



ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

Cap. lxxi.

An Act to enable the *Edinburgh and Dalkeith* Railway Company to make a Branch from the said Railway to the Town of *Dalkeith*, to extend the *Leith* Branch of the said Railway, and for other Purposes relating thereto.

[27th June 1834.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Railway* 7. G. 4. c. 89. from *Edinburgh* to the South Side of the River *North Esk*, near *Dalkeith* and *Newbattle*, with Branches therefrom, all in the County of *Edinburgh*, whereby certain Persons were incorporated by the Name and Style of “The *Edinburgh and Dalkeith* Railway Company,” with Powers to make the said Railway and Branches, and other Works as therein set forth, and to raise and borrow certain Sums of Money for that Purpose : And whereas another Act was passed in the Tenth Year of the Reign of His said late Majesty, intituled *An Act to enable* 10 G. 4. c. 122. the *Edinburgh and Dalkeith* Railway Company to raise a further Sum of

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of Money, to make a Branch from the said Railway to Leith, and for other Purposes relating thereto : And whereas the making and maintaining of a Branch from the main Line of the said Railway, at or near the Railway Bridge over the River *North Esk*, to or near the Town of *Dalkeith* in the County of *Edinburgh*, will be of great public Utility, by opening an improved Communication from the said Town to the City of *Edinburgh* and to the Harbour of *Leith*, and by affording a more easy and cheap Means of Conveyance of Corn and other agricultural Produce, and of various other Commodities, between the said Town and City and Port : And whereas it is expedient, for the more ready and convenient loading and unloading of Vessels in the said Harbour of *Leith*, that the Branch authorized to be made in virtue of the said last-recited Act should be extended from its Termination in the Harbour of *Leith* along the *Easter Quay* and adjoining the Street called the *Shore*, up to the lower Drawbridge of the said Harbour : And whereas certain additional Powers and Authorities are required by the said Company of Proprietors, and by the Proprietors of the said Branch Railway to *Leith*, for the better Encouragement of the Traffic, and for the Safety and better Accommodation of the Passengers travelling on the said Railway and Branches ; but inasmuch as the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted ; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Authorities, Provisoes, Regulations, Directions, Privileges, Penalties, Forfeitures, Clauses, Restrictions, Matters, and Things whatsoever contained in the said recited Acts, except in so far as the same are altered, varied, or repealed, shall extend and be construed to extend to and operate and be in force for carrying this Act into effect, as fully and effectually, to all Intents and Purposes, as if the same and every Part thereof were repeated and re-enacted in this Act, and were made Part thereof ; and the said recited Acts and this Act shall, as to all Matters and Things whatsoever, except as aforesaid, be construed as One Act.

Powers of recited Acts extended to this Act, except as hereby altered or repealed.

Branch to be made to Dalkeith.

II. And be it further enacted, That it shall be lawful for the Company of Proprietors of the said *Edinburgh* and *Dalkeith* Railway and they are hereby authorized and empowered to make a Branch from the said Railway from or near from the Railway Bridge over the River *North Esk* to or near to the South End of the High Street of the Town of *Dalkeith*, and also to extend and enlarge their Depot at *Saint Leonard's* with proper Passing Places, Offlays, Turning Plates, and Crossing Plates, and all other Conveniences, disposed and situated in such Manner as to the said Company of Proprietors shall seem necessary for the loading and unloading of Waggon and other Carriages, with and under all and every the Powers, Provisoes, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things in the said recited Acts, or in either of them, contained, save and except such Parts thereof as are expressly varied or altered by this Act ; all which Powers, Provisoes, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things in the said recited Acts,

Acts, or in either of them, contained, except such Parts as are expressly varied or altered in manner before mentioned, shall be as good, valid, and effectual for carrying this Act into execution, in regard to the said Branches, as if the same had been repeated and re-enacted in this Act; and the said Company shall have full Power and Authority to apply such Portions of the Monies which they are authorized by the said recited Acts to raise and borrow to the making of the said Branch to *Dalkeith*, the Extension and Enlargement of the said Depôt at *Saint Leonard's*, and the Ways, Wharfs, and other Works and Conveniences belonging or requisite thereto, as to the said Company of Proprietors shall appear to be proper and necessary.

