ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

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Cap. cxxv.

An Act to authorize the *North British* Railway Company to make several Railways in the Parishes of *Liberton*, *Lasswade*, and elsewhere, in the County of *Edinburgh*; and to have Running Powers over the *Esk Valley* Railway; and for other Purposes. [19th *June* 1865.]

WHEREAS a Railway from the *North British* Railway at the South End of the *Portobello* Station to the *Saint Leonard's* Branch of the same Railway in the Parish of *Liberton* in the County of *Edinburgh*, and a Railway from the said *Saint Leonard's* Branch in the said Parish of *Liberton* to near *Penicuik* in the County of *Edinburgh*, and a Railway from the *Edinburgh and Glasgow* Railway in the Parish of *Saint Cuthberts* in the County of *Edinburgh* to the intended Railway secondly above mentioned in the said Parish of *Liberton*, and a Railway from the last-mentioned intended Railway in the said Parish of *Liberton* to the intended Railway secondly above mentioned in the same Parish, and a Railway from the intended Railway secondly above mentioned in the Parish of *Lasswade* in the County of *Edinburgh* to the *Esk*

Valley Railway in the same Parish, and a Railway from the intended Railway secondly above mentioned in the said Parish of *Lasswade* to the intended Railway fifthly above mentioned in the same Parish, and a Road from the Junction of *Kilgraston Terrace* with *Grange Loan* in the said Parish of *Saint Cuthberts* to near *Blackford House* in the same Parish, and a Road from the South-western End of the Village of *Gilmerton* in the said Parish of *Liberton* to near the Farm Buildings of *Muirhouse* in the same Parish, would be of public Advantage, and the *North British* Railway Company (in this Act called "the Company" are willing (if authorized by Parliament) to make such Railways and Roads: And whereas it is expedient that the Company should be authorized to enlarge their *Portobello* Station by the Acquisition of certain Lands in the Neighbourhood thereof, and to construct Sidings, Booking Offices, Sheds, Warehouses, Watering Places, Workshops, and other Conveniences and Erections there and elsewhere in any Land belonging to them or which they may hereafter acquire, and to have Running Powers over the *Esk Valley* Railway: And whereas the Objects aforesaid 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 of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

8 & 9 Vict. cc. 17., 19., & 33., 23 & 24 Vict. c. 106., and 26 & 27 Vict. cc. 92. & 118. incorporated.

1. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Railways Clauses Consolidation (*Scotland*) Act, 1845," Part I. of "The Railways Clauses Act, 1863," relating to Construction of a Railway, the Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the several Matters following, (that is to say,) the Distribution of the Capital of the Company into Shares, the Transfer or Transmission of Shares, the Payment of Subscriptions and the Means of enforcing the Payment of Calls, the Forfeiture of Shares for Nonpayment of Calls, the Remedies of Creditors of the Company against the Shareholders, the borrowing of Money by the Company on Mortgage or Bond, the Conversion of the borrowed Money into Capital, the Consolidation of the Shares into Stock, and the Provision to be made for affording Access to the Special Act, and Parts I., II., and III. of "The Companies Clauses Act, 1863," relating respectively to Cancellation and Surrender of Shares, to additional Capital, and to Debenture Stock, are hereby incorporated with this Act.

Interpretation of Terms.

2. In construing the incorporated Acts for the Purposes of this Act, and in construing this Act, the Words and Expressions herein mentioned or referred to shall have the Meanings hereby assigned to

to them respectively, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

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

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

Other Expressions and Words to which in the incorporated Acts Meanings are assigned shall respectively have the same Meanings in this Act.

Power to Company to raise Capital by Shares or Stock.

3. The Company, with the Consent of Three Fifths of the Votes of the Shareholders present in person or by proxy at any General Meeting or General Meetings convened with special Notice of the Purpose, may raise by the Creation of new Ordinary or Preference Shares or Stock such additional Capital beyond the Amount which they may be authorized to raise by other Acts of Parliament as they think fit, not exceeding in the whole One hundred and ninety-five thousand Pounds.

Shares or Stock to form Part of Company's general Capital.

4. All Shares or Stock to be created by the Company under the Authority of this Act shall, subject to the Provisions of this Act, form Part of the general Capital of the Company.

Shares not to issue until One Fifth Part paid up.

5. It shall not be lawful for the Company to issue any Share or Stock to be created under the Powers of this Act, nor shall any such Share or Stock vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share or Stock shall have been paid up in respect thereof.

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

6. If by any other Act or Acts passed in the present Session of Parliament, and whether before or after the passing of this Act, the Company be authorized to raise any Capital by new Shares or Stock, then, subject to the Provisions of the other Act or Acts and this Act respectively, the Company, if they think fit, may raise by the Creation and Issue of Shares or Stock of One and the same Class all or any Part of the aggregate Capital which they are by the other Act or Acts and this Act respectively authorized to raise by the Creation and Issue of Shares or Stock.

Debenture Stock.

