



ANNO SECUNDO & TERTIO

VICTORIÆ REGINÆ.

Cap. li.

An Act to alter, amend, and enlarge the Powers and Provisions of an Act passed in the 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 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.

[1st July 1839.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late 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*, by which Act a Company was incorporated by the Name or Style of "*The Edinburgh, Leith, and Newhaven Railway Company*," and was authorized and empowered to make and maintain the foresaid Railways in the Lines and in the Manner therein set forth:

6 & 7 W. 4.
c. 131.

[Local.]

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And

And whereas it is expedient that the Levels and a Portion of the Line of the Railway by the said recited Act authorized to be made from the City of *Edinburgh* to the Shore of the *Frith of Forth* at or near to *Newhaven* and *Trinity* should be altered, and that the Lines of Railway thereby authorized to be made from the Lands of *Heriot-hill* to the Docks at *Leith* and the Pier of the Village of *Newhaven* should be abandoned, and that some of the Powers and Provisions of the said recited Act should be amended and enlarged; 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 it shall be lawful for the said *Edinburgh, Leith, and Newhaven* Railway Company and they are hereby empowered to make, complete, and maintain the Railway by the said recited Act authorized to be made from the City of *Edinburgh* to the Shore of the *Frith of Forth* at or near to *Newhaven* and *Trinity*, and the Works connected therewith, on the Levels and in the Line or Course, excepting as herein-after provided, and upon, across, under, or over the Lands and others delineated on the amended Plan and Sections, and described in the Book of Reference to the said Plan, which have been deposited with the principal Sheriff Clerk for the County of *Edinburgh* as herein-after mentioned; and for these Purposes the Powers, Provisions, and Directions in the said recited Act contained relating to the taking and acquiring of Lands and completing the said Railway shall be and the same are hereby revived and renewed, and shall continue in force during the additional Terms herein-after mentioned.

Power to alter the Line and Level of Railway in certain Cases.

Provision as to Line and Levels in passing the Property of Dr. Neill.

II. Provided always, and be it enacted, That where the said Railway is to pass the Property of Dr. *Patrick Neill* at *Canon Mills* the same shall be formed in a Tunnel in the Line, on the Levels, and in all respects in the Manner authorized and provided by the said recited Act; and for that Purpose it shall be lawful to the said Company and they are hereby authorized and empowered to deviate from the Line and Section so deposited with the principal Sheriff Clerk of the County of *Edinburgh* between a Point on the Inclosure marked Number 36 on the said Plan and another Point on the Inclosure marked Number 73 thereon, in the Manner described on a Plan and Section of the said Portion of the said Line which has been approved by Parliament, and certified by the Right Honourable the Speaker of the House of Commons.

Obligation on Company to purchase the whole of Dr. Neill's Property repealed.

III. And be it further enacted, That as much of the said recited Act as provides that if the said Railway or any Part thereof, or of the Works connected therewith, shall intersect or touch upon any Part of the Property of the said Doctor *Patrick Neill* it should be in the Power of the said Doctor *Patrick Neill*, or his Heirs or Assignees, to require the said Company to purchase the whole of the Lands, Grounds, Houses, and Buildings belonging to him at *Canon Mills*, and as enacts that the said Company should, if so required, be bound to purchase and pay for the whole of such Property, shall be and the same is hereby repealed.

IV. And

IV. And be it enacted, That it shall not be in the Power of the said Company, notwithstanding any Possession they may have already obtained of any Grounds or Property belonging to the Feoffees of Trust and Governors of *George Heriot* his Hospital, to proceed further with the making of the said Railway or Works therewith connected through, in, or upon such Grounds or Property, so far as they lie to the North of the Road leading from *Leith* to *Queensferry*, until Payment shall have been made or Security found to the Satisfaction of the said Governors for the Value of the whole Grounds and Property taken or required by the said Company, and for the Damages sustained or to be sustained by and through the said Railway and Works, or the Operations of the said Company, to the Grounds or Property of the said Feoffees and Governors; and all Claims of the said Feoffees and Governors for such Value and Damages shall, and may be ascertained and fixed by and under the Powers, Authorities, and Provisions of the said recited Act and this Act, in the same Manner as if Possession had not been already taken of such Grounds and Property, any thing in the said recited Act or this Act to the contrary notwithstanding.

