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VICTORIÆ REGINÆ.

Cap. cxxiii.

An Act to enable the *Caledonian* Railway Company to construct Branch Railways from their Line near *Edinburgh* to *Granton*; and for other Purposes. [10th August 1857.]

WHEREAS it would be of public and local Advantage if the *Caledonian* Railway Company were empowered to construct Branch Lines of Railway from their Railway near *Edinburgh* to the Pier and Harbour at *Granton*: And whereas the Persons herein-after named, and others, are willing to defray the Expense of constructing such Branch Railways upon receiving Shares in the *Caledonian* Railway Company to the Amount of such Expense, and it is expedient that such Shares should be separated from the general Capital of that Company, so that the Revenue arising from the said Branch Railways may be appropriated to the Benefit of the Persons by means of whose Funds such Works shall be constructed, and that Powers should be granted for creating such separate Shares as afore-said, and for enabling the *Caledonian* Railway Company to allot the same to the Persons advancing the Funds required for constructing the said Branch Railways: And whereas, in virtue of an Act passed in the Seventh Year of the Reign of King *William* the Fourth, Chapter Fifteen (Local and Personal), and of another Act passed in

[*Local.*]

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the

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the Second Session of the Fifth Year of the Reign of Her present Majesty, Chapter Nineteen (Local and Personal), his Grace *Walter Francis Duke of Buccleuch and Queensberry* is the Proprietor of the Pier, Breakwater, Harbour, and other Works at *Granton* with which it is intended that the proposed Branch Railways should be connected; and it is expedient that the *Caledonian Railway Company* and the said Duke of *Buccleuch and Queensberry* should be empowered to enter into Agreements with each other for the Use of the said Pier, Breakwater, Harbour, and other Works by Traffic conveyed upon the said Branch Railways; but these Objects 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, as follows; (that is to say,)

Short Title. I. In citing or referring to this Act for any Purpose or on any Occasion it shall be sufficient to use the Expression "The *Caledonian Railway (Granton Branches) Act, 1857.*"

"The Company." II. In this Act the Expression "the Company" shall mean the *Caledonian Railway Company.*

8 & 9 Vict. cc. 19. & 33. incorporated. III. "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall, for the Purposes of the new Works authorized by this Act, be incorporated with this Act.

Power to make Railways according to deposited Plans. IV. Whereas Plans and Sections showing the Lines and Levels of the Railways after mentioned, and a Book of Reference to the said Plans, have been deposited for public Inspection in the Office at *Edinburgh* of the Principal Sheriff Clerk of the County of *Edinburgh*: It shall be lawful for the Company, with the Powers of Deviation and other Powers and subject to the Provisions contained in this Act and in the Acts incorporated herewith, to make and maintain in the Lines and upon the Lands delineated on the said Plans and described in the said Book of Reference, and according to the Levels defined on the said Sections, the Railways herein-after described, and all proper Works and Conveniences in connexion therewith, and to enter upon, take, and use such of the said Lands as they may find necessary for these Purposes; (that is to say,)

First. A Railway commencing by a Junction at a Point near *Tynecastle Toll Bar* in the Parish of *Saint Cuthbert* with the Railway constructed by the Company from their Main Line to the *Haymarket Station* of the *Edinburgh and Glasgow Railway*, and terminating

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terminating at a Point near to the Southern End of the Pier at *Granton* in the Parish of *Cramond*; and,

Secondly. A Branch Railway commencing by a Junction with the Railway herein-before authorized at a Point near *Caroline Park House*, and terminating at a Point near to the Southern End of the Breakwater on the Western Side of the said Pier, all in the Parish of *Cramond*.

V. It shall be lawful for the Company to carry the Railway herein-before secondly authorized, by not more than Two Lines of Railway, across the Surface of the Road numbered 44, in the Parish of *Cramond*, on the said deposited Plans: Provided always, that Carriages and Engines shall not be allowed to shunt over or stand on the Crossing of the said Road.

A certain Road may be crossed on the Level.