III. And whereas a Map or Plan and Section of the Line of the said Branch, from the Main Line of the said Railway from or near the Railway Bridge over the River *North Esk* to or near to the South End of the Town of *Dalkeith*, and of the said Depôt at *Saint Leonard's*, with a Book of Reference describing the same, has been deposited with the Clerk of the Peace for the County of *Edinburgh*; be it therefore enacted, That the said Map or Plan and Book of Reference shall remain deposited with the said Clerk of the Peace for the County of *Edinburgh*, to which Map or Plan and Book of Reference all Persons shall have Liberty to resort at all seasonable Times, and to examine and make Extracts from or Copies of the same, paying to the said Clerk for every Inspection the Sum of One Shilling, and for Copies or Extracts from the said Book of Reference after the Rate of Sixpence for every Seventy-two Words; and the said Map or Plan and Book of Reference, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Map or Plan and Book of Reference to remain with the Clerk of the Peace, and be open to Inspection.

IV. And be it further enacted, That the said Company in making the said Branch Railway, and in extending and enlarging the said Depôt at *Saint Leonard's*, shall not deviate more than shall be necessary for that Purpose, nor in any Instance more than One hundred Yards from the Course or Direction delineated on the said Map or Plan and set forth in the said Book of Reference: Provided always, that nothing herein contained shall authorize or empower the said Company, for the Purpose of making such Branch Railway, to take, use, injure, or damage for the aforesaid Purposes any House or other Building which was erected at or before the passing of this Act, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Policy, Paddock, planted Walk or Avenue to a Mansion House, without the Consent in Writing of the Owner or Owners, and Occupier or Occupiers thereof, and Persons interested therein respectively, other than and except those specified in the Schedule hereunto annexed.

Not to deviate more than 100 Yards from Plan.

V. And be it further enacted, That in case any locomotive Engine shall be used on the said Branch Railway to *Dalkeith*, wherever such Branch Railway shall cross any Turnpike Road either such Turnpike Road shall be carried over the said Branch Railway or the said Branch Railway shall be carried over the said Turnpike Road, at the Expence of the said Company or of the Person making such Branch Railway,

Railway not to cross Turnpike Roads on a Level.

Railway, by means of a Bridge of such Construction as is herein-after mentioned: Provided always, that where no locomotive Engines shall be used it shall be lawful to the said Company, or for the Person making the said Branch Railway, to make the said Branch Railway along or across any Turnpike Road or Public Path or Highway, but in such Case the Ledge or Flanch of such Branch Railway for the Purpose of guiding the Wheels of the Carriages shall not rise above the Level of the Road, nor shall the same be more than Three Fourths of an Inch below the Level of the Road.

As to Width and Height of Bridges for carrying Branch Railway over Public Roads.

VI. And be it further enacted, That where any Bridge shall be erected by the said Company for the Purpose of carrying the said Branch Railway to *Dalkeith* over or across any Turnpike Road or Public Carriage Road the Span of the Arch of such Bridge shall be formed and shall at all Times be and be continued of such Width as to leave a clear and open Space under every such Arch of not less than Fifteen Feet, and of a Height from the Surface of such Turnpike Road or Public Carriage Road to the Centre of such Arch of not less than Sixteen Feet, and the Descent under any such Bridge shall not exceed One Foot in Thirteen Feet.

Regulating Ascent of Bridges for carrying Public Roads over Branch Railway.

VII. And be it further enacted, That where any Bridge shall be erected for carrying any Turnpike Road or Public Carriage Road over the said Branch Railway to *Dalkeith* the Road over such Bridge shall be formed and shall at all Times be continued of such Width as to leave a clear and open Space between the Fences of such Road of not less than Fifteen Feet, and the Ascent of every such Bridge for the Purpose of such Turnpike Road or Public Carriage Road shall not be more than One Foot in Thirty Feet, and with respect to any Private Carriage Road not more than One Foot in Thirteen Feet, and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Dalkeith Branch to form Part of the main Line, and similar Rates to be taken thereon.

VIII. And be it further enacted, That the said Branch Railway from the Railway Bridge over the River *North Esk* to the Town of *Dalkeith* shall be held to form a Part of the Main Line of the said Railway, and it shall and may be lawful to and for the said Company of Proprietors, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company of Proprietors, for the Conveyance of Passengers, and for the Tonnage and Conveyance of all Minerals, Goods, Wares, Merchandize, and other Things which shall be carried and conveyed upon the said Branch to *Dalkeith*, or upon any Part thereof, such and the same Rates and Duties as in and by the said recited Acts or either of them the said Company of Proprietors are authorized and empowered to ask, demand, take, recover, and receive on the Main Line of the said Railway.