Provision regarding Grounds belonging to Heriot's Hospital.

V. And whereas it is proposed in making the said Railway to carry a Tunnel under or near to the Excise Office or Custom House in *Drummond Place*: And whereas, amongst the Maps or Plans and Sections produced to, laid before, and approved of by Parliament as the Maps, Plans, and Sections to be adopted in making the said Railway, is a Plan or Section showing several Lines and Levels along and on which the said Tunnel may be carried, and it has been agreed between the Lords Commissioners of Her Majesty's Treasury and the said Railway Company that the said Tunnel shall be made and constructed along and on such One only of the said several Lines and Levels as shall be approved of by the said Lords Commissioners of Her Majesty's Treasury; be it therefore enacted, That a Duplicate of the said Plan or Section of the said proposed Tunnel under or near the said Excise Office or Custom House, authenticated by the Right Honourable the Speaker of the House of Commons, shall be deposited in the Office of the principal Sheriff Clerk for the County of *Edinburgh*, and a Copy thereof shall be produced to and left with the Lords Commissioners of Her Majesty's Treasury; and the said Company, in constructing the said Tunnel under or near to the said Excise Office or Custom House, shall be bound and are hereby authorized and empowered to adopt such one of the said Lines and Levels delineated and described on the said last-mentioned Plan and Section as shall be approved of by the said Lords Commissioners of Her Majesty's Treasury, such Approval to be signified in Writing under the Hands of the said Lords Commissioners of the Treasury or any Two of them, and the said Company shall not deviate from the said Line or Level so approved of in any respect without the Consent of the said Lords Commissioners of the Treasury in Writing under the Hands of any Two or more of them; and all the Works of the said Railway, in passing under or along the said Excise Office or Custom House, or the Premises thereof, and for Twenty Yards before passing the same and for Twenty Yards after passing the same, shall be executed and carried on

Mode of executing Tunnel where it passes the Excise Office to be approved of by the Lords of the Treasury, and executed under an Engineer appointed by them.

on under the Superintendence and to the Satisfaction of and in the Manner prescribed by an Engineer to be named and appointed by the said Lords Commissioners of Her Majesty's Treasury, whose Expences shall be borne and defrayed by the said Company.

Further Provisions as to passing Excise Office.

VI. And be it further enacted, That it shall not be lawful for the said Company to approach or carry their Works within Twenty Yards of any Part of the Premises of the said Excise Office or Custom House until the said Line and Level shall have been approved of in manner aforesaid by the Lords Commissioners of Her Majesty's Treasury, nor until an Engineer has been named and appointed for superintending the Works, nor until such Measures and Means for securing the said Excise Office or Custom House as shall be prescribed and directed by the said Engineer shall have been adopted and carried into effect by and at the Expence of the said Company; and if the said Company shall not, in passing under or along the said Excise Office or Custom House, and for the Distance herein-before prescribed, in all things conform to the Directions and construct their Works to the Satisfaction of the said Engineer, the said Engineer shall have full Authority and he is hereby empowered to give Notice in Writing to the said Company, by delivering such Notice to the Secretary or leaving the same at his Office, to discontinue their Works, and from and after the Delivery of such Notice it shall not be lawful for the said Company to proceed with the said Railway, or any Works connected therewith, within Twenty Yards of any Part of the Premises of the said Excise Office or Custom House, without the Consent and Permission in Writing first obtained of the said Engineer, or of the Lords Commissioners of Her Majesty's Treasury: Provided always, that it shall be lawful for the said Lords Commissioners of Her Majesty's Treasury, if they shall see fit, on the Working Plans and Sections being transmitted to and approved by them, showing the Manner in which it is proposed to construct and execute the Works of the said Tunnel and the Part of the Railway passing under or near to the said Excise Office or Custom House within the Limits aforesaid, and on satisfactory Security being given by or on behalf of the said Company for the due Execution of the said Works in the Manner proposed and shown on such Working Plans and Sections, to dispense with the Appointment of a superintending Engineer.

Lords of the Treasury may dispense with the Superintendence of an Engineer.

Company not to be released from the Obligation to make good consequential Damage, or to purchase the Excise Office.

