ANNO DECIMO SEXTO

VICTORIÆ REGINÆ.

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Cap. XXXV.

An Act for making a Road or Street from the South End of *Waverley Bridge Road*, adjoining the General Railway Station at *Princes Street*, to the *High Street* in the City of *Edinburgh*.

[14th *June* 1853.]

WHEREAS great Convenience would be afforded to the Inhabitants of the City of *Edinburgh* and the Places adjacent, if a Road, Street, or Carriageway were made from the South End of the *Waverley Bridge Road* in the City of *Edinburgh* to the *High Street* opposite to *Hunter Square* in the said City, and the Drainage and sanitary Improvement of that Part of the said City would be greatly promoted by the Completion of such Undertaking: And whereas the several Persons herein-after named, with others, are willing, at their own Costs and Charges, to carry the said Undertaking into execution; but these Purposes 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 Parliament assembled, and by the Authority of the same, in manner following; (that is to say,)

8 & 9 Vict. cc. 17. & 19. incorporated with this Act.

I. The several Acts of Parliament following, "The Companies Clauses Consolidation (*Scotland*) Act, 1845," and "The Lands Clauses Consolidation (*Scotland*) Act, 1845," shall be and the same are hereby incorporated with and shall form Part of this Act.

Short Title.

II. In citing this Act for any Purpose it shall be sufficient to use the Expression "The *Edinburgh* Railway Station Access Act, 1853."

Interpretation of Terms.

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

The Expression "the Company" shall mean the Company hereby incorporated:

The Expression "the Lord Provost and Magistrates" shall mean the Lord Provost, Magistrates, and Town Council of the City of *Edinburgh*.

With respect to the Incorporation and Capital of the Company, be it enacted as follows; (that is to say,)

Subscribers incorporated.

IV. That *Archibald Thomson*, *James Peddie*, *Charles Macgibbon*, *Charles Trotter*, *William Kennedy*, *James Forman*, *Robert Allan*, *John Nairne Forman*, *George Thomson Mitchell*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the said Undertaking, and their Heirs, Executors, Administrators, Successors, and Assigns respectively, shall be and they are hereby united into a Company for making and maintaining the said Carriage Road or Street herein-after mentioned, with proper Works and Conveniences connected therewith, and erecting suitable Buildings on each Side thereof, according to the Provisions of this Act, and for other the Purposes of this Act; and for the Purposes aforesaid such Company shall be One Body Corporate by the Name and Style of "The *Edinburgh* Railway Station Access Company," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued, and shall also have Power to purchase, take, hold, lease, and sell Lands, Houses, and Tenements for the Uses and Purposes of the said Undertaking, subject to the Restrictions and Provisions herein and in the said incorporated Acts contained.

Capital.

V. The Capital of the Company for the Purposes of this Act shall be Forty-five thousand Pounds in Four thousand five hundred Shares of Ten Pounds each.

Amount of Shares.

VI. Two Pounds a Share shall be the greatest Amount of a Call, and Two Months at least shall be the Interval between successive Calls, and the aggregate Amount of all Calls to be made on any One Share in any One Year shall not exceed Three Fourths of the nominal Amount of such Share.

Title to vote.

VII. The Shareholders shall possess One Vote in respect of each Share held by them respectively.

With respect to the Directors, Officers, and Meetings of the Company, be it enacted as follows; (that is to say,)

First Directors. Quorum.

VIII. The said *Archibald Thomson*, *James Peddie*, *Charles Macgibbon*, *Charles Trotter*, *William Kennedy*, and *James Forman* shall be the first Directors of the Company, and a Quorum of a Meeting of Directors shall be Three.

Number and Qualification of Directors.

IX. Subject to the Provisions herein contained for increasing or reducing the Number of Directors, the Number of the Directors appointed by the Shareholders shall be Six, and the Qualification of a Director appointed as aforesaid shall be the Possession in his own Right of Thirty Shares at least of the Undertaking.

Power to vary Number of Directors.

X. It shall be lawful for the Company from Time to Time to increase or reduce the Number of Directors, but the whole Number of Directors after such Increase or Reduction shall not be greater than Ten nor less than Four.