Company may raise a further Sum for making the Branch.

IX. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, for the Purpose of completing the said Branch Railway from the Railway Bridge over the River *North Esk* to the Town of *Dalkeith*, in addition to the Sums which they

they were authorized and empowered to raise by and under the said recited Acts or either of them, to raise and contribute among themselves, or by the Admission of new Subscribers, any Sum or Sums of Money not exceeding in the Whole the further Sum of Eight thousand and fifty-three Pounds, in such Portions as they shall think fit; which said further Sum or Sums, and every or any Part thereof, when raised, shall be laid out, in the first place, in paying the Expences of obtaining this Act in manner herein-after directed, and then in carrying the Purposes of this Act into execution for the Completion of the said Branch Railway to *Dalkeith*; and such further Sum or Sums shall be divided into Shares of Fifty Pounds each, and such new or additional Shares so to be created by virtue of this Act, and the several Shares made or created by virtue of the said recited Acts, shall to all Intents and Purposes be and they are hereby declared to be consolidated and to be one and the same Joint Stock and Property; and all Persons, Bodies Politic, Corporate, and Collegiate, and Parties whatsoever, and their several and respective Successors, Executors, Administrators, and Assignees, who shall severally subscribe for One or more additional Share or Shares, and pay such Sum or Sums of Money as shall be called for or demanded under and by virtue of this Act, shall respectively be entitled to and receive the entire and net Distribution of a proportional Part of the Profits or Advantages that shall or may arise or accrue by virtue of the said recited Act and this Act, or either of them, from the said Undertaking of the Main Line of the said Railway, corresponding to such Share or Shares of Fifty Pounds each; and all Persons, and Bodies Politic, Corporate, and Collegiate, and Parties whatsoever, who shall subscribe for, hold, or be entitled to any such new or additional Share or Shares, shall be subject to the Provisions and Regulations of the said recited Acts respecting the Payment of Subscriptions, in such and the same Manner in all respects as if they were or had been respectively Subscribers, or Holders of original Shares under the said recited Acts, and shall bear and pay a proportional Sum towards carrying on the said Works respectively in manner directed by the said first-recited Act and this Act.

X. Provided always, and be it further enacted, That neither the said Branch Railway to *Dalkeith*, nor any of the Ways, Wharfs, or other Works and Conveniences belonging thereto, shall be made or commenced upon any of the Grounds, Lands, or Heritages belonging to *Walter Francis Duke of Buccleuch and Queensberry*, or his Heirs and Successors, or held by him under a Lease or Leases, without the Consent in Writing of the said Duke, or of his Heirs and Successors in such Grounds, Lands, or Heritages, first had and obtained thereto.

Consent of the Duke of Buccleuch and Queensberry to be obtained for making Branch Railway to Dalkeith.

XI. And whereas from the Value of the Ground through which the said Branch Railway to *Dalkeith* must pass, consisting chiefly of Gardens, Shrubberies, and Pleasure Grounds, and from the Inequalities of the Surface, the making of the said Branch Railway will be attended with great Expence, and it might be for the Advantage of the said Company, and of the Proprietors of the said Branch Railway to *Leith*, if the making of a Branch Railway from or near from the Railway Bridge over the River *North Esk* to or near to the South End of the Town of

Power to lower Rates on Carriages, &c. in a certain Event.

