



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. clii.

An Act to enable the *Edinburgh, Leith, and Granton Railway Company* to make a Branch Railway from *Bonnington* to *Trinity Villa*, to acquire certain Pieces of Land, and to shut up and use certain Roads or Streets for the Purposes of the said Railway. [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 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 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 and Provisions of an Act passed in the Seventh Year 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

[Local.] 22 K passed

6 & 7 W. 4. c. 131.
2 & 3 Vict. c. 51.

7 & 8 Vict.
c. 81.

9 & 10 Vict.
c. 57.

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

Short Title.

Power to
raise Money
by Creation
of new
Shares.

Power to
borrow
Money on
Mortgage.

passed in the Seventh and Eighth Year of the Reign of Her present Majesty, intituled *An Act to alter, explain, revive, and continue the Powers and Provisions of 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 form a Branch Railway to connect the *Leith Branch* of the said Railway at *Bonnington* with the Main Line thereof at *Trinity Villa* in the Parish of *Saint Cuthberts*; and to acquire for the Purposes of the Undertaking certain Pieces of Ground at *Canon Mills* and *Canal Street*; and permanently to shut up the Passage by the Stairs leading from *Princes Street* to *North Canal Street*, and also to shut up *North and East Canal Streets*, in the City of *Edinburgh*: And whereas it is expedient that some of the Provisions in the said recited Acts should be amended; 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 present Parliament assembled, and by the Authority of the same, That the said recited Acts, and so much of the Lands Clauses Consolidation (*Scotland*) Act, 1845, and 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.

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 and Granton Junction) Act, 1847.*"

III. And whereas the estimated Expence of the Works and Acquisition of Ground by this Act authorized is Fifty-six 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 Fifty-six 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.

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,

Mortgage, and if paid up again to borrow, any Sum or Sums not exceeding in all Eighteen thousand six hundred 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.

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 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.

Provisions of 8 & 9 Vict. c. 16. as to borrowing Money to apply to this Act.

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, *Scotland*, Act, 1845, in that Behalf contained.

Interest not to be paid on Calls paid up.

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.

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

VIII. And whereas Plans and Sections of the Railway by this Act authorized to be made showing the Lines 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 recited Acts, it shall be lawful for the Company to make and maintain the said Railway, and all necessary Works and Conveniences connected therewith, 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 described on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Railway to be made according to deposited Plans.

IX. And

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 *Bonnington Bridge* and terminating at a Point on the main Line of the said Railway at or near to *Trinity Villa* in the Parish of *Saint Cuthberts*.

Lands for ex-
traordinary
Purposes.

X. And whereas Plans descriptive of the Pieces of Ground at *Canon Mills* and *Canal Street* required by the said Company for the Purposes of their Railway, with Books of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and Occupiers thereof, have been deposited in the Office of the Principal Sheriff Clerk of the County of *Edinburgh*; be it enacted, That, subject to the Provisions in regard to the Acquisition of Land contained in the said recited Acts, it shall be lawful for the Company to enter upon, take, and use the whole or such of the said Pieces of Ground as shall be necessary for such Purposes: Provided always, that the Quantity of Land to be taken by the Company under this Act for extraordinary Purposes shall not exceed in all Twenty Acres.

No Part of
East Princes
Street
Gardens to
be interfered
with by the
Company.

XI. Provided always, and be it enacted, That notwithstanding any thing contained in the said Plans, Sections, and Books of Reference, it shall not be lawful for the said Company to take, use, or interfere with for the Purposes of the said Railway any Portion of Ground situated within the Gardens termed the *East Princes Street Gardens* in the City of *Edinburgh*.

Power to
shut up
Princes
Street Stairs
and North
and East
Canal
Streets.