Appointment of Clerk or Secretary.

XI. The Clerk or Secretary shall from Time to Time be appointed by the Directors, and the Amount of his Salary or Remuneration shall be fixed and determined by them.

Election of Auditor.

XII. The Company shall annually elect an Auditor for the Purpose of auditing the Accounts of the Company; and in case the Office of such Auditor shall, before such Accounts have been audited by him, be vacant by Death or from any other Cause, the Company shall from Time to Time appoint an Auditor to supply such Vacancy; and no Person shall be capable of being an Auditor unless he be a Shareholder possessed in his own Right of One Share in the Undertaking.

Ordinary General Meetings of Shareholders.

XIII. The First Ordinary General Meeting of the Company shall be held within Two Months after the passing of this Act, and an Ordinary General Meeting of the Company shall be held in the Month of *July* in each Year, and at such other stated Periods as shall be appointed for that Purpose by an Order of such Ordinary General Meeting;

Meeting; and all Meetings, whether ordinary or extraordinary, shall be held within the said City of *Edinburgh*.

With respect to the Works authorized by this Act, the Purchase and Sale of Lands, and the making of Contracts, be it enacted as follows; (that is to say,)

Power to make Street according to deposited Plans, as herein mentioned.

XIV. Whereas Plans and Sections of the said new Road or Street and Carriageway, showing the Line and Levels thereof respectively, and the Lands, Houses, and Tenements upon, through, or under which the same is intended to be made, or which may be required along each Side thereof, for the Purposes of this Act, together with Books of Reference thereto, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands and Houses, have been deposited with the Sheriff Clerk of the County of *Edinburgh* and with the Town Clerk of the City of *Edinburgh*: Subject, therefore, to the Provisions in this and in the above incorporated Acts contained, it shall be lawful for the Company to make and maintain the following Road, Street, or Carriageway, with all proper Works and Conveniences connected therewith, in the Lines and upon the Lands and Tenements delineated on the said Plans and described in the said Book of Reference, and according to the Levels described on the said Sections, and to erect Buildings along the Sides of the said Street or adjacent thereto, and to enter upon, take, and use such of the said Lands and Tenements as shall be necessary for that Purpose; (that is to say,)

A Road, Street, or Carriageway, commencing at or near the South End of the *Waverley Bridge Road* which leads from *Princes Street*, and passes along the West Side of the Stations or Termini of the *Edinburgh and Glasgow*, the *North British*, and the *Edinburgh, Perth, and Dundee* Railways, and from thence leading in a South and South-easterly Direction to and terminating by a Junction with the *High Street* opposite or nearly opposite to *Hunter Square* in the said City, with Buildings along the same, and all necessary Approaches and Conveniences connected therewith, which Road or Street and other Works will be situate in the Parish of *Saint Giles* or *High Church* in the said City of *Edinburgh*:

To take down and remove, so far as necessary for the above Purposes, the Houses, Tenements, and Buildings now erected on or near the Site of the said intended new Road or Street, and to alter, so far as necessary, the Levels of the existing Roads, Ways, Closes, or Passages, and to shorten, widen, alter, shut up, or arch over, temporarily or permanently, all Ways, Closes, or Passages, Drains, Sewers, Streams, or Pipes, in or upon the Land and Buildings to be acquired by the Company, and to construct such other similar and necessary Works thereon.

XV. If

Errors and Omissions in Plans, &c. may be corrected by Sheriff, who shall certify the same.

XV. If any Omission, Mis-statement, or erroneous Description shall have been made of any Lands or Houses, or of the Owners, Lessees, or Occupiers of any Lands or Houses, described on the said Plans or Books of Reference, it shall be lawful for the Company, after giving Ten Days Notice to the Owners of the Lands or Houses affected by such proposed Correction, to apply to the Sheriff of the County of *Edinburgh* for the Correction thereof; and if it shall appear to such Sheriff that such Omission, Mis-statement, or erroneous Description arose from Mistake, he shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited in the Office of the Principal Sheriff Clerk of the said County, and shall also be deposited with the Town Clerk of the said City, and such Certificate shall be kept by such Sheriff Clerk and Town Clerk respectively along with the other Documents to which they relate, and thereupon such Plan and Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Company to make the Works in accordance with such Certificate.