VI. The Company shall for the Security and Convenience of the Public erect and maintain either a Station or a Lodge at the Point where the said Railway shall cross the before-mentioned Road on the Level thereof, and shall be subject to and abide by all such Rules and Regulations with regard to the crossing of such Road on the Level, or with regard to the Speed at which Trains shall pass such Road, as may from Time to Time be made by the Board of Trade; and if the Company shall fail to erect or at all Times maintain such Station or Lodge, or to appoint a proper Person to watch or superintend the Crossing at such Point or Station, or to observe or abide by any such Rules or Regulations as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Company to erect Station or Lodge where Road crossed on the Level.

VII. It shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the public Safety, at any Time, either before or after the Railway hereby authorized to be carried across the said Road on the Level thereof shall have been completed and opened for public Traffic, to require the Company, within such Time as the said Board shall direct, and at the Expense of the Company, to carry the said Road either over or under the Railway by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board best adapted for removing or diminishing the Danger arising from such level Crossing.

Board of Trade may require Bridge to be erected in lieu of level Crossing.

VIII. It shall be lawful for the Company to construct the Arch of the Bridge for carrying the Railway herein-before first authorized over the Road numbered 15, in the Parish of *Cramond*, on the said deposited Plans, of such Dimensions as they may think fit, provided

Regulating the Dimensions of a certain Bridge.

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there be left under the said Arch a clear Width of Thirty Feet, and a clear Height of Fifteen Feet for the Space of Twelve Feet.

Power to
stop up a
Road.

IX. It shall be lawful for the Company permanently to stop up the Road numbered 42, in the Parish of *Cramond*, on the said deposited Plans.

For Pro-
tection of
Lands, &c.
of Edin-
burgh and
Glasgow
Railway
Company.

X. Nothing herein contained shall be held to authorize the Company to enter upon any Lands belonging to the *Edinburgh and Glasgow* Railway Company without the previous Consent in Writing of such Company first had and obtained, except for the Purposes of this Act, nor to purchase or acquire any such Lands, nor to alter or vary the Line or Levels or Width of the *Edinburgh and Glasgow* Railway without such Consent as aforesaid; nor shall it be in the Power of the Company to interfere with the said Railway except for the Purpose of passing over the same in the Manner herein provided for, or in any Manner to interrupt the Traffic passing on the said last-mentioned Railway.

As to Bridge
over Edin-
burgh and
Glasgow
Railway.

XI. The Company shall carry the Railway hereby first authorized over the *Edinburgh and Glasgow* Railway by means of a Bridge or Viaduct of the following Construction and Dimensions; (that is to say,) the said Bridge or Viaduct shall consist of One Arch having a clear Width between the Abutments or Piers of not less than Fifty Feet, and shall be so placed as that the Centre of the existing Lines of Rails belonging to the said *Edinburgh and Glasgow* Railway Company shall be the Centre thereof; and that the Space or Ground under such Arch shall and may be used by the last-mentioned Company, the clear Height of the said Arch shall not be less than Sixteen Feet above the Level of such Rails at the Centre, and not less than Fourteen and a Half Feet above the Level of the said Rails at the Distance of Seven Feet from the Abutments, and not less than Thirteen and a Half Feet above the Level of the said Rails at the Distance of Two Feet from the Abutments of such Arch respectively, measuring towards the Centre thereof; and the said Bridge or Viaduct shall be of such Materials as the Engineer for the Time being of the Railways hereby authorized may think proper, and shall be constructed at the Sight and to the Satisfaction of the Engineer for the Time being of the *Edinburgh and Glasgow* Railway, and in such Manner as not in any way to endanger the Safety of the said *Edinburgh and Glasgow* Railway or any of the Works connected therewith, or to obstruct the working of the last-mentioned Railway; and in case of any Differences of Opinion, the Matter in dispute shall be referred to Arbitration or to the Decision of the Board of Trade, in the Option of the *Edinburgh and Glasgow* Railway Company.

XII. Pro-

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XII. Provided always, That nothing herein contained shall extend to alter, vary, prejudice, or diminish any of the Rights, Powers, Privileges, or Authorities vested in the *Edinburgh and Glasgow* Railway Company by virtue of the Acts relating to such Company, or any of them, except as herein-before expressly provided.