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Dalkeith

Dalkeith were undertaken and completed by the said *Walter Francis Duke of Buccleuch and Queensberry*, at his own Charges and Expences, and that the said Duke should be induced so to do by means of an equitable Arrangement between the said Duke and the said Company and Proprietors, for modifying the Rates and Duties to be levied for the Conveyance of Passengers, and of Minerals, Goods, Wares, Merchandize, and other Things which shall be carried by or from such Branch Railway to *Dalkeith*, on, to, and along the Main Line of the said Railway or any of the Branches thereof, or from the Main Line of the said Railway on, to, and along the said Branch Railway to *Dalkeith*, so as to enable the said Duke to levy such Rates and Duties for the Conveyance of Passengers, Goods, and other Matters along the said Branch to *Dalkeith* as may afford to him some suitable Compensation for the great Expence he will necessarily incur in making the same; be it further enacted, That in case the said Duke, or his Heirs or Successors, shall at his or their own Costs and Charges make a Branch Railway from or near from the Railway Bridge over the River *North Esk* to or near to the Town of *Dalkeith*, with the Ways, Wharfs, and other Works and Conveniences belonging or requisite thereto, then it shall be in the Power of the said Company; and of the Proprietors of the said Branch Railway to *Leith*, and they are hereby authorized and empowered, to allow such Passengers, Minerals, Goods, Wares, Merchandize, and other Matters as shall come upon the Main Line of the Railway by or from the *Dalkeith* Branch to be conveyed along the said Main Line or any of its Branches belonging to the said Company of Proprietors, or which shall come from the Main Line of the said Railway to be conveyed along the said Branch Railway to *Dalkeith*, at such reduced Rates and Duties as may be from Time to Time agreed on betwixt them and the said Duke, and as may appear to them and him to be necessary for encouraging Traffic and Conveyance of Passengers, Goods, and other Matters to or from the Town of *Dalkeith* along the said Branch Railway and the Main Line and any Branches thereof.

Company
authorized to
acquire *Dal-*
keith Branch
if made by
the Duke of
Buccleuch;

XII. And be it further enacted, That in case the said Duke or his Heirs and Successors shall, at their own Costs and Charges, make such Branch Railway to *Dalkeith*, and the Ways, Wharfs, and other Works and Conveniences belonging or requisite thereto, and it shall at any Time appear to the said Company and to the said Duke or his Heirs or Successors to be expedient, both for their mutual Advantage and for the Accommodation of the Public, that such Branch Railway so made by the said Duke or his Heirs or Successors, together with the Ways, Wharfs, or other Works and Conveniences therewith connected, or any of them, should be placed under the Management of the said Company, then the said Company shall have Power and they are hereby authorized and empowered to contract with the said Duke or his Heirs and Successors, either for a Lease or Leases, at such annual Rents and for such Terms of Years as may be agreed on, or for the Purchase of the same at such Price or Prices as shall be agreed upon.

and to levy
Rates there-
on;

XIII. And be it further enacted, That in case the said Company shall so acquire the said Branch Railway to *Dalkeith*, either by Lease or Purchase,

Purchase, from the said Duke or his Heirs or Successors, it shall and may be lawful for the said Company, from Time to Time and at all Times thereafter, to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company, for the Tonnage and Conveyance of all Minerals, Goods, Wares, and Merchandize and other Things which shall be carried and conveyed upon the said Branch or upon any Part thereof, such and the same Rates and Duties as are in and by the said recited Acts and this Act authorized to be taken by the said Company upon the said Main Line of Railway and Branches thereof, with and under all and every the Powers, Provisoos, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things in the said recited Acts contained, save and except such Parts thereof as are expressly varied or altered by this Act; all which Powers, Provisoos, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things in the said recited Acts contained, except such Parts as are expressly varied or altered in manner before mentioned, shall be as good, valid, and effectual for carrying this Act into execution in regard to the said Branch to *Dalkeith* as if the same had been repeated and re-enacted in this Act, and as if the said Branch Railway to *Dalkeith* had been originally made by the said Company, under the Authority of the said recited Acts and this Act.

XIV. And be it further enacted, That when any Distribution is to take place of the Profits and Advantages that shall and may arise or accrue from the said Undertaking of the said Branch Railway to *Dalkeith* the Holders of Shares created in virtue of this Act shall draw Dividends along with and on the same Terms as the Holders of Shares of the original Stock of the Company created by the said first-recited Act, reserving to the Holders of the Shares of the Stock created in virtue of the said second-recited Act their Right of Priority to draw an annual Dividend of Five Pounds *per Centum* on the Shares of the said Stock respectively held by them in preference to the Holders of any other Capital Stock of the said Undertaking of the said Branch Railway to *Dalkeith*, in Terms of and as more fully explained in the said second-recited Act.

Order of Distribution of Profits.

XV. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors to apply all or any Part of the Money so subscribed as aforesaid in virtue of the Powers of this Act for making and completing the said Branch Railway to *Dalkeith*, and the Ways, Wharfs, and other Works and Conveniences belonging or requisite thereto, in such and the same Manner as they were by the said recited Acts or either of them authorized to apply the Money subscribed in virtue of the Powers thereof.

Application of additional Money subscribed.