Certificate to be deposited.

Lateral Deviations.

XVI. It shall be lawful for the Company, subject to the Approval and Sanction of the Lord Provost and Magistrates, to that Effect first had and obtained, to deviate from the Line of Street delineated on the Plans so deposited, provided that no such Deviation shall extend to a greater Distance in any Place than Thirty Feet from the said Line, and that the Buildings to be erected along the Sides of the said Street or Road be not by means of such Deviation made to extend into or upon the Lands or Houses of any Person, whether Owner, Lessee, or Occupier, whose Names are not mentioned in the Book of Reference, (except in the Case of Changes of Ownership or Occupancy since the said Book was made up,) without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein provided for in Cases of unintentional Errors in the said Book of Reference; provided that after the said Street or Carriageway shall have been formed and completed it shall not be lawful to make any further Deviation therefrom.

Levels of existing Roads not to be altered without Consent of Trustees acting under

XVII. It shall not be lawful for the Company to alter the Levels of the existing Roads, either at the Junction of the said intended new Road or Street with the *Waverley Bridge*, or at the Junction of the same with the *High Street*, without the Consent of the Trustees appointed or elected under the Act passed in 9th and 10th Years of the Reign of Her present Majesty, Cap. 365, intituled *An Act for further*

9 & 10 Vict. c. cccIxv. and Magistrates.

further regulating the Repair and Maintenance of the Roads, Streets, and Bridges within the Middle District of the County of Edinburgh, *and the Assessments payable in respect thereof, and for other Purposes relating thereto*, being first obtained, and certified in Writing under their Hands, or under the Hand of their Clerk, Surveyor, or other Officer appointed by them in that Behalf, nor to alter the Levels of the existing Roads at the said Junctions, except in such a Manner as not to impair or injure the Houses or Shops on or adjoining the *Waverley Bridge Road* and *High Street*, nor to shut up any of the Closes entering from the *High Street*, and having a Thoroughfare to and an Exit at *Market Street*, excepting those specially marked on the Plans foresaid as to be shut up, unless with the Consent of the said Lord Provost and Magistrates of the said City.

As to the Mode of constructing the Carriageway of the new Street.

XVIII. The Carriageway of the said intended new Road or Street shall be made and constructed by the Company with fine dressed Causeway Stones laid on a Foundation of Concrete, in the same Manner as the Carriageway of the Earthern Mound is made and constructed, or in any other not inferior Mode that may be previously approved of by the Trustees appointed or elected under the foresaid Act passed in the 9th and 10th Years of the Reign of Her present Majesty, and that at the Sight and to the Satisfaction of the said Trustees, or of the Surveyor or Inspector for the Time being appointed by them, and the said Carriageway being so made and constructed, the same shall thereafter be and remain under the Care and Management of the said Trustees, and shall be maintained and repaired by the said Trustees as one of and in like Manner as the other public Streets under their Care and Management.

Application of Rates under 9 & 10 Vict. c. cccIxv. to this Act.

XIX. The Rates authorized by the 38th Section of the said Act of Parliament last above mentioned shall be levied in the Manner provided by and according to the Provisions of that Act from all Parties liable to the Payment thereof in respect of the Occupation of Premises to be built and erected along the said new intended Road or Street; but in respect of the Obligation hereby imposed on the Company to make and construct the said Carriageway in the Manner above provided, the additional Rates provided in the 40th Section of the said Act shall not be levied from the Tenants, Occupiers, or Owners of the Dwelling Houses, Shops, Warehouses, or other Premises to be built or erected along the said intended new Road or Street.

Drainage to be provided for.

XX. In forming and constructing the said new intended Road or Street, the said Company shall provide for the complete and effectual Drainage of the same, and of all the Buildings to be erected thereon; and wherever in the Course of their Operations existing Drains are interfered with, the Company shall connect the same with the Drains

to

to be made and constructed by them in the said new Street or Carriageway, or with the other Drains below and to the Northward of the same, in such Manner as to provide for the complete and effectual Drainage of the Locality.