Saving Rights of the Edinburgh and Glasgow Railway Company.

XIII. And whereas in the Session of Parliament holden in the Year One thousand eight hundred and forty-six the *Caledonian* Railway Company, being Promoters of a Bill for forming a Railway from their Line near *North Merchiston* to the Pier at *Granton*, which Line would have passed through Lands belonging to the Feoffees of Trust and Governors of *George Heriot's* Hospital, an Agreement dated the Twelfth Day of *May* One thousand eight hundred and forty-six was entered into by *John James Hope Johnstone*, Chairman of the said Company on behalf thereof, and by *Isaac Bayley* Clerk to and on behalf of the said Feoffees and Governors, whereby Compensation was agreed to be paid for the Lands of the said Feoffees and Governors that might be taken at a certain Rate *per Acre*, and the said Company became bound to take and pay at the same Rate, for whatever Ground should lie to the Westward of the proposed Line of the Field belonging to the said Feoffees and Governors, situated to the South of the *Edinburgh and Glasgow* Road, and certain other Stipulations were made betwixt the Parties as to the Mode of ascertaining the Damage and in other Particulars: And whereas the said Bill was not passed into a Law, but an Act of the Tenth and Eleventh *Victoria*, Chapter Two hundred and thirty-seven, was passed in the next Session of Parliament, whereby Authority was given to the said Company to construct a Branch Line to *Granton*, passing through the Lands of the said Feoffees and Governors, and by Arrangement between the Parties the Agreement before recited was made applicable to the Damage to be suffered by the said Feoffees and Governors under the said Act: And whereas the Branch Line authorized by the said Act has not been executed, and in the Year One thousand eight hundred and fifty-one the said Feoffees and Governors laid out their Lands of *Wester Coates* to the North of the *Edinburgh and Glasgow* Road to be feued for Villas, with Pleasure Grounds connected therewith, and a considerable Number of the Lots so laid out have been feued by different Parties, and Obligations by the said Parties and by the said Feoffees and Governors have been undertaken in regard thereto: And whereas the Line of the proposed Railway will intersect the said Ground: Be it enacted, That the Agreement before recited, entered into in regard to the Bill of the Year One thousand eight hundred and forty-six, shall be applicable to the Compensation to be paid by the Company to the said Feoffees and Governors for Lands to be taken under this Act, and in other Particulars: Provided always, that the Company shall, instead of the

Agreement between Caledonian Railway Company and Heriot's Hospital in 1846, to apply to Compensation for Lands taken under this Act.

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Lands

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Lands to the Westward of the proposed Line of the Year One thousand eight hundred and forty-six, and to the South of the *Edinburgh and Glasgow Road*, which they were by the said Agreement bound to take and pay for, be bound to take and pay for that Portion of the Ground belonging to the said Feoffees and Governors lying to the West of the present proposed Line, on the North Side of the said *Edinburgh and Glasgow Road*.

No Deviation to the Westward in passing through Lands of Sir J.A. Murray.

XIV. In constructing the Line of Railway authorized by this Act through the Lands belonging to Sir *John Archibald Murray*, the Centre Line thereof shall not be deviated to the Westward of the Centre Line of Railway as laid down on the Plans deposited as aforesaid.

Lands for extraordinary Purposes.

XV. The Quantity of Land to be purchased by Agreement by the Company in connexion with the Railways by this Act authorized to be made for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall not exceed Five Acres.

Power to Parties having limited Interests to feu Lands, &c.

XVI. It shall be lawful for all Parties having a limited Right or Interest in any Lands required to be taken or used for the Purposes of this Act, or being under any Disability or Incapacity to sell or convey withing the Meaning of Section Seven of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and being only entitled to sell or convey such Lands under the Powers by this Act and the said Lands Clauses Consolidation Act granted, to sell and convey to the Company such Lands, or any Part thereof, in consideration of an annual Feu Duty or Ground Annual payable by the Company to such Parties and their Successors in the Lands so conveyed, and that in the Form prescribed by the said Lands Clauses Consolidation Act with respect to Conveyances in consideration of Feu Duties or Rent-charges by Parties entitled absolutely to dispose of Lands.