XVI. And whereas by the said first-recited Act certain Way Leaves were granted to *Andrew Wauchope of Niddrie Marischall*, and *John Wauchope of Edmonstone*, and their Heirs and Successors, in their respective Estates, and their Tenants or Occupiers residing on the same, and to *Sir Robert Keith Dick of Prestonfield*, Baronet, and his Heirs and Successors in the Estate of *Prestonfield*; be it further enacted, That it shall and may be lawful for the said Company of Proprietors

Declaration as to Way Leaves.

Proprietors or their Committee of Management, if they shall see fit, to uplift and collect the said Way Leaves or any of them separately from the Rates and Duties levied at the Time upon the said Main Line of Railway or Branches thereof, provided that such Rates so levied and such Way Leaves together shall not exceed the Rates and Duties authorized to be levied by the said Two recited Acts and this Act.

Power to extend the Leith Branch Railway to Lower Draw-bridge at Leith Harbour;

XVII. And be it further enacted, That it shall be lawful for the Proprietors of the said Branch Railway to the Harbour of *Leith*, and they are hereby authorized and empowered, to make an Extension of the said Branch Railway from its Termination in the Harbour of *Leith*, as provided for in the said last-recited Act, to the Lower Draw-bridge at *Leith* Harbour, with such Passing Places, Offlays, Turning Plates, and Crossing Plates, and all other Conveniences, for the loading and unloading of Vessels, Waggon, and other Carriages, with and under all and every the Powers, Provisoes, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things in the said recited Acts or in either of them contained, save and except such Parts thereof as are expressly varied and altered by this Act; all which Powers, Provisoes, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things in the said recited Acts or in either of them contained, except such Parts as are expressly varied or altered in manner before mentioned, shall be as good, valid, and effectual for carrying this Act into execution in regard to the said Extension of the said Branch to or near to the Lower Draw-bridge at the Harbour of *Leith* as if the same had been repeated and re-enacted in this Act: Provided always, that before any such Extension of the said Branch Railway at the Harbour of *Leith* shall be begun the Clerk to the Proprietors of the said Branch Railway shall give Two Calendar Months Notice in Writing of their Intention to make the same to the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and to the Commissioners for the Superintendence and Management of the Harbour and Docks of *Leith*; and such Extension of the said Branch Railway at the Harbour of *Leith*, with all Conveniences to the same, shall be made on such Line and Levels and in such Manner as shall be pointed out or approved of by the said Lord Provost, Magistrates, and Council, and by the said Commissioners for the Superintendence and Management of the Harbour and Docks of *Leith*; such Mode of Construction to be signified in Writing to the Clerk to the said Proprietors of the *Leith* Branch Railway within Two Calendar Months after receiving such Notice as aforesaid; and the Proprietors of the said Branch Railway shall be bound to execute the same accordingly, and defray the whole Expence of such Work, and all other Costs and Charges attending the same; and in case the said Lord Provost, Magistrates, and Council, and the said Commissioners, shall not within the said Two Calendar Months as aforesaid intimate to the said Clerk the Plan and Mode of Execution of the said Extension, or shall differ in Opinion as to the Plan and Mode of Execution of the said Extension or of any Part thereof, the Plan and Mode of Execution of such Extension shall, on the Requisition of the said Proprietors, be determined by the Sheriff

of the County of *Edinburgh* for the Time being, whose Decision shall be final to all Intents and Purposes, and shall not be liable to Review by Advocation, Suspension, or otherwise.

XVIII. And be it further enacted, That the said Proprietors of the *Leith* Branch Railway shall have full Power and Authority to apply such Portions of the Monies which they were authorized by the said last-recited Act to raise and borrow to the making of the said Extension of the same to the Lower Drawbridge in the Harbour of *Leith*, and the Works and Conveniences belonging or requisite thereto, as to the said Proprietors of the *Leith* Branch Railway shall appear to be proper and necessary.

and to apply the Funds for that Purpose.