Company to submit Plans of new Buildings to Referees for Approval before commencing Works.

XXI. And whereas in the Buildings to be erected along the Sides of or adjoining to the said Street it is desirable to preserve as far as possible the architectural Style and antique Character of the Buildings of that Part of the Old Town in the Line and Neighbourhood of the said Street: And whereas the Persons herein-after named are willing to act as Referees of the Company for that Purpose: Be it therefore enacted, That Sir *William Gibson Craig* of *Riccarton*, Baronet, the Honourable *Henry Cockburn*, One of the Senators of the College of Justice, and Sir *William Johnston* of *Kirkhill*, Knight, severally and in succession one after another, and in the event of their Death, Absence, Inability, or declining to act, then such other Person as shall be appointed in their Room and Stead by the Sheriff Depute of the County of *Edinburgh* for the Time being, which Appointment he is hereby authorized to make, are and shall be Referees of the Company for securing and effecting the Purposes herein-before mentioned; and the Company shall, One Month at least before commencing to erect any Buildings, lay before the Referee acting for the Time general Plans showing the architectural Style and Elevation of the Buildings proposed to be erected, for the Inspection and Approval of such Referee, who shall approve or sanction the same, or shall cause to be made such Alterations or Modifications thereon as to him shall appear necessary for more effectually securing the Purpose aforesaid; and upon such Approval and Modification, as the Case may be, the said Plans shall thereafter be submitted to the Lord Provost and Magistrates of the said City, by whom the same shall be finally approved of in manner after mentioned before the said Buildings are commenced.

Notice of Plans having been submitted to Referees to be advertised, and Plans to be open to Inspection of the Inhabitants, who may object to the same.

XXII. Notice shall be given by the Company by Advertisement in an *Edinburgh* Newspaper of such Plans having been submitted to such Referee as aforesaid, and intimating when and where the Plans may be inspected; and it shall be lawful for any of the Inhabitants of the said City who shall be rated to the Police Assessment or Poor Rate, or who shall be registered Electors of the Members to serve in Parliament for the said City, to appear personally before such Referee at such Time and Place as he may fix (which Time and Place shall be specified in the Notice, and shall not be later than Fourteen Days after the Publication of the same), and to object to the Plans, after considering which Objections such Referee shall approve of the said Plans, or require the same to be altered or modified as above provided: Provided always, that such Referee and the Lord Provost and Magistrates respectively shall give their Deliverances on the

the said Plans within Four Weeks from and after the Day on which they were first submitted to them respectively, and failing their doing so the same shall be held by the Company to be approved of.

Power to Company to contract for Purchase of adjoining Lands.

XXIII. In addition to the Lands and Buildings authorized to be taken as aforesaid, it shall be lawful for the Company to contract with any Party or Parties willing to sell or lease the same, for the Purchase or Lease of any Lands or Buildings within Thirty-five Yards from the Centre of the Road or Street which shall be deemed proper or expedient for the Purposes of the said Undertaking; and it shall be lawful for all Persons who, under the Provisions herein-before and in the said incorporated Acts contained, would be enabled to sell or convey or lease Lands or Buildings for the said Undertaking, to sell and convey or lease such additional Lands or Buildings so required.

Company may sell and dispose of Ground and Buildings to be acquired by them, and may grant Building Leases, &c.

XXIV. It shall be lawful for the Company to sell and dispose of the whole Grounds and Buildings acquired by them, and not required for the said Street, and also the whole Buildings which they may erect along the Sides of or adjoining to the same, to such Party or Parties as may be willing to treat for the Purchase thereof, either by Conveyance for Prices paid down, or for annual Ground Rents to be preferably secured over the said Subjects sold, or partly in each of these Ways, or by Building Leases, as may be agreed on; and all Contracts, Dispositions, Conveyances, or Building Leases to be granted by the Company of any Part of such Lands and Buildings, whether previous to or after the Erection of Buildings thereon, shall be made out by the Agent of the Company, and according to the Forms usual in such Cases in *Scotland:* Provided always, that all such Contracts, Dispositions, and Conveyances, or Building Leases, to be granted by the Company, shall contain, and declare to be obligatory in all Time coming, the Condition herein-before mentioned requiring the general Plan and Elevations of any Buildings proposed to be erected along the said Street first to be approved and sanctioned by a Referee, and by the Lord Provost and Magistrates before the said Buildings are commenced.

