



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. cxxxvi.

An Act to empower the *North British Railway Company* to extend the *Haddington Branch* of the *North British Railway*, to make certain Alterations in the *Hawick* and *Kelso Branches* of the same Railway, and for other Purposes.

[9th July 1847.]

WHEREAS an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from the City of Edinburgh to the Town of Berwick upon Tweed, with a Branch to the Town of Haddington*: And whereas an Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to empower the North British Railway Company to purchase the Edinburgh and Dalkeith Railway, and to alter Part of the Line of the said Railway and of the North British Railway, and to construct certain Branches in connexion therewith*: And whereas an Act was passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from the Edinburgh and Dalkeith Railway to the Town of Hawick, in the County of Roxburgh*, and in pursuance of Powers conferred by such Act the *North British Railway Company* have

7 & 8 Vict. c. 66.

8 & 9 Vict. c. 82.

8 & 9 Vict. c. 164.

[Local.]

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purchased

purchased the Line of the *Edinburgh and Hawick* Railway, and the same now forms Part of the *North British* Railway, and is called "The *Hawick* Branch" of such last-mentioned Railway: And whereas an Act was passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to empower the North British Railway Company to construct certain Branch Railways in connexion with the Hawick Branch of the North British Railway*: And whereas another Act was passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to authorize the Construction of several Branch Railways and other Works in connexion with the North British Railway*: And whereas it would be of advantage to the Public if a Railway were made in extension of the *Haddington* Branch of the *North British* Railway to or near to *Poldrate Street* in the Town of *Haddington*: And whereas it is expedient that certain Alterations should be made in the Lines of the *Hawick* and *Kelso* Branches of the *North British* Railway as at present authorized to be made: And whereas the *North British* Railway Company are willing to make such Railway, and to execute such Alterations and Works, if authorized by Parliament so to do; but for effecting the Purposes aforesaid, and also for laying the *Haddington* Branch and *Hawick* Branch of the said Railway with a double Line of Rails, and other Purposes connected with the said Undertaking, it is expedient that the Capital of the said *North British* Railway Company authorized to be raised by the Acts above recited should be increased, and also that some of the Provisions of the Acts herein-before recited should be amended and enlarged; but the several Objects aforesaid cannot be attained without the Authority of Parliament: And whereas Two Acts were passed in the Session of Parliament held in the Eighth and Ninth Years of the Reign of Her present Majesty, one thereof called "The *Lands Clauses Consolidation Act (Scotland), 1845*," and the other thereof called "The *Railways Clauses Consolidation Act (Scotland), 1845*:" 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 all the Provisions contained in the said recited Acts relating to the *North British* Railway, so far as the same are now in force, and except such of them as are inconsistent with the Provisions of "The *Lands Clauses Consolidation Act (Scotland), 1845*," and "The *Railways Clauses Consolidation Act (Scotland), 1845*," as extended to this Act, and except also such as are by this Act altered or otherwise provided for, shall extend to this Act and to the several Purposes thereof, as fully and effectually as though such Provisions were re-enacted in this Act as applicable to such Purposes.

9 & 10 Vict.
c. 73.

9 & 10 Vict.
c. 74.

8 & 9 Vict.
c. 19.
8 & 9 Vict.
c. 33.

Provisions of
recited Acts
relating to
the *North
British
Railway*
extended
to this Act.

8 & 9 Vict.
cc. 19. & 33.
extended to
this Act.

II. And be it enacted, That all the Provisions of the said "Lands Clauses Consolidation Act (*Scotland*), 1845," and of the said "Railways Clauses Consolidation Act (*Scotland*), 1845," so far as the same are applicable, and save in so far as the same may be inconsistent with the Provisions herein-after mentioned, shall extend to this Act, and to the several Purposes thereof, and the same, together with this Act, shall be read as One Act.