Grassums not to be taken.

XVII. Provided always, That it shall not be lawful for the Company to pay, nor for any Party having a limited Interest in or being under Disability or Incapacity to sell or convey any Lands as aforesaid to receive or take, any Grassum, Fine, or Premium, or any Consideration in the Nature thereof, for the Lands to be so conveyed, other than the annual Feu Duties or Ground Annuals made payable by such Conveyance; and the Amount of such Feu Duties or Ground Annuals shall be ascertained and settled by Valuers, in the Manner prescribed by the said Lands Clauses Consolidation Act with respect to the Valuation of Lands sold by Agreement by Parties under legal Disability or Incapacity to convey as aforesaid.

XVIII. All

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XVIII. All Feu Duties or Ground Annuals for any Lands required for the Purposes of the Railways hereby authorized, and made payable by any Conveyance under this Act or the said Lands Clauses Consolidation Act, shall be a First Charge on the Tolls and Rates leviable under this Act, anything in this Act or in any of the Acts herewith incorporated to the contrary notwithstanding; and if at any Time any such Feu Duties or Ground Annuals remain unpaid for Thirty Days after they respectively become payable, it shall be lawful for the Party entitled for the Time being to Payment of such Feu Duties or Ground Annuals to recover the same from the Company, with Interest and Costs, either by Action before the Sheriff Court of the County of *Edinburgh*, or summarily by Poining and Sale of the Goods and Effects of the Company, on Application by Petition to the Sheriff of the said County; and it shall not be lawful for any such Party to resume Possession of the Lands so conveyed, or to proceed by any Action of Declarator or Reduction, or by Real Diligence, or any other Process whatever (saving as herein-before mentioned) in respect thereto, or in respect to the said Feu Duties or Ground Annuals: Provided always, that it shall be lawful for the Company, in the event of any of such Feu Duties or Ground Annuals being so recovered from them, to retain the Amount thereof, with the Interest and Costs disbursed and incurred by them in relation thereto, from the Tolls, Rates, and Revenues arising upon the Railways by this Act authorized, before dividing the same among the Holders of the *Caledonian Railway Granton* Shares as herein-after provided.

Provision for recovering all Feu Duties.

XIX. In the event of the Company agreeing with any Party, under the Powers of this Act or of the said Lands Clauses Consolidation Act, for the Purchase of any Lands, or any Right or Interest therein, in consideration of an annual Feu Duty or Ground Annual, the Powers by this Act granted for borrowing on Mortgage or Bond shall be reduced by an Amount equal to Twenty Years Purchase of the Feu Duty or Ground Annual so payable.

If Lands purchased by way of Feu, borrowing Powers to be reduced proportionally.

XX. 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 Two Years from the passing of this Act.

Powers for compulsory Purchases limited.

XXI. The Railways by this Act authorized shall be completed within Four Years from the passing of this Act, and on the Expiration of that Period the Powers hereby granted to the Company for making the said Railways shall cease, except as to so much thereof as shall then be completed: Provided always, that if the said Railways shall not be completed and opened for public Traffic within the said Period of Four Years, the Payment of any Dividend on the ordinary and unguaranteed Capital of the Company shall, after the Expiration of that

Time for Completion of Works limited.

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that Period, be suspended until the said Railways shall be so completed and opened.

Tolls.

XXII. The Railways by this Act authorized shall, as regards Tolls, Rates, and Charges, be considered a Part of the *Caledonian* Railway made under "The *Caledonian* Railway Act, 1845;" and it shall be lawful for the Company, subject to the Conditions, Limitations, and Provisions contained in "The *Caledonian* Railway Act, 1845," to demand and recover for the Use of the Railways hereby authorized and the Conveyance of Traffic thereon, the same Tolls, Rates, and Charges which the Company are authorized by that Act to demand and recover for the Use of the Railways thereby authorized and the Conveyance of Traffic thereon: Provided always, that with respect to small Parcels (that is to say, Packages not exceeding Five hundred Pounds Weight each), instead of the Tolls in the last-mentioned Act prescribed, the Company may lawfully demand, for the Carriage of such Packages upon the Railways by this Act authorized to be made or any Part thereof, Tolls not exceeding the following; (that is to say,)

Tolls for small Parcels.