VII. Provided always, and be it enacted, That nothing herein-before contained shall extend to release the said Company from the Obligation imposed on them in and by the said recited Act to make full Compensation for any Damage, Injury, or Deterioration which may be done to the Premises of the said Excise Office or Custom House by means of the said Tunnel passing beneath the same, or by means of the Execution of any of the said Works, or to purchase the same in case they should be required so to do by the Commissioners of Excise, but such Obligation as enacted in the said recited Act shall remain in full Force and Effect.

Provision as to Lands of Heriot-hill.

VIII. Provided always, and be it enacted, That the said Company shall purchase from the Proprietors of the Lands of *Heriot-hill* not only

as much thereof as shall be taken or used for the Formation of the said intended Railway hereby authorized to be made, but also as much of the said Lands of *Heriot-hill* to the Northward of the Road leading from *Stockbridge* to *Blanfield* as shall be situate on the West Side of the said Railway, together with the Mansion House of *Heriot-hill*, and the Offices, Buildings, and Premises thereto belonging, on the Lands so to be purchased, and shall compensate the said Proprietors for any Damage, Injury, or Deterioration which may be caused by the said Railway, or any Embankment or Tunnel thereof, to the other Parts or Portions of the said Lands of *Heriot-hill* situated on the East Side of the said Railway and on the South Side of the said Road leading from *Stockbridge* to *Blanfield*, and shall also, at their sole Expence erect a sufficient Wall along the Eastern Side of the said Railway, where it shall pass through the said Lands from North to South, as far as the said Road; and, if required, within Two Months after the Commencement of the Works through the said Lands of *Heriot-hill*, by the said Proprietors, the said Company shall also at their sole Expence, fill up to the Level of the said Railway all the said Lands situated on the East Side thereof; the Erection of the said Wall and the filling up of the said Land to be done at the Sight and to the Satisfaction of an Engineer to be named by the Sheriff of the County of *Edinburgh*; and in case any Difference shall arise between the said Proprietors and the said Company as to the Price or Value of the said Lands, Mansion House, and other Premises so to be purchased, or as to the Recompence for any Damage, Injury, or Deterioration which may be caused to the said other Parts or Portions of the adjoining Lands and Premises of *Heriot-hill* as aforesaid, the same shall be ascertained by the Means and in the Manner provided by the said recited Act and this Act for ascertaining the Value of Lands, Grounds, and Heritages required to be taken for the Purposes thereof.

IX. And be it enacted, That the said Company shall be and they are hereby required to abandon such Parts of the original Line of the said Railway as by reason of the Alterations by this Act authorized to be made will be rendered useless and unnecessary, and also to abandon those Portions or Branches of the said Railway by the said recited Act authorized to be made which were intended to terminate at the Harbour or Docks of *Leith* at *Dock Street* in or near the Town of *Leith*, and at the Pier of the Village of *Newhaven* in the Parish of *North Leith*; and all the Powers, Authorities, Privileges, and Directions in the said recited Act contained for making and maintaining the said Portions and Branches of the original Lines of Railway by this Act authorized to be abandoned shall, as far as the same relate to the said Portions and Branches so to be abandoned, be and the same are hereby repealed.

Portions of
Railway to be
abandoned.

X. And be it further enacted, That the aforesaid Powers, Provisions, and Directions for taking and acquiring Lands, and completing the said Railway, hereby renewed and continued, and all the other Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Clauses, Matters, and Things contained in the said recited Act, except such of them or such Part

Powers of,
recited Act
extended to
this Act.

[Local.]

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thereof

thereof respectively as are by this Act altered, repealed, or otherwise provided for, shall extend and be construed to extend to this Act, and to the several Works and Things hereby authorized to be made and done, and to such Lands, Houses, Buildings, and others as are requisite to be taken, purchased, and used for the Purposes of this Act, and shall operate and be in force in respect to the whole Objects and Purposes of this Act, and be good, valid, and applicable for carrying the same into execution, as fully and effectually, to all Intents and Purposes whatsoever, as if the same Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Clauses, Matters, and Things were repeated and re-enacted in this Act: Provided always, that it shall not be lawful to the said Company to borrow and take up at Interest in the Manner provided by the said recited Act any Sum or Sums of Money exceeding in all One Third Part of the Capital Stock of the said Company, nor until Fifty *per Cent.* of such Capital Stock shall have been paid up, any thing in the said recited Act to the contrary notwithstanding.

Plans and Sections deposited with Sheriff Clerk to remain and be open to Inspection.

