the Town of *Leith;* but such Purpose cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts, and as much of the Lands Clauses Consolidation (*Scotland*) Act, 1845, and of the Railways Clauses Consolidation (*Scotland*) Act, 1845, as is necessary for and applicable to the Purposes of this Act, shall, so far as not varied or otherwise provided by this Act, be incorporated with and form Part of this Act.

9 & 10 Vict. c. 57.

Recited Acts, and 8 & 9 Vict. cc. 19. & 33., applied to this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament it shall be sufficient to use the Expression "The *Edinburgh, Leith, and Granton* Railway (*Leith* Extension) Act, 1847."

Power to raise Money.

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

Power to borrow.

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

Provisions of 8 & 9 Vict. c. 17. to apply to borrowed Money.

V. And be it enacted, That all the Provisions of the "Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the borrowing of Money by the Company, and to the Conversion of Money borrowed or authorized to be borrowed into Capital, shall be held

held applicable to the borrowing by the said Company of all or any of the Monies hereby authorized to be raised by them, and to the Conversion thereof into Capital.

Interest not to be paid on Calls paid up.

VI. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in the Companies Clauses Consolidation Act, 1845, in that Behalf contained.

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

VII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by this Act or any other Act relating to the said Railway Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway or execute any other Work or Undertaking.

Power to make new Works.

VIII. And whereas Plans and Sections of the Branch Railway by this Act authorized to be made, showing the Line and Levels thereof, and Books of Reference containing the Names of the Owners and Lessees or reputed Owners and Lessees and Occupiers of the Lands through or upon which the said Railway and the Works to be connected therewith are to pass or be situate, have been deposited in the Office of the Principal Sheriff Clerk of the County of *Edinburgh*; be it enacted, That, subject to the Provisions contained in the said Lands Clauses Consolidation (*Scotland*) Act and Railways Clauses Consolidation (*Scotland*) Act, it shall be lawful for the Company to make and maintain the said Railway, and all necessary Works and Conveniences connected therewith, in the Line and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes, excepting always the public Quay at the North End of the *Upper Drawbridge*, numbered 34 on the said Plans.

Line of Railway.

IX. And be it enacted, That the Line of Railway to be made and maintained under the Authority of this Act shall be the following; (that is to say,)

A Branch Railway commencing at a Point on the Line of the *Leith* Branch of the said Railway at or near to the Bridge at *Great Junction Street*, and terminating at or near to the *Upper Drawbridge* in the Town of *Leith* in the Parish of *North Leith*.

X. And

Lands for extraordinary Purposes.

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

Company to compensate for Encroachment on the Upper Harbour of Leith.

XI. And whereas in the Construction of the Works by this Act authorized an Encroachment will be made on the Tidal Water of the Upper Harbour of *Leith*; be it enacted, That the said Company shall, at their own Expence, in compensation for such Interference with and Encroachment on the said Upper Harbour, improve the said Harbour by deepening and widening the Area thereof according to Plans and under such Restrictions and Regulations as, after being submitted to the Commissioners of the Harbour and Docks of *Leith*, shall be approved of by the Lords Commissioners of the Admiralty, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty for the Time being, before any Part of the Works which may encroach upon the said Harbour shall be commenced.

Limit of Deviation below High-water Mark.

XII. And be it enacted, That in regard to the Works to be constructed under this Act below the Line of High-water Mark no Deviation shall be made to the South of the continuous outer Line shown on the Plan submitted by the said *Edinburgh, Leith, and Granton* Railway Company to the Surveying Officers of the Admiralty at their preliminary Inquiry at *Leith* under the Powers of an Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for making preliminary Inquiries in certain Cases of Application for Local Acts.*

9 & 10 Vict. c. 106.

Saving Rights of the Crown.

XIII. And be it enacted, That nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Company to purchase, take, or use any Land or Soil, or any Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, first had and obtained for that Purpose, and which such Commissioners or any Two of them are hereby authorized and empowered to give, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Period within which Lands are to be purchased.

XIV. And be it enacted, That the Powers for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Period for Completion of Works.

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

XVI. And

Tolls.

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

Limiting Charges for Conveyance of Passengers.

XVII. And be it enacted, That it shall not be lawful for the Company to demand or receive any greater Sum, in respect of the Carriage of Passengers conveyed on the Branch Railway by this Act authorized, than Three-pence *per* Passenger *per* Mile in respect of any Passenger travelling in a First-class Carriage, Two-pence *per* Passenger *per* Mile in respect of any Passenger travelling in a Second-class Carriage, and One Penny Halfpenny *per* Passenger *per* Mile in respect of any Passenger travelling in a Third-class Carriage, including the Charges for the Use of Carriages and locomotive Power, and all other Charges incidental to such Conveyance, unless in the Case of Passengers travelling by Special Trains.

Passengers Luggage.

XVIII. And be it enacted, That every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers, Sixty Pounds in Weight for Second-class Passengers, and Forty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Limiting Charges for Conveyance of Goods.

XIX. And be it enacted, That it shall not be lawful for the Company to charge, in respect of the several Articles, Matters, and Things and of the several Descriptions of Animals herein-after mentioned, conveyed on the Branch Railway by this Act authorized, any greater Sum, including the Charges for the Use of Carriages, Waggons, or Trucks, and for locomotive Power, and all other Charges incidental to such Conveyance, than the several Sums herein-after mentioned; (that is to say,)

For all Coal, Coke, Culm, and for all Stone, Cinders, Chalk, Marl, Sand, Lime, Clay, Earth, Gravel, Ashes, Peat, Limestone, pitching and paving Stones, 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, *per* Ton *per* Mile Two-pence:

For all Sugar, Corn, Flour, Dyewoods, Timber, Staves, Deals, Bar Iron and other Metals, *per* Ton *per* Mile Three-pence:

For all other Goods, Wares, Merchandize, and other Matters and Things whatsoever other than those herein-after specified, *per* Ton *per* Mile Three-pence:

For all Goods, Wares, Merchandize, and other Matters and Things which shall pass the Inclined Plane through the Tunnel upon the said Railway by means of a stationary Steam Engine or other Machinery, in addition to the said Sums, Sixpence:

For every Horse, Mule, Ass, Four-pence, and for every Ox, Cow, Bull, or Neat Cattle, *per* Mile, Three-pence:

For every Calf, Pig, Sheep, Lamb, or other small Animal, *per* Mile One Penny Halfpenny:

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, *per* Mile Nine-pence.

Railway Company to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., and 9 & 10 Vict. cc. 57. & 105.

XX. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better regulating of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and other Two Acts were passed in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled respectively *An Act for constituting Commissioners of Railways*, and *An Act for regulating the Gauge of Railways;* be it enacted, That nothing in this Act contained shall be held to exempt the Branch Railway by this Act authorized, or the said Company, from the Provisions of the said several Acts respectively, but such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto.

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

XXI. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Branch Railway by this and the said recited Acts authorized to be made from the Provisions of any general Act relating to this and the said recited Acts, or of any general Act relating to Railways, which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this and the said recited Acts.

Expences of Act.

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

Public Act.

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

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