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VICTORIÆ REGINÆ.

Cap. clxxi.

An Act to authorize the *North British Railway Company* to make a Railway between the Two several Points in their Main Line in the Parish of *South Leith*; and for other Purposes.

[16th July 1866.]

WHEREAS a Railway from a Point in the Main Line of the *North British Railway* in the Parish of *South Leith* in the County of *Edinburgh* to another Point in the same Line in the same Parish would be of public Advantage, and the *North British Railway Company* (in this Act called "the Company") are willing, if authorized by Parliament, to make such Railway: And whereas it is expedient that the Company should be authorized to stop up the Road or Lane which leads from the Road between *Jock's Lodge Toll Bar* and *Restalrig* along the North-west Side of the *St. Margaret's Depôt* and Locomotive Works to the *London Road* near *Meadow Bank*, and to appropriate the Site thereof to the Purposes of the Undertaking: And whereas Plans and Sections of the proposed Railway showing the Line and Levels thereof and the Lands required for the Purposes of the Undertaking, and also Books of Reference to such Plans, have been deposited with the Principal Sheriff Clerks of the County of *Edinburgh* and County of the City of *Edinburgh* respectively:

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respectively:

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respectively : And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Short Title.

1. This Act may be cited for all Purposes as “ *The North British Railway (Saint Margaret's Diversion) Act, 1866.*”

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

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

Interpreta-
tion of
Terms.

3. In this Act the several Words and Expressions to which Meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction ; the Expression “ the Special Act ” shall mean this Act ; the Expression “ the Company ” shall mean the *North British Railway Company*.

Power to
make
Railway
according to
deposited
Plans.

4. Subject to the Provisions of this Act and of the Acts wholly or partially incorporated herewith, the Company may make and maintain in the Line and according to the Levels shown on the deposited Plans and Sections the Railway herein-after described, with all proper Stations, Approaches, Works, and Conveniences connected therewith, and may enter upon, take, and use such of the Lands delineated on the said Plans and described in the deposited Books of Reference as may be required for that Purpose. The Railway herein-before referred to and authorized by this Act is,—

A Railway

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A Railway Six Furlongs in Length commencing by a Junction with the Main Line of the *North British Railway* in the Parish of *South Leith* in the County of *Edinburgh*, and terminating by a Junction with the said Main Line in the same Parish.

5. The Railway and Works by this Act authorized shall form Part of the Undertaking of the Company. Railway, &c. to form Part of Undertaking.
6. The Company, with the Consent of Three Fourths of the Votes of the Shareholders present in person or by proxy at any General Meeting or General Meetings convened with special Notice of the Purpose, may raise by the Creation of new Ordinary or Preference Shares or Stock such additional Capital beyond the Amount which they may be authorized to raise by other Acts of Parliament as they think fit, not exceeding in the whole Forty thousand Pounds. Power to raise Capital by Shares or Stock.
7. All Shares or Stock to be created by the Company under the Authority of this Act shall, subject to the Provisions of this Act, form Part of the general Capital of the Company. Shares or Stock to form Part of Company's general Capital.
8. It shall not be lawful for the Company to issue any Share or Stock to be created under the Powers of this Act, nor shall any such Share or Stock vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share or Stock shall have been paid up in respect thereof. Shares not to issue until One Fifth paid up.
9. If by any other Act or Acts passed in the present Session of Parliament, and whether before or after the passing of this Act, the Company be authorized to raise any Capital by new Shares or Stock, then, subject to the Provisions of the other Act or Acts and this Act respectively, the Company, if they think fit, may raise, by the Creation and Issue of Shares or Stock of one and the same Class, all or any Part of the aggregate Capital which they are by the other Act or Acts and this Act respectively authorized to raise by the Creation and Issue of Shares or Stock. Capital under several Acts may be raised by Shares or Stock of One Class.
10. The Company, in addition to any Sums which they are authorized to borrow under other Acts of Parliament, may from Time to Time borrow on Mortgage any Sums not exceeding in the whole Thirteen thousand Pounds, but no Part thereof shall be borrowed until the whole of the said Capital of Forty thousand Pounds is subscribed for, issued, and accepted, and One Half thereof is paid up, and the Company have proved to the Sheriff who is to certify under the Forty-second Section of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," before he so certifies, that the whole of the said Power to borrow on Mortgage.

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said Capital has been issued and accepted, and that One Half thereof has been paid up, and that not less than One Fifth of the Amount of each separate Share or Sum of Stock has been paid on account thereof before or at the Time of Issue or Acceptance thereof, and that such Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers or their Assigns are legally liable for the same; and upon Production to such Sheriff of the Books of the Company, and of such other Evidence as he shall think sufficient, he shall grant a Certificate that the Proof aforesaid has been given, which Certificate shall be sufficient Evidence thereof.

Priority of
existing
Mortgages.

11. All Mortgages granted by the Company in pursuance of the Powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the Time of the passing of this Act, shall during the Continuance of such Mortgages, and as regards the Undertaking comprised in and assigned by such Mortgages, have Priority over all Mortgages to be granted by virtue of this Act.

Debenture
Stock.

12. The Company may create and issue Debenture Stock.

Application
of Money
raised under
Act.

13. All Monies raised under this Act, whether by Shares or Stock or borrowing, shall be applied for the Purposes of this Act only.

Lands for
extra-
ordinary
Purposes.

14. The Quantity of Land to be taken by the Company for the extraordinary Purposes specified in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," in connexion with the Railway and Works by this Act authorized, shall not exceed Half an Acre.

Powers for
compulsory
Purchases
limited.

15. The Powers of the Company for the compulsory Purchase of Land for the Purposes of this Act shall not be exercised after the Expiration of One Year from the passing of this Act.

Period for
Completion
of Works.

16. The Railway shall be completed within Three Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Power to
stop up
Road.

17. The Company may stop up and cause to be discontinued as a public Road the Road or Lane being numbered 30, 30 in the Parish of *South Leith* on the deposited Plans, leading from the Road between *Jock's Lodge* Toll Bar and *Restalrig*, passing along the North-west Side of the *St. Margaret's* Depot and Locomotive Works to a Point near *Meadow Bank*, where it terminates by a Junction with the

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the *London Road*, and may appropriate the Site and Situation thereof to the Purposes of the intended Railway Works.

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

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

19. The Company may demand and take in respect of the Railway by this Act authorized such Tolls and Charges as they think fit, not exceeding the Rates of Tolls and Charges authorized to be taken on the *Border Union Line* of the *North British Railway* under "The *Border Union (North British) Railways Act, 1859*," as modified by the Second and Third Sections of the Schedule (B.) to "The *North British and Edinburgh and Glasgow Railway Companies Amalgamation Act, 1865*;" and in estimating the Amount of Toll or Charge in respect of any Traffic conveyed partly on the Railway by this Act authorized and partly on any other Railways of the Company, the Railway by this Act authorized and such other Railways shall be deemed One Railway.

Railway Tolls.

20. The Company shall not, out of any Money by this or any other Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as is in conformity with "The *Companies Clauses Consolidation (Scotland) Act, 1845*."

Interest not to be paid on Calls paid up.

21. The Company shall not, out of any Money by this or any other Act authorized to be raised, pay or deposit any Sum which, by any Standing Order of either House of Parliament now or hereafter in force, 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 to execute any other Work or Undertaking.

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

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22. Nothing

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

22. Nothing herein contained shall be deemed or construed to exempt the Railway by this Act 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 or Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges or of the Rates for small Parcels authorized by this Act.

Expenses of
Act.

23. All Costs, Charges, and Expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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