For any Parcel not exceeding Seven Pounds in Weight, Threepence:

For any Parcel exceeding Seven Pounds and not exceeding Fourteen Pounds in Weight, Sixpence:

For any Parcel exceeding Fourteen Pounds and not exceeding Twenty-eight Pounds in Weight, Ninepence:

For any Parcel exceeding Twenty-eight Pounds and not exceeding Fifty-six Pounds in Weight, One Shilling:

For any Parcel exceeding Fifty-six Pounds and not exceeding Five hundred Pounds in Weight the Company may demand any Sum which they think fit:

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, (such as Bags of Sugar, Coffee, Meal, and the like,) shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages, and to Parcels not being aggregate Quantities of the same Description of Article sent in the same Package.

Power to Company and Duke of Buccleuch to enter into Agreements for Use of Granton Harbour.

XXIII. It shall be lawful for the said *Walter Francis* Duke of *Buccleuch and Queensberry*, and his Heirs and Successors, and for the Company, to enter into Agreements with each other in regard to the Fixing and Collection of the Tolls, Rates, and Dues payable in respect of any Goods, Minerals, Animals, Articles, Matters, or Things passing to, from, or over the Railways hereby authorized, or any Part thereof, which shall pass over or use or be shipped or unshipped at the said Pier, Breakwater, or Harbour at *Granton*, or any of the Works connected therewith, and in regard to the Use of the said Pier, Breakwater, Harbour, and Works, including the laying down and Use

of

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of Rails and other Conveniences on the said Pier and Breakwater for the Accommodation of such Traffic: Provided always, that no such Agreement shall in any Manner alter, affect, increase, or diminish any of the Tolls, Rates, or Dues which the respective Parties to such Agreement shall for the Time being be respectively authorized and entitled to demand or receive from any other Person or Company, but that all other Persons and Companies shall, notwithstanding any such Agreement, be entitled to the Use and Benefit of any of the said Works and Railways upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Dues, as they would have been in case no such Agreement had been entered into.

XXIV. It shall be lawful for the Company and they are hereby required to raise, in addition to the Sums which they are or may be authorized to raise by any other Act of Parliament, the farther Sum of Sixty thousand Pounds by the Creation of new Shares, which Sum shall be raised subject to the like Conditions and Restrictions as to the maximum Amount of each Call, and the Interval between the successive Calls, as are prescribed by "The *Caledonian Railway Act, 1845*," in relation to the Capital thereby authorized to be raised; and the new Shares so created shall be a separate Stock, denominated "*Caledonian Railway Granton Stock*," and shall not form Part of the general Capital of the Company, but the Moneys to be raised by the Issue thereof shall be applied exclusively towards the Construction of the Railways and other Works authorized by this Act.

Power to raise Money by Creation of Shares forming a separate Stock.

XXV. The said separate Stock shall be divided into One thousand two hundred Shares of the nominal Value of Fifty Pounds each, which shall be denominated "*Caledonian Railway Granton Shares*," and shall be separately numbered, and entered in a separate Register of Shareholders, and separate Certificates shall be issued for the same, all in the Manner prescribed by "The Companies Clauses Consolidation (*Scotland*) Act, 1845."

Separate Stock to be divided into Shares, separately numbered and registered.

XXVI. It shall be lawful for the Company to allot and issue the said *Caledonian Railway Granton Shares* to his Grace *Walter Francis Duke of Buccleuch and Queensberry, Daniel Ainslie, Thomas Salkeld, William Johnston, Philip Black, Thomas Hill, and John McDowall*, or such of the said Persons as have become bound, and to such other Person or Persons as have along with them become bound, or may hereafter become bound, to advance the Funds required for the Construction of the Railways and other Works herein-before authorized, such Shares being allotted and issued to the said several Persons to the Extent and in proportion to the Amount of Money which they shall respectively have become bound to advance as aforesaid.