XI. And whereas a Map or Plan and Section describing the said Railway, and the intended Alterations of the Line and Levels thereof, and the Lands in, upon, and through which the same and the Works connected therewith are intended to be carried or made, together with a Book of Reference thereto containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of such Lands, were on the First Day of the Month of *March* One thousand eight hundred and thirty-eight deposited in the Office of the principal Sheriff Clerk for the County of *Edinburgh*, and the said Map or Plan and Sections have been approved of by Parliament; be it enacted, That the said Map or Plan and Sections and Book of Reference so deposited shall remain with and be kept by the Sheriff Clerk of the said County, and all Persons interested shall at all seasonable Times have Liberty to inspect and to make Extracts from or Copies of the said Map or Plan, Section, and Book of Reference respectively, paying to the said Sheriff Clerk or his Deputies having the Custody thereof the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words copied therefrom; and the said Map or Plan, Section, and Book of Reference, or true Copies thereof, or of as much thereof respectively as shall relate to any Matter in question, certified by the said Sheriff Clerk or his Deputies, or One of them, shall be and are hereby declared to be good Evidence in all Courts of Law and elsewhere.

Power to deviate.

XII. And be it further enacted, That in making the said Railway and Works the said Company shall have full Power, except as herein otherwise provided, to deviate from the Line of the said Railway and other Works as delineated on the Maps or Plans approved of as aforesaid by Parliament, provided that no such Deviation shall extend to a greater Distance in any Town than Ten Yards or in any other Place than One hundred Yards from the Line so approved of.

Provision as to Princes Street Gardens, &c.

XIII. Provided always, and be it enacted, That it shall not be lawful for the said Company to form any Depôt, or to erect any Warehouses,

Warehouses, Chimneys, or other Buildings, or to form any Road, in *Princes Street Gardens* belonging to the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and let to Messieurs *Cleghorn* and Company (except to the Extent of shifting the Northern Entrance of the Road as after-mentioned); and that it shall not be lawful for the said Company to alter the Line of the Westmost or Serpentine Road leading from *Princes Street* to *Market Street*, except to the Extent of shifting the Northern Entrance of the said Road Fifty-six Feet farther West than the present Entrance, and making the new Entrance Fifty Feet Wide, and that it shall not be lawful to raise the Level of the said Road more than Five Feet in the Centre.

XIV. Provided also, and be it enacted, That if the said Company shall find it necessary, in prosecution of the Works by this Act or the said recited Act authorized, to acquire any Grounds belonging to the said Lord Provost, Magistrates, and Council forming Part of the general feuing Plan of the Lands of *Bellevue* on the North of the City of *Edinburgh*, it shall not be lawful for the said Company to erect any Buildings thereon except in conformity with the general feuing Plan of such Grounds according to which the Houses or those Parts already feued have been built and erected.

Provision as to Lands of Bellevue.

XV. Provided always, and be it further enacted, That it shall be lawful for the said Company to make the said Railway and Works upon, across, under, or over the Lands and others delineated on the said Map or Plan although such Lands and others, or any of them, or the Situation thereof respectively, or the Names of the Owners, Lessees, or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in the said Book of Reference, if it shall appear to any Two or more Justices of the Peace for the said County of *Edinburgh* (in case of any Dispute about the same), and be certified in Writing under their Hands, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake; and the Certificate of such Justices shall be deposited with and kept by the said Sheriff Clerk, and shall be sufficient for all the Purposes of this Act.

Unintentional Errors in Book of Reference not to prevent Execution of Act.

XVI. And be it further enacted, That it shall not be lawful for the said Company to proceed in the Execution of the said Railway unless the said Company shall have, previously to the Commencement of such Work, deposited in the Office of the Sheriff Clerk of the County of *Edinburgh*, through which the said Railway is intended to pass, a Plan and Section of all such Alterations from the original Plan and Section deposited with the Sheriff Clerk of the County of *Edinburgh* as shall have been approved of by Parliament, on the same Scale and containing the same Particulars as the said original Plan and Section of the Railway, and also with the Schoolmasters of the several Parishes, and in the Royal Burgh of *Edinburgh* with the Town Clerk thereof, in or through which such Alterations shall have been authorized to be made, Copies or Extracts of or from such Plan and Section as shall relate to such Parishes respectively; and all Persons interested shall have Liberty to inspect and make Extracts from or Copies of the said Plan and Section, or Extracts or Copies thereof, paying to the Officer having the Custody of such Plan and Section

Railway not to be proceeded with till certain Plans are deposited.

or

or of such Extract or Copy the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words copied therefrom.