XII. And whereas in consequence of the Removal of the Houses in *North* and *East Canal Streets* in the Parish of *Saint Andrews*, and the Appropriation of the Site thereof to the Purposes of a Station for the said Railway, these Streets and a certain Footpath or Passage leading from *Princes Street* by Stairs to *North Canal Street* have been obstructed and temporarily closed, and are no longer required or necessary for the Use of the Public, and it is expedient that the same should be permanently shut up; be it therefore enacted, That it shall be lawful for the said Company permanently to shut up from the Public the Streets or Roads known by the Names of *North* and *East Canal Streets*, and the Passage by the Stairs from *Princes Street* to *North Canal Street* aforesaid, and to appropriate the Site or Solum thereof to the Purposes of the said Railway, which shall from thenceforth be and become the Property of the said Company, and without being subject to the Provisions of any Statutes now in force or hereafter to be made, which are or would be applicable to any Streets or public Highways within the City of *Edinburgh*, but subject always to the Restrictions contained in an Agreement between the Lord Provost, Magistrates, and Council of the City of *Edinburgh* and the said Company, dated the Fifteenth and Twentieth Days of *April* One thousand eight hundred and forty-seven, in the same Manner as if the Solum of the said Streets or Roads, Footpaths, Passage, or Stairs, so to be shut up had formed a Part or Portion of the Ground comprehended in the said Agreement: Provided always, that nothing herein contained shall be construed to affect or prejudice any Claim for Compensation

Compensation which may be made by the Owners or Occupiers of any Premises abutting on the said Streets, and to which the same now afford an Access, in respect of any Right of Access hitherto enjoyed by them or any of them, through or over the said Streets, or in respect of any Diminution in Value of their Premises by reason of the shutting up of the said Streets, or any Claim for Compensation in respect of the Ownership or Part Ownership of Solum of the said Streets, or the Right of the Lord Provost, Magistrates, and Council of the said City to Compensation for or in respect of all Rights competent to them in connexion with said Footpath, Passage, or Stairs, or the Ground upon which the same are situated.

XIII. Provided always, and be it enacted, That the Company shall give at least Fourteen Days Notice by Advertisement to be published twice in Two consecutive Weeks in the *Edinburgh Gazette*, and in some One or more Newspapers published in the City of *Edinburgh* of their Intention so to shut up the said Streets or Roads as aforesaid; and if any Person shall feel himself aggrieved by the intended Proceedings of the Company in the said Matter, it shall be lawful for him to complain by Petition to the Court of Session or the Sheriff, and the said Court in either Division, or the said Sheriff, shall hear Parties and determine in the Matter in a summary Way.

Notice to be given of Intention to shut up Roads.

XIV. And be it enacted, That, notwithstanding any thing in this Act contained, it shall not be lawful for the said Company to purchase or acquire under the Powers of this Act the Lands or Property numbered 5, 6, 7, and 8 in the Parish of *Saint Andrews* on the Plans deposited as aforesaid.

Certain Lands not to be taken.

XV. 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 within which Lands are to be purchased.

XVI. And be it enacted, That the 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 Railway, or otherwise in relation thereto, shall cease to be exercised except as to so much of the Railway as shall then be completed.

Period for Completion of Works.

XVII. And be it enacted, That it shall be lawful to the Company to construct and maintain the Approaches to the Bridges or Arches made or to be made for carrying the Road after mentioned on the Plans deposited as aforesaid over the *Leith* Branch of the said Railway, with such Inclinations as they think fit, not steeper than the following; (that is to say,)

Regulating the Inclination of certain Roads.

In the Case of the Road from *Newhaven* to *Edinburgh* in the Parish of *Saint Cuthberts*, not steeper than One in Twenty.

XVIII. And be it enacted, That, subject to the Conditions, Limitations, and Provisions contained in the said recited Acts and in this Act, it shall be lawful for the Company to demand and recover for the Use of the Railway and Works hereby authorized to be made, the Tolls,
[Local.] 22 L Rates,

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 Passen-
gers.

XIX. 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 Railway by this Act authorized than Sixpence *per Passenger per Mile* in respect of any Passenger travelling in a First-class Carriage, Four-pence *per Passenger per Mile* in respect of any Passenger travelling in a Second-class Carriage, and Two-pence *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.

XX. 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.

XXI. 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 Railway by this Act authorized, any greater Sum, including the Charges for the Use of Carriages, Waggon, 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, 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, *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 any Inclined Plane upon the said Railway or Railways by means of a stationary Steam Engine or other Machinery, in addition to the said Sums, Sixpence :

For every Horse, Mule, Ass, or other Beast of Draught or Burden, 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

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.*

XXII. 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.

Saving the Rights of the Crown.

XXIII. 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 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 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.

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.

XXIV. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the 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 have been passed or 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.

Railway to be subject to Provisions of any general Act.

XXV. 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

Expences of Act.

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Money to be raised or received by them, in preference to any other Payment whatsoever.

Public Act. XXVI. And be it enacted, That the 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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