III. And

III. And be it enacted, That it shall be lawful for the said *North British* Railway Company from Time to Time to raise by creating new Shares, in addition to the Sum of Money which they are authorized to raise under and by virtue of the said recited Acts, any further Sum of Money not exceeding in the whole the Sum of Five hundred and fifty thousand Pounds: Provided always, that it shall not be lawful for the Company to call up, in respect of such Shares, any greater Sum than Two hundred and twenty-five thousand Pounds, until they shall have proved to the Satisfaction of the Commissioners of Railways that they have expended a Sum of not less than One hundred and eighty-three thousand three hundred and thirty-three Pounds in the Construction of the Railways and other Works for which such new Shares are by this Act authorized to be created, and shall have obtained a Certificate in Writing under the Hand of the said Commissioners, or One of them, to that effect.

Power to raise additional Capital by Creation of new Shares.

IV. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be divided into Shares of such Amount as will conveniently allow the same to be allotted or apportioned in such Manner and upon such Terms as may have been or may be agreed upon at any General Meeting or Meetings of the Company specially convened for the Purpose, and shall be considered as Part of the original Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls or otherwise, as if it had been Part of the original Capital, except as to the Amount of such Shares, and the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company from Time to Time to fix as they think fit.

New Shares to be Part of original Capital.

V. Provided always, and be it enacted, That nothing in this Act contained shall be held to prejudice or affect any Rights of the Shareholders or Scripholders in a Company called "*The Edinburgh and Perth* Railway Company," formed in the Year 1845, for making a Railway from *Edinburgh* to *Perth* (now dissolved), under an Agreement bearing to be entered into between the Promoters of the last-mentioned Railway and the *North British* Railway Company, made on or about the Seventeenth Day of *February* One thousand eight hundred and forty-six, and which Rights are or may be the Subject of any Actions or Inquiry before any Courts at Law.

Saving Rights of the *Edinburgh and Perth* Railway Company.

VI. And be it enacted, That after the whole of the said Sum of Five hundred and fifty thousand Pounds shall have been subscribed, and One Half of the Sum by this and the said recited Acts authorized to be raised by Shares shall have been paid up, it shall be lawful for the said Company, subject to the same or the like Provisions as are contained in the said recited Acts with reference to the Monies thereby authorized to be borrowed, to borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any General or Special General Meeting of the said Company, not exceeding in the whole the Sum of One hundred and eighty-three thousand three hundred and thirty-three Pounds, in addition to the Sums which they are by the said Acts authorized to borrow.

Power to borrow Money on Mortgage.

VII. Pro-

Former
Mortgages
to have
Priority.

VII. Provided always, and be it enacted, That all Mortgages granted by the said Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall, during the Continuance thereof, have Priority over all Mortgages to be created by virtue of this Act.

Company
not to pay
Interest
upon certain
Calls on
Shares.

VIII. And be it enacted, That it shall not be lawful for the Company to pay Interest out of the Capital which they are authorized to raise by means of Calls on Shares or by borrowing under the Powers of the said recited Acts or of this Act upon any Sums which may from Time to Time be called up in respect of any Shares created under the Powers of this Act: Provided always, that such Restriction shall not extend to prohibit the Payment of Interest by the Company upon any Monies which may be or may have been paid in advance of Calls upon such Shares under the Provisions in the said recited Acts or any of them in that Behalf contained.

Deposits for
future Bills
not to be
paid out of
the Com-
pany's
Capital.

IX. And be it enacted, That, in the event of Application being made by the Company to Parliament in any future Session for a Bill to authorize the Construction by the Company of another Line of Railway, it shall not be lawful for the Company to pay out of the Capital which they are authorized to raise for the Purposes of the said recited Acts or of this Act any Monies which may be required by the Standing Orders of either House of Parliament to be deposited for the Purposes of such Application.

Railway and
Works to
be made
according to
deposited
Plans.

X. And whereas Plans and Sections of the said intended Railway, and of the new or altered Lines of the *Hawick* and *Kelso* Branch Railways, showing the Line or Situation and Levels thereof respectively, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners and Lessees and Occupiers, of the Lands required for the Purposes aforesaid, have been deposited with the Sheriff Clerks of the County of *Edinburgh* and of the Counties of *Haddington* and *Roxburgh*; be it enacted, That, subject to the Provisions in this and the said recited Acts as extended to this Act contained, it shall be lawful for the said Company to make and maintain the said Railway, and new or altered Lines of Railway and Works respectively herein-after described in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined upon the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Haddington
Branch
Extension.