Power for compulsory Purchase of Lands limited.

XXV. The Powers of the Company for the compulsory Purchase or taking of Lands and Houses for the Purposes of this Act shall not be exercised after the Expiration of Four Years from the passing of this Act.

With respect to the borrowing of Money on Mortgage, be it enacted as follows; (that is to say,)

Power to borrow on Mortgage.

XXVI. It shall be lawful for the said Company to borrow on Mortgage, according to the Provisions to that Effect in the said Companies Clauses Consolidation Act contained, or by granting Heritable Bonds,

Bonds, or Bonds and Dispositions in Security, over the Heritable Subjects belonging to the Company, according to the Forms of such Deeds usual in the Law of *Scotland*, any Sums of Money not exceeding in the whole the Sum of Ten thousand Pounds; but no Part of such Sum shall be borrowed until the whole of the said Capital or Sum of Forty-five thousand Pounds shall have been subscribed for, and One Half thereof paid up: Provided always, that all and every Part of the Money to be raised under the Provisions of this Act, whether by Shares or Mortgage, shall be applied only to the Purposes by this Act authorized.

Power to Company to establish a Cash Credit with Banking Company.

XXVII. In case any Banking Company or Person shall agree to allow to the Company, upon the Security of the Undertaking hereby authorized, a Cash Credit, according to the Usage of Bankers in *Scotland*, to be operated upon by a Director and the Secretary or other Officer of the Company, as may from Time to Time be directed, by Cheques or Drafts, as is usual in such Cases, it shall be lawful for the Company, by an Order to be made at any General or Special Meeting, to accept of such Cash Credit; and thereupon the Directors are hereby empowered to sign a Minute or Agreement to that Effect, and to mortgage, assign, and convey the Property of the Company, and the Sums arising or to accrue from the Undertaking, or any Part thereof, as a Security to such Banking Company or Person for the Sums, with Interest, that may from Time to Time be due to such Company or Person in virtue of such Cash Credit: Provided always, that the total Sum due and owing by the said Company at any One Time for Money borrowed as hereby authorized, and also upon such Cash Credit, shall not together exceed at any One Time the foresaid Sum of Ten thousand Pounds, nor shall any Sum be taken up or borrowed upon such Cash Credit until the whole of the Capital of the Company shall have been subscribed, and One Half thereof paid up.

Upon Undertaking authorized by this Act being completed, Company to wind up and dissolve.

XXVIII. Upon the whole Grounds and Buildings authorized by this Act to be acquired or erected by the Company being sold or otherwise disposed of as aforesaid, and the Undertaking by this Act authorized being fully completed, the Company shall be and are hereby bound to wind up and dissolve the same, and after ascertaining the clear Balance remaining, when all Mortgages, Burdens, and Expenses shall have been paid and discharged; they shall divide and distribute the said clear Balance among the Partners then existing, or the Representatives of any of them who may have died before the Division shall take place.

Saving Jurisdiction of Dean of Guild Court.

XXIX. Nothing in this Act contained shall be so construed as in any way to be inconsistent with or to preclude the Jurisdiction of the Dean

Dean of Guild Court of the said City of *Edinburgh*, which Jurisdiction is hereby reserved entire as if this Act had not been passed.

Application of Monies.

XXX. The Monies to be raised by the Company in virtue of this Act shall be applied in manner following; that is to say, first, in paying the Costs and Charges of applying for and passing this Act, and incidental thereto; secondly, in purchasing and acquiring the Lands, Houses, and Tenements requisite for the Purposes of the Undertaking, and in making and constructing the said Road or Street and Carriageway, and Works and Conveniences connected therewith; thirdly, in paying the Interest of Money borrowed in virtue of this Act; fourthly, after the Formation of the said Road and Construction of the Carriageway, as above provided, and Works and Conveniences, in the Erection of the Buildings and Execution of the other Works authorized by this Act; and, lastly, to the Use and for the Purposes of the Company.

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