Shares to be issued to the Persons advancing the Funds required for the Construction of the Works before specified.

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XXVII. The

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Subscription
Contract to
be valid.

XXVII. The Subscription Contract which, pursuant to the Standing Orders of Parliament, was entered into with respect to the Undertaking authorized by this Act previously to the Commencement of the last Session of Parliament, shall be as valid and shall be construed as if this Act had been passed in the said last Session.

Power to
borrow on
Mortgage.

XXVIII. After the whole of the said Sum of Sixty thousand Pounds shall have been subscribed, and One Half thereof shall have been paid up, it shall be lawful for the Company from Time to Time to borrow on Mortgage or Bond, and if paid up again to borrow, any Sum or Sums of Money not exceeding in all Twenty thousand Pounds, in addition to the Amount which they are or may be authorized to borrow by any other Act of Parliament: Provided always, that the Sums so to be borrowed under the Powers of this Act shall be applied only to the Objects and Purposes by this Act authorized: Provided also, that all Mortgages and Bonds for which or for the Interest whereof the Company are lawfully liable, and which are in force at the Time of the passing of this Act, and all Renewals thereof, shall during their Subsistence have Priority, in respect of the Undertaking of the Company other than the Railways by this Act authorized, over any Mortgage, Bond, or other Security for Money to be granted by the Company under the Powers of this Act.

Certain Pro-
visions of
8 & 9 Vict.
c. 17. herein
named in-
corporated.

XXIX. Subject to the Provisions of this Act, all the Clauses and Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Distribution of the Capital of the Company into Shares, and with respect to the Transfer or Transmission of Shares, and with respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls, and with respect to the Forfeiture of Shares for Nonpayment of Calls, and with respect to the borrowing of Money by the Company on Mortgage or Bond, and with respect to the Conversion of the borrowed Money into Capital, and with respect to the Consolidation of the Shares into Stock, and with respect to the General Meetings of the Company and the Exercise of the Right of voting by the Shareholders, shall be incorporated with this Act, and shall be applicable to the Moneys hereby authorized to be raised and borrowed: Provided always, that each Holder of new Shares or Stock in the Capital by this Act authorized to be raised shall be entitled to the same Number of Votes in respect thereof which the Possession of an equal nominal Amount in Money of the Capital authorized by "The *Caledonian Railway Act, 1845,*" would have conferred upon him.

Separate
Accounts to
be kept of
Receipts and

XXX. A separate Account, to be called "*Caledonian Railway Granton Capital Account,*" shall be kept of the Moneys raised and borrowed under the Powers of this Act, and of the Moneys expended upon

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upon and in relation to the Construction of the Railways and other Works hereby authorized; and a separate Account, to be called "*Caledonian Railway Granton Revenue Account*," shall also be kept, in manner herein-after provided, of the Tolls, Rates, and Charges arising from the Use of the said Railways and Works, and the Conveyance of Traffic thereon, and other Receipts arising therefrom, and of the annual Burdens and Charges affecting the same; and the net Profits as herein-after defined arising from such Tolls, Rates, Charges, and other Receipts, after deducting the annual Burdens and Charges affecting the said Railways and Works as aforesaid, shall belong to and be divided exclusively among the Holders of the said *Caledonian Railway Granton* Shares rateably and in proportion to the Number of Shares held by them respectively: Provided always, that the Holders of the said Shares shall not be entitled to participate to any Extent in the other Profits of the Company, nor shall they or the Railways or other Works hereby authorized be to any Extent liable for the Debts or Obligations of the Company, except in so far as the same may be incurred in relation to the said Railways and other Works: Provided also, that except in so far as otherwise expressly provided by this Act, the said Railways and Works shall be and be considered a Part of the *Caledonian Railway*, and the Holders of the said Shares shall have the same Right of voting at Meetings of the Company as the other Shareholders thereof.

Expenditure in relation to Railways authorized by this Act, and whole Profits to belong to Holders of separate Stock, who shall not participate in general Profits of Company.