XI. And be it enacted, That the said intended Railway in extension of the *Haddington* Branch shall commence by a Junction with such Branch near *Saint Lawrence House* in the Parish and County of *Haddington* and shall terminate at or near *Poledrate Street* in the Town of *Haddington*.

Parts of the
Hawick and
Kelso
Branches to

XII. And be it enacted, That the said Company shall abandon all such Parts of the *Hawick* and *Kelso* Branches respectively as at present authorized to be made as will be rendered unnecessary by
reason

reason of the Construction of the new or altered Lines of Railway herein-after mentioned. be abandoned.

XIII. And be it enacted, That one of the new or altered Lines of Railway in substitution of Part of the said *Hawick* Branch to be abandoned as aforesaid shall commence at a certain Field, numbered 152, in the Parish of *Stow* and County of *Edinburgh*, and shall terminate at a Field numbered 172, in the same Parish and County, on the Plans of the said Branch, referred to in the thirdly-recited Act, and that the other of such new or altered Lines of Railway shall commence at a Plantation near to *Stand Hill*, numbered 51, in the Parish of *Ancrum* and County of *Roxburgh*, and shall terminate at a Field near *Stand Hill* aforesaid numbered 62, in the same Parish and County, on the Plans referred to as aforesaid. New or altered Lines of the *Hawick* Branch.

XIV. And be it enacted, That the new or altered Line of Railway in substitution of Part of the *Kelso* Branch to be abandoned as aforesaid shall commence at a Field near *Whitehill*, numbered 13, in the Parish of *Saint Boswell's* and County of *Roxburgh*, on the Plans of the said *Kelso* Branch, referred to in the Act fourthly herein-before recited, and shall terminate by a Junction with the *Hawick* Branch Railway at a Field numbered 340, in the Parish of *Melrose* and County of *Roxburgh*, on the Plans of the said last-mentioned Branch Railway referred to in the thirdly-recited Act. New or altered Line of the *Kelso* Branch.

XV. And be it enacted, That it shall be lawful for the said Company to purchase and take any Quantity of Land for extraordinary Purposes not exceeding Twenty-five Acres. Lands for extraordinary Purposes.

XVI. And be it enacted, That the Powers of the said 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. Compulsory Purchase of Lands limited.

XVII. And be it enacted, That the said Railway and Works by this Act authorized shall be completed within Seven Years from the passing of this Act, and on the Expiration of such Period the Powers by this and the recited Acts granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed. Period for Completion of Works.

XVIII. And be it enacted, That it shall be lawful for the said Company to demand and receive upon and in respect of the Use of the Railway by this Act authorized, and in respect of the Use of Carriages and Locomotive Engines employed by them thereon, any Tolls or Charges, not exceeding the maximum Tolls and Charges which are authorized to be demanded and received upon and in respect of the Use of the said *Hawick* Branch of the *North British* Railway, and the Engines and Carriages employed thereon, by virtue of the said Act thirdly herein-before recited. Tolls to be the same as authorized by former Acts.

XIX. And whereas by the first herein-recited Act the Qualification of a Person as a Director of the said Company is defined Provision in first-recited Act as to

Qualification
of Director
repealed.

to be the Possession in his own Right of Twenty Shares in the Capital of the said Company: And whereas the present Capital of the Company is divided into Shares of different nominal Amounts, and it is therefore expedient that another Mode of defining the Qualification of a Director should be adopted; be it enacted, That so much of the said first-recited Acts as defines the Qualification of a Director of the said Company shall be and the same is hereby repealed.

Qualification
of a Director.

XX. And be it enacted, That from and after the passing of this Act, the Qualification of a Person to serve as such Director shall be the Possession, in his own Right, of as many Shares of any Denomination in the Capital of the said Company as shall together amount in nominal Value to the Sum of Five hundred Pounds.

Railways 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.

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

Railways to
be subject to
Provisions of
any general
Act.

XXII. Provided always, and be it enacted, That nothing herein contained shall be deemed to exempt the Railways by this or the said recited Acts authorized, or the said Company, from the Provisions of any general Act relating to such Acts or of any general Act relating to Railways, now in force or which may 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 Tolls and Charges authorized as herein-before mentioned.

Public Act.

XXIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.