Restrictions
as to Devia-
tions in the
Levels,
Arches, and
Tunnels.

XVII. And be it further enacted, That in making the said Railway it shall not be lawful for the said Company to deviate from the Levels of the same as referred to the common datum Line described on the Section so approved of by Parliament, and as marked on the same, to any Extent exceeding in any Place Five Feet, or in passing through Towns Two Feet, without the Consent of the Owners, Lessees, and Occupiers of the Lands in and through or over which such Deviation is intended to be made, or in case any Street or public Carriage Road shall be affected by such Deviation, then the same shall not be made without the Consent of the Trustees or Commissioners, or if there be no such Trustees or Commissioners without the Consent of Two or more Justices of the Peace for the County of *Edinburgh*; and that no Increase in the Inclination or Gradients of the said Railway as denoted by the said Section shall be made in any Place to an Extent exceeding the Rate of Three Feet *per* Mile; and where in any Place it is intended to carry the Railway on an Arch or Arches as marked on the said Plan or Section the same shall be made accordingly, and where a Tunnel is marked on the said Plan or Section as intended to be made at any Place the same shall be made accordingly, unless the Owners, Lessees, and Occupiers of the Lands in or through which such Tunnel or Arch is intended to be made shall consent that the same shall not be made; provided nevertheless, that it shall be lawful for the said Company, with such Consents as aforesaid, and not otherwise, to make a Tunnel or an Arch or Arches as aforesaid not marked on the said Plan or Section, so that no such Tunnel shall be of greater Length than Two hundred Yards, and that no Two Tunnels be at a less Distance from each other than One hundred Yards measured on the Line of the Railway: Provided always, that Notice of every intended Deviation or Alteration be given Fourteen Days previous to the Commencement thereof in some Newspaper published in the said County, and also be affixed upon the Church Door of the Parish in which such Deviation or Alteration is intended to be made: Provided also, that for the Purpose of consenting to any such Deviation from said Sections, and to any tunnelling or arching as aforesaid, the Word "Owners" shall be deemed and taken to mean such Persons as are by said recited Act capacitated to agree for the Sale of and convey Land for the making of said Railway; and the Consent of such Persons, with or without the Consent of any other Persons interested as Owners in the said Lands, shall be deemed and taken to be sufficient for such Purposes.

Limiting Al-
teration of
Curves.

XVIII. And be it further enacted, That it shall not be lawful to diminish the Radius of any Curve as described on the Plan deposited with the principal Sheriff Clerk unless such Radius exceed One Mile, nor to diminish it in any such Case so that it shall become less than One Mile, nor to diminish any greater Radius by more than a Quarter of a Mile unless where it exceeds Two Miles, or by more than Half a Mile unless where it exceeds Three Miles on such Plan.

XIX. And

XIX. And whereas it is by the said recited Act enacted, that Two General Meetings of the said Company should be held within the Months of *January* and *July* respectively in each Year, whereof Ten Days Notice should be given by One or more Advertisements in One or more Newspapers published in *Edinburgh*; be it enacted, That Fourteen Days Notice at the least shall be given of such Half-yearly General Meetings and of every Special General Meeting of the said Company by Advertisement in One or more Newspapers published in *Edinburgh* and in *London* and in *Liverpool* respectively, and by Circular addressed to each Proprietor, and put into the Post Office; and that all General and Special General Meetings and all Meetings of the Directors shall be held in *Edinburgh*: Provided always, that such General and Special General Meetings may be adjourned by the Majority of Votes present at such Meeting to any other Place in *Scotland* or *England*.

Regulating
Notice to be
given of Ge-
neral Meet-
ings.