7. The Company, when under the Powers of this Act they can borrow Money on Mortgage, may create and issue Debenture Stock.

Power to borrow on Mortgage.

8. The Company, in addition to any Sums which they are authorized to borrow under other Acts of Parliament, may from Time to Time borrow on Mortgage such Sums as they think fit, not exceeding in the whole Sixty-five thousand Pounds; but no Part of that Money shall be borrowed until the whole of the said Capital

Capital of One hundred and ninety-five thousand Pounds shall have been *bonâ fide* subscribed and issued, and One Half of that Amount shall have been actually paid up, nor until the Company shall have proved to the Sheriff who is to certify under the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," (before he so certifies,) that all the said Capital of One hundred and ninety-five thousand Pounds has been subscribed for *bonâ fide* and issued, and that One Half thereof has been paid up, and that not less than One Fifth of the Amount of each Share or Sum of Stock was paid on Issue of the same, and that such Shares or Stock are held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same, of which Proof having been given the Certificate of such Sheriff under that Section shall be sufficient Evidence.

Priority of existing Mortgages.

9. All Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall, as regards the Undertaking comprised in and assigned by such Mortgages, have Priority over all Mortgages granted by virtue of this Act.

Application of Money raised under Act.

10. All Money raised under the Powers of this Act by the Creation of new Shares or Stock or on Mortgage shall be applied only to the Purposes by this Act authorized.

Power to make Railways.

11. It shall be lawful for the Company to make and maintain the following Railways and Roads, with all proper Stations, Approaches, Works, and Conveniences connected therewith respectively; (that is to say,)

1. A Railway (in this Act called Railway No. 1) from the *North British* Railway at the South End of the *Portobello* Station to the *Saint Leonard's* Branch of the same Railway in the Parish of *Liberton* in the County of *Edinburgh*;
2. A Railway (in this Act called Railway No. 2) from the *Saint Leonard's* Branch in the said Parish of *Liberton* to near the Village of *Penicuik*:
3. A Railway (in this Act called Railway No. 3) from the *Edinburgh* and *Glasgow* Railway in the Parish of *Saint Cuthberts* in the County of *Edinburgh* to Railway No. 2 in the said Parish of *Liberton*:
4. A Railway (in this Act called Railway No. 4) from Railway No. 3 in the said Parish of *Liberton* to Railway No. 2 in the same Parish:
5. A Railway (in this Act called Railway No. 5) from Railway No. 2 in the Parish of *Lasswade* in the County of *Edinburgh*

to

to the authorized Line of the *Esk Valley* Railway in the same Parish:

6. A Railway (in this Act called Railway No. 6) from Railway No. 2 in the said Parish of *Lasswade* to Railway No. 5 in the same Parish:

7. A Road from the Junction of *Kilgraston Terrace* with *Grange Loan* in the said Parish of *St. Cuthberts* to near *Blackford House* in the same Parish:

8. A Road from the South-western End of the Village of *Gilmerton* in the said Parish of *Liberton* to a Point 530 Yards or thereabouts North-eastward by North of the Northern End of the Farm Buildings of *Muirhouse* in the same Parish.

Railways to be made according to deposited Plan, &c.

12. And whereas a Plan and Section of the proposed Railways and Roads showing the Line and Levels thereof respectively, and the Lands required for the Purposes of the Undertaking, and also a Book of Reference to such Plan, have been deposited with the Clerk of the Peace for the County of *Edinburgh:* Therefore, subject to the Provisions and Powers of Deviation in this Act and the Acts incorporated herewith contained, the said Railways and Roads shall be made in the Line and upon the Lands delineated on the said Plan and described in the said Book of Reference, and according to the Levels defined on the said Section, and it shall be lawful for the Company to enter upon, take, and use all or any of the said Lands necessary for the said Purposes.

Railways, &c. to form Part of Undertaking.

13. The Railways and Works by this Act authorized shall form Part of the Undertaking of the Company.

Powers for compulsory Purchases limited.

14. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Lands for extraordinary Purposes.

15. The Company may from Time to Time purchase by Agreement such Lands as they may require for any of the extraordinary Purposes specified in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," in connexion with the Railways and Works by this Act authorized, not exceeding in the whole Five Acres.

Power to alter Levels of certain Roads.

16. In carrying the following Roads over, under, or across the Railway, the Company may alter the Levels of such Roads, but so as not to exceed the respective Rates of Inclination herein-after specified; (that is to say,)

The North British Railway (Lasswade Branches) Act, 1865.

Description of Road.	Number on Plan.	Name of Parish.	Rate of Inclination allowed.
		RAILWAY No. 2.	
Turnpike - -	35	Liberton - -	1 in 27 on one Side, level on the other.
Turnpike - -	55	Liberton - -	1 in 23.
Public Road -	3	Lasswade - -	1 in 15 on one Side, level on the other.
Turnpike - -	103	Lasswade - -	1 in 20 on one Side, level on the other.
Public Road -	160	Lasswade - -	1 in 10 on both Sides.