XXXI. For the Purpose of ascertaining the gross Amount of the Tolls, Rates, and Charges arising from the Use of the Railways and Works hereby authorized, and the Conveyance of Traffic thereon, there shall be placed to the Credit of the *Caledonian Railway Granton Revenue Account*, in the first place, the Amount of the whole Tolls, Rates, and Charges received by the Company in respect of Traffic passing or conveyed on or over the said Railways or any Part thereof, and not on or over any other Portion of the Undertaking of the Company, under Deduction of the Amount of any Pier, Harbour, or other Dues incurred by the Company to the said Duke of *Buccleuch and Queensberry*, or his Heirs or Successors, in respect of such Traffic; in the second place (in lieu of the ordinary terminal Allowances), the following terminal Allowances in respect of Through Traffic, (*viz.*, Traffic passing or conveyed not only on or over the said Railways or some Part thereof, but also on or over some other Portion of the Undertaking of the Company,) that is to say, Threepence *per* Ton in respect of Coal and Coke, Fourpence *per* Ton in respect of Pig Iron, Ninepence *per* Ton in respect of all other Minerals, and One Shilling and Sixpence *per* Ton in respect of all other Goods, Articles, Matters, and Things; and in the third place, a Proportion (corresponding in each Case to the Distance travelled on the Railways hereby authorized as compared with the total Distance travelled thereon and on any other Portion

For ascertaining gross Revenues on Railways authorized by this Act.

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Portion of the Undertaking of the Company) of the gross Amount of Tolls, Rates, and Charges received by the Company in respect of such Through Traffic, after deducting from such gross Amount the full terminal Allowances which would, if the Railways hereby authorized and the Remainder of the Undertaking of the Company had belonged to separate Companies, have been payable in respect of such Through Traffic to both of such Companies according to the Practice of the Railway Clearing House, and any Pier, Harbour, or other Dues incurred by the Company to the said Duke of *Buccleuch and Queensberry*, or his Heirs and Successors, in respect of such Through Traffic: Provided always, that in calculating the aforesaid Proportion of gross Receipts in respect of Through Traffic, the Distance travelled on the Railways hereby authorized shall always be reckoned as Four Miles, and the total Distance travelled thereon and on any other Portion of the Undertaking of the Company shall be reckoned as Six Miles when the total Distance actually travelled shall not exceed Six Miles, and in all other Cases shall be reckoned according to the total Distance actually travelled.

For ascer-
taining net
Profits divi-
sible among
Holders of
separate
Stock.

XXXII. For the Purpose of ascertaining the net Profits divisible among the Holders of the said *Caledonian Railway Granton* Shares, there shall be placed to the Debit of the *Caledonian Railway Granton* Revenue Account, in the first place, the Amount of all Expenses actually incurred by the Company in loading and unloading Traffic at the Railways at *Granton*, and transferring the same by Cartage or otherwise between the Railway and the Side of the Vessel in or from which the same is shipped or unshipped, and in shipping and unshipping at the said Pier, Breakwater, and Harbour such Part of the said Traffic as consists of Coal, including the Expense of all Officers and Servants necessary for working the Traffic at the Station and Harbour at *Granton*; in the second place, Forty *per Centum* of the gross Amount of the Tolls, Rates, and Charges arising from the Use of the Railways and Works hereby authorized, and the Conveyance of Traffic thereon, ascertained as aforesaid, after deducting from such gross Amount the several Sums in the first place mentioned in this Section, which Per-centage shall belong to the Company in consideration of the Expense incurred by them in maintaining the said Railways and Works, and working the Traffic thereon; and in the third place, the Amount of the public and parochial Burdens chargeable in respect of the said Railways and Works, including Poor Rates, County Rates, Prison Assessments, and other Rates, Taxes, and Assessments, and the Taxes or Duties payable in respect of Passengers on the said Railways, and the Amount of the Interest on Money borrowed and applied to the Purposes of the said Railways and Works, and of any Feu Duties, Ground Annuals, Rents, and other Payments for Lands used for the said Purposes; and the Balance remaining at the Credit of the said

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said *Caledonian Railway Granton Revenue Account*, after deducting the various Sums specified in this Section, shall be held to be the net Profits arising from the said Railways and Works, and shall be divisible among the Holders of the said *Caledonian Railway Granton Shares* as aforesaid.