XX. And whereas it is by the said recited Act provided that the Directors therein named should continue Directors of the Company until the First General Meeting of the Company to be held not later than Six Months after the said Railway shall be completed and opened for public Use, unless any of such Directors should die or resign or become disqualified, in which Case it should be lawful for the remaining Directors to supply the Vacancy so happening in the Manner thereby directed, and that the Election of future Directors should only take place at the General Meeting first to be held within Six Months after the Completion of the Railway, and so on at the succeeding Annual Meeting thereafter, and that no Director going out by Rotation should be re-elected until he should have remained One Year out of Office; be it enacted, That within Three Calendar Months next after the passing of this Act a Special General Meeting of the said Company shall be held for the Election of Nine Persons, being Proprietors in the said Company, duly qualified according to the said recited Act, to be Directors of the said Company; and the whole Directors at the Time of the said Special General Meeting shall upon the Day of such Meeting go out of Office, and thereafter at each of the Annual General Meetings in the Month of *July* in each Year the Three of the Directors who shall then be at the Top of the List shall go out of Office by Rotation, (the Order of retiring for the first Two Years being ascertained by Lot among the Directors, or otherwise as they may arrange,) and an equal Number of new Directors shall be elected in their Stead; but every Director who shall go out of Office at such Special General Meeting, or afterwards, may be immediately or at any future Time re-elected by the said Company a Director thereof, and after such Re-election he shall, with reference to the going out by Rotation, be considered as a new Director; and that the Chairman and Deputy Chairman of the said Company shall in like Manner be re-eligible, without reference to the Period for which he may have held such Office; and that the Chairman and Deputy Chairman of the said Company for the Time being shall have the Custody of and be responsible for the Common Seal of the said Company.

Provision as
to the Conti-
nuance and
future Elec-
tion of Di-
rectors.

No Person holding Office capable of being a Director.

XXI. Provided always, and be it further enacted, That no Person now or hereafter holding any Office or Place of Trust or Profit under the said Company, or being concerned or interested directly or indirectly in any Contract with the said Company, shall be capable of being or continuing to be a Director of the said Company, nor shall any present or future Director be capable of accepting any other Office or Place of Trust or Profit under the said Company, or being concerned or interested in any Contract with the said Company, during the Time he shall be a Director of the said Company; and if any present or future Director of the said Company hath now or shall at any Time subsequently to his Election accept or continue to hold any other Office or Place of Trust or Profit under the said Company, or is now or shall either directly or indirectly be concerned in any Contract with the said Company, or doth or shall participate in any Manner in any Work to be done for the said Company, such Director shall thereby be disqualified for voting or acting at any succeeding Meeting of Directors, and his Office shall become vacant.

Sale of Shares after Call made not to exempt Seller from Payment.

XXII. And whereas it is enacted by the said recited Act, that no Person or Persons shall sell or transfer any Share which he, she, or they shall possess in the said Undertaking after any Call shall have been made by the Directors of said Company for any Sum of Money in respect of such Share, unless he, she, or they at the Time of such Sale or Transfer shall have paid the full Sum Money which shall have been called for in respect of such Share so to be sold or transferred, on the Pain of forfeiting his, her, or their respective Shares to the said Company in manner mentioned in the said recited Act; be it hereby further enacted, That no such Sale or attempted Sale shall exempt such Person or Persons from Liability for Payment of the Sums of Money which shall have been called for in respect of each such Share, but the said Company shall have as full and complete Powers to enforce Payment thereof from the Seller as if no such Sale or Sales had been made or attempted to be made; and until Payment of such Money as aforesaid it shall not be lawful for any Purchaser, or any Person in his Behalf, to attend any Meetings of Shareholders in said Company, or to exercise or enjoy any of the Powers, Rights, or Privileges of a Shareholder.

Transferences may be printed.

XXIII. And whereas it would be convenient if Transferences or Conveyances of a Share or Shares of the said Company's Stock, instead of being wholly in Writing and kept by the Purchasers as directed by the said recited Act, were made as herein-after mentioned, and kept by the Company; be it therefore enacted, That all Transferences or Conveyances of a Share or Shares of the said Company's Stock may be either in Writing or printed, or partly in Writing and partly printed; and such Transferences or Conveyances, if duly stamped according to Law, shall be equally valid and effectual to all Intents and Purposes as if the same were wholly in Writing; and such Transferences or Conveyances shall be kept by the said Company, and an Endorsement of the Transfer made on the Certificate of the Share or Shares transferred, or a new Certificate thereof granted

granted by the Secretary of the Company to the Purchaser or Purchasers.