Power to make certain Arches or Bridges of specified Dimensions.

17. Notwithstanding anything in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," contained to the contrary, the Company may make the Arches of the Bridges for carrying the Railway over the public Roads numbered as follows on the deposited Plan of the Dimensions herein-after set forth, but not of less Dimensions; (that is to say,)

Description of Road.	No. on Plan.	Name of Parish.	Span.	Height.
			Feet.	Feet.
		RAILWAY No. 2.		
Turnpike -	103	Lasswade - -	25	15
Turnpike -	106	Lasswade - -	25	15
Turnpike -	3	Glencross - -	25	15
Turnpike -	11	Glencross - -	25	15
		RAILWAY No. 3.		
Turnpike -	136	Liberton - -	25	15
		RAILWAY No. 5.		
Turnpike -	188	Lasswade - -	25	15

For preserving the Supply of Water to Dalkeith and Bonnyrig.

18. The Company shall not, in the Construction of Railway No. 5, or in the Exercise of any of the Powers of this Act, intercept or divert any Water which now forms Part of the Supply of Water to the Towns of *Dalkeith* and *Bonnyrig*, or either of them; and if any of the Operations of the Company under this Act shall be found to have the Effect of lessening the Supply of Water to the said Towns or either of them, the Company shall construct such Works as may be necessary to prevent the Diversion of the Water, and cause it to pass beyond the Company's Premises in the same Direction as at the present Time.

Period for Completion of Works.

19. The Railways and Roads hereby authorized shall be completed within Five Years from the passing of this Act, and on Expiration

tion of such Period the Powers by this Act granted to the Company for making the said Railways and Roads, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

If Railways not completed, &c. within a limited Period Company to be liable to a Penalty.

20. If the Railways by this Act authorized to be constructed shall not be completed and opened for public Traffic within the Period of Five Years from the passing of this Act, then and from thenceforth the Company shall be liable to a Penalty of Fifty Pounds *per* Day, to be recoverable as a Debt due to the Crown, for every Day thereafter until the Railways shall be completed and opened for public Traffic; but no Penalty shall accrue in respect of any Time during which it shall appear by a Certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening the Railways by unforeseen Accident, or Circumstances beyond their Control; but the Want of sufficient Funds shall not be held to be a Circumstance beyond the Control of the Company.

Railway Tolls.

21. The Company may demand and take in respect of the Railways by this Act authorized such Tolls and Charges as they think fit, not exceeding the Rates of Tolls and Charges authorized to be taken on the *North British* Railway, as if the Railway by this Act authorized had been authorized by "The *North British* Railway (Consolidation) Act, 1858;" and in estimating the Amount of Toll or Charge in respect of any Traffic conveyed partly on the Railways by this Act authorized and partly on any other Railway of the Company, the Railways by this Act authorized and such other Railway shall be deemed One Railway.

Running Powers over Esk Valley Railway.

22. The Company may run over and use with their Engines and Carriages of every Description, and for the Purposes of their Traffic, the *Esk Valley* Railway, and the Stations, Works, and Conveniences upon or connected therewith, upon such Terms and Conditions as may have been or may be agreed upon between the Company and the *Esk Valley* Railway Company, or, failing Agreement, as may be settled by Arbitration in manner provided by "The Railway Companies Arbitration Act, 1859."

Interest not to be paid on Calls paid up.

23. It shall not be lawful for the Company, out of any Money by this Act or any other Acts relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay to any Shareholder any Interest or Dividend on the Amount of the Calls made in respect of the Shares held by him in the Capital by this Act authorized to be raised: Provided that nothing herein contained shall be deemed to prevent the Company from

from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in that Behalf contained.

Deposits for future Bills not to be paid out of Capital.

24. It shall not be lawful for the Company, out of any Money by this Act or any other Acts relating to the 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 in force for the Time being, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any Railway, or execute any other Work or Undertaking.

Saving Rights of the Crown.

25. Nothing contained in this Act or in any of the Acts herein referred to shall authorize the Company to take, use, or in any Manner interfere with any Land, Soil, Tenements, or Hereditaments, or any Rights of whatsoever Nature, belonging to or enjoyed or exerciseable by the Queen's most Excellent Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose (which Consent such Commissioners are hereby respectively authorized to give); and nothing in the said Act or Acts contained shall divest, take away, prejudice, diminish, or alter any Estate, Right, Privilege, Power, or Authority now or from Time to Time vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Railways not exempt from Provisions of present and future General Acts.

26. Nothing herein contained shall be deemed or construed to exempt the Railways by this or any of the Acts relating to the Company authorized to be made from the Provisions of any General Acts relating to Railways now in force, or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, and of the Rates for small Parcels, authorized by the said Acts, or any of them.

Expenses of Act.

27. The Costs and Charges of applying for and obtaining this Act and incidental thereto shall be paid by the Company.

Short Title.

28. This Act may be cited for any Purpose as "The *North British* Railway (*Lasswade* Branches) Act, 1865."

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