XXXIII. It shall be lawful for the Holders of the said *Caledonian Railway Granton Shares*, if they think fit, at the First Ordinary Meeting of the Company held after the passing of this Act, and at each subsequent Ordinary Meeting of the Company held in the Month of *August* or *September* in each Year, to elect an Auditor, who shall examine and audit the Accounts herein-before directed to be kept for the Period of Twelve Months ending at the Balance of such Accounts next preceding his Election, and shall ascertain whether such Accounts have been faithfully and accurately kept, and whether the Provisions of this Act in respect thereto have been fully complied with, and such Auditor shall report thereon to the next Ordinary Meeting of the Company; and the Directors of the Company shall furnish to such Auditor, when required by him, all such Accounts, Books, Documents, and Vouchers as he may find necessary for the proper Execution of the Duties of his Office: Provided always, that in such Election the Scale of voting shall be the same as is provided by "The Companies Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Exercise of the Right of voting by the Shareholders, and that it shall not be lawful for any Shareholder of the Company to vote in the Election of such Auditor in respect of any Shares other than the *Caledonian Railway Granton Shares* which may at the Time be held by such Shareholder: Provided also, that such Auditor shall receive a reasonable Remuneration for his Services out of the net Profits arising from the Railways and Works hereby authorized.

Power to Holders of separate Stock to appoint an Auditor.

XXXIV. It shall be lawful for any of the Holders of the said *Caledonian Railway Granton Shares*, at any Time within Two Months after the Creation of such Shares, to intimate by a Notice or Notices in Writing given to the Secretary of the Company their Desire to receive a fixed guaranteed Dividend in perpetuity, in lieu of the Proportion appertaining to the Shares held by them respectively, of the net Profits arising from the Railways and Works hereby authorized; and after receiving such Notice, the said Secretary shall call an Extraordinary Meeting of the Company, to be held as soon as conveniently may be after the Expiration of the said Period of Two Months; and it shall be lawful for the Company, by not less than Three Fifths of the Votes of the Shareholders present, personally or by Proxy, at such Meeting, to guarantee in perpetuity a fixed

Holders of separate Stock may require guaranteed Dividend.

[Local.]

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Dividend,

The Caledonian Railway (Granton Branches) Act, 1857.

Dividend, at a Rate not exceeding Five Pounds *per Centum per Annum*, upon the Shares in respect of which any such Notices shall have been given, and such Shares shall be separately entered in the aforesaid Register under the Denomination of "*Caledonian Railway Granton Guaranteed Shares*" and thereafter the Holders of such Shares shall be entitled to the fixed Dividend guaranteed as aforesaid, and the Company shall be entitled to the Proportion appertaining to such Shares of the net Profits arising from the said Railways and Works: Provided always, that no such Guarantee shall prejudice or affect any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock which may have been granted by the Company in pursuance of or which may have been confirmed by any of the Acts relating to the Company, or which may otherwise be lawfully subsisting.

Interest not
to be paid on
Calls paid up.

XXXV. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect to Shares, or by the Exercise of any Power of borrowing, to pay to any Shareholder 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 always, that the Company may pay 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 that Behalf of "*The Companies Clauses Consolidation (Scotland) Act, 1845.*"

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

XXXVI. It shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the Company authorized to be raised for the Purposes of such Act, 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 other Railway or execute any other Work or Undertaking.

Railways not
exempt from
Provisions of
present and
future Gene-
ral Acts.

XXXVII. Nothing herein contained shall be deemed or construed to exempt the Railways by this Act or any other Act relating to the Company authorized to be made from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, 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 authorized by this Act or the said *Caledonian Railway Act, 1845*, and of the Rates for small Parcels.

XXXVIII. All

The Caledonian Railway (Granton Branches) Act, 1857.

XXXVIII. All the Costs, Charges, and Expenses of applying for and obtaining this Act, and in any way incidental thereto, shall be paid by the Company, and placed to the Debit of the "*Caledonian Railway Granton Capital Account.*" Expenses of Act.

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