XXIV. And be it further enacted, That in all Cases where the Verdict of Jury summoned as by the said recited Act directed shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands or Heritages used or taken by them, or as Compensation for any Damage done to any Lands or Heritages, the reasonable Fees which may have been paid to One Counsel for attending the Inquiry before such Jury by the Party with whom the said Company may be in dispute shall be paid by the said Company, and the Amount of such Fees shall be settled and determined by the Sheriff or Sheriff Substitute presiding at the Inquest, in like Manner as the Costs of summoning such Jury and other Expences payable by the said Company.

Expences of Counsel to be allowed in the Taxation of Costs.

XXV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands to be purchased, taken, or used under the Authority of the said recited Act, or from any other Cause except the wilful Refusal of such Person or Corporation to convey the said Lands, or to accept the Purchase or Compensation Money, the Purchase Money for the same, or the Money paid for such Compensation, shall be required to be paid into a Bank as provided by the said recited Act, it shall be lawful for the Court of Session to order the reasonable Costs, Charges, and Expences attending any such Purchase, taking or using such Lands, and also all the Costs, Charges, and Expences of the Investment of the Purchase or Compensation Money, and the Reinvestment of the same in the Purchase of other Lands, together with the necessary Costs and Charges of obtaining the proper Orders, and all other Proceedings for such Purposes, except such as may be occasioned by Litigation between Claimants, and for the Payment of the Dividends and Interest of such Money, and for the Payment out of Court of the Principal of such Purchase or Compensation Money, to be paid by the said Company, and the said Company shall from Time to Time pay such Sums of Money for the Costs, Charges, and Expences herein-before mentioned as the said Court shall direct.

The Court may order reasonable Expences of Purchases to be paid by the Company.

XXVI. Provided always, and be it further enacted, That whenever the said Company shall have occupied or shall hereafter occupy, under the Provisions of the said recited Act, any Land for temporary Purposes, the said Company shall pay to the Owner and Occupier of the said Land for the Time being full Compensation for the Occupation of the same, and for any temporary Injury such Owner and Occupier may sustain in consequence of the Occupation of the same, the Amount of which Compensation, whether the same shall exceed or be less than Twenty Pounds, shall be settled, from Time to Time as such Compensation shall be claimed, by the Sheriff or any Two Justices of the County of *Edinburgh*, and shall be recovered in the same Manner as Debts and Damages are directed to be recovered from the said Company by the said recited Act: Provided always, that

Provision as to temporary Occupation of Lands.

that the permanent Injury or Damage, if any, which may be done to the said Land shall be settled as directed by the said recited Act.

Penalty for entering on Lands before purchased.

XXVII. And be it further enacted, That if the said Company or any of their Contractors shall wilfully enter upon and take possession of any Lands, except for the Purposes and according to the Provisions herein-before mentioned, without the Consent of the Persons in Receipt of the Rents, or of the Occupiers thereof, or without having made or tendered Payment for the same in manner by the said recited Act directed, the said Company shall forfeit and pay to the Party in Possession or in Receipt of the Rents of such Lands the Sum of Ten Pounds, over and above the Amount of any Damage done to the said Lands by reason of such Entry and taking possession thereof as aforesaid, such Penalty and Damage respectively to be recovered before the Sheriff or any Two Justices of the Peace of the County of *Edinburgh*; and if the said Company or their Contractors shall, after Conviction in such Penalty as aforesaid, or after Notice from the Party in Receipt of the Rents and Profits of such Lands, continue in the unlawful Possession of the said Lands after a reasonable Time allowed them for removing therefrom, the said Company shall be liable to forfeit and pay the Sum of Five Pounds for every Day they or their Contractors may so remain in Possession as aforesaid, such Penalty to be recoverable by the Party in Possession or in the Receipt of the Rents of the said Lands, with full Costs of Suit: Provided always, that nothing herein contained shall be held to subject the said Company to the Payment of any such Penalties as aforesaid if they shall *bonâ fide* and without Collusion have paid or tendered or deposited the Compensation agreed on or awarded to be paid in respect of the said Lands to any Person whom the said Company may have reasonably believed to be legally entitled to receive the same, although such Person may not have been legally entitled thereto, or shall have deposited the same incorrectly; nor shall any Decision of the Sheriff or Justices under the Provisions herein-before contained be held conclusive as to the Right of Entry by the said Company: Provided also, that in case the said Company shall have given Notice of this Provision to any Contractor or Contractors, the said Company shall be entitled to recover from such Contractor or Contractors any Penalty in which they may have been convicted in consequence of the Acts of such Contractor or Contractors, or his or their Servants, Agents, or Workmen, done without the express Authority of the said Company.

Bye Laws to be approved by Sheriff.

XXVIII. And whereas by the said recited Act the said Company are empowered to make Bye Laws, Rules, and Regulations, and to impose Penalties for the Nonobservance thereof; be it enacted, that no Bye Laws, Rules, or Regulations already made by the said Company, except such as relate solely to the Proprietors or Directors of the said Company, or to any of their Officers or Servants, shall continue in force for a longer Space of Time than Six Calendar Months next after the passing of this Act, unless the same shall, previously to the Expiration of that Period, have been submitted to and approved by the Sheriff of the County of *Edinburgh*, and that no Bye Law, Rule, or Regulation (excepting as aforesaid) which shall

shall be made by the said Company after the passing of this Act shall have any Operation or Effect until the same shall have been in like Manner approved by the said Sheriff, but every such Bye Law, Rule, and Regulation when approved as aforesaid shall be binding and conclusive upon all Persons whomsoever.

XXIX. And be it further enacted, That the said Company shall and they are hereby required, in each and every Year, to cause an annual Account or Abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied under or by virtue of this or the said recited Act, for the Year ending on some convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account duly audited and certified by the Clerk for the Time being of the said Company, and shall transmit a Copy of the said Account, free of Charge, to the Clerk of the Peace for the County of *Edinburgh* on or before the First Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit or neglect to prepare and transmit, or cause to be prepared and transmitted, such Account as aforesaid, they shall forfeit and pay for every such Omission or Neglect the Sum of Twenty Pounds.

Annual Account to be made up, and a Copy to be transmitted to the Clerk of the Peace.

XXX. And whereas it is enacted by the said recited Act, that no Claim or Action of Damages or other Causes in respect of any thing done or caused by the said Company, or by the Directors thereof, or any Officer or Officers, Person or Persons, appointed or authorized by them, in the Execution of the said Act, should be competent against the said Company, or any others acting under their Appointment, nor should any Claim or Action for Penalties be competent, unless the same should be commenced within Two Months after the Fact so done; be it enacted, That the said Provision above recited shall, excepting as to Facts done previously to the passing of this Act, be and the same is hereby repealed:

Clause of recited Act respecting Limitation of Actions repealed.

XXXI. And be it further enacted, That if the said Company shall not within the Space of Two Years from the passing of this Act purchase the Lands, Grounds, and Heritages required for the Purposes of this Act, then and from thenceforth the Powers and Authorities hereby granted for enabling them to purchase and take or use the same shall, so far as relates to the Premises not purchased, cease, determine, and be utterly void, (save and except or unless the said several Powers be exercised or carried into effect with the Consent of the then respective Owners and Occupiers of such last-mentioned Lands, Grounds, and Heritages,) any thing herein contained to the contrary thereof in anywise notwithstanding.

If Property not purchased within Two Years compulsory Powers to take it to cease.

XXXII. And be it further enacted, That in case the said Railway or Railways or other Works connected therewith intended to be made under the Authority of this Act shall not have been completed, if not prevented by inevitable Accident or other unavoidable Impediment, so as to answer the Objects of this Act within the

Powers of this Act to cease if Works not completed within Five Years.

Space of Five Years from the passing thereof, then and from thenceforth all the Powers and Authorities given by this and the before-recited Act shall cease and determine, save only as to such and so much of such Works as shall have been completed within such Time, and save also as to such Matters as shall have been transacted and such Agreements as shall have been made in pursuance of the Powers herein and in the before-recited Act contained, and so that the said Company be not discharged from any Liability or Obligation to any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, or Company, arising out of the Provisions herein or in said recited Act contained.

Railway not to be exempt from Provisions of any General Act.

XXXIII. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by this and the said recited Act authorized to be made from the Provisions of any General Act relating to Railways which may pass during the present or any future Session of Parliament.

For defraying Expences of this Act.

XXXIV. And be it further enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and of making the Surveys, 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 and received and out of the first Money to be raised or received by virtue of the said recited Act and this Act, in preference to any other Payments whatsoever.

Public Act.

XXXV. And be it further 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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