XIX. And be it further enacted, That nothing herein contained shall authorize the Proprietors of the said Branch Railway, or the Traders upon the Extension of the said Branch Railway, to obstruct the Wharf by the storing of Goods upon the same, or otherwise to permit such a Number of Waggon to come upon the said Extension at one and the same Time as to interfere with the full and complete Use of the Wharfs for the other Trade of the Port of *Leith*, or allow the Waggon or other Railway Carriages to remain longer upon any Part of the said Extension of the said Branch Railway than may be proper and necessary for the loading or unloading of the same; and if any Waggon or other Railway Carriage be placed or suffered to remain on any Part of the said Extension longer than may be necessary for the Purposes before mentioned, and the Person having the Care of such Waggon or other Carriage, or of any Goods conveyed or to be conveyed by such Waggon or other Carriage, shall not immediately upon Request made by the Harbour Master or other proper Officer remove such Waggon or other Carriage or Goods, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings for every Hour that any such Railway Waggon or other Carriage or Goods shall continue after the making of such Request.

For removing Obstructions on the Extension of the Branch Railway at *Leith* Harbour.

XX. And be it further enacted, That nothing herein contained shall authorize the said Railway Company to purchase, acquire, appropriate, or in any way take for their own exclusive Use, any Part of the said Wharf, Quay, or Harbour of *Leith*, for the Purpose of the said Extension, without first obtaining the Consent in Writing of the Lord Provost, Magistrates, and Council of the City of *Edinburgh*, and the Commissioners for the Superintendence and Management of the Harbour and Docks of *Leith*, so to do.

Wharf, &c. at *Leith* Harbour not to be taken without Consent.

XXI. And be it further enacted, That the Extension of the said Branch Railway in the Harbour of *Leith* shall be held to form a Part of the said Branch Railway to *Leith*, and it shall and may be lawful to and for the Proprietors of the said Branch Railway from Time to Time and at all Times hereafter to ask, demand, take, recover, and receive, to and for the Use and Benefit of the Proprietors of the said Branch Railway, for the Conveyance of Passengers, and for the Tonnage and Conveyance of all Minerals, Goods, Wares, Merchandize, and other Things which shall be carried upon the said Branch Railway or any Part thereof, or upon the said intended

The Extension to form a Part of the *Leith* Branch, and Rates to be taken thereon.

Extension of the same, such and the same Rates and Duties as in and by the said recited Acts or either of them the said Company of Proprietors of the *Edinburgh* and *Dalkeith* Railway Company are authorized and empowered to ask, demand, take, recover, and receive on the Main Line of the said Railway.

Proprietors may raise a further Sum for completing an Extension of the Leith Branch.

XXII. And be it further enacted, That it shall and may be lawful for the Proprietors of the said *Leith* Branch Railway, for the Purpose of completing the said Extension of the same in the Harbour of *Leith*, and for the Purposes of the said last-recited Act, in addition to the Sums which they are authorized and empowered to raise by and under the said last-recited Act, to raise and contribute among themselves, or by the Admission of new Subscribers, any Sum or Sums of Money, not exceeding in the Whole the further Sum of Ten thousand Pounds, in such Portions as they shall think fit; which said further Sum or Sums, and every or any Part thereof, when raised, shall be laid out, in the first place, in paying the Expences of obtaining this Act in manner hereinafter directed, and then in carrying the Purposes of this Act into execution for the Extension of the said *Leith* Branch Railway in the Harbour of *Leith*; and such further Sum or Sums shall be divided into Shares of Twenty-five Pounds each, and such new or additional Shares so to be created by virtue of this Act, and the several Shares made or created by virtue of the said last-recited Act, in regard to the *Leith* Branch Railway, shall to all Intents and Purposes be and they are hereby declared to be consolidated, and to be one and the same Joint Stock and Property; and all Persons, Bodies Politic, Corporate, and Collegiate, and Parties whatsoever, and their several and respective Successors, Executors, Administrators, and Assignees, who shall severally subscribe for One or more additional Share or Shares, and pay such Sum or Sums of Money as shall be called for or demanded under and by virtue of this Act, shall respectively be entitled to and receive the entire and net Distribution of a proportional Part of the Profits or Advantages that shall or may arise or accrue by virtue of the said last-recited Act and of this Act, or either of them, from the said Undertaking of the *Leith* Branch of the said Railway, corresponding to such Share or Shares of Twenty-five Pounds each; and all Persons, and Bodies Politic, Corporate, and Collegiate, and Parties whatsoever, who shall subscribe for, hold, or be entitled to any such new or additional Share or Shares, shall be subject to the Provisions and Regulations of the said recited Act respecting the Payment of Subscriptions, in such and the same Manner in all respects as if they were or had been respectively Subscribers or Holders of original Shares under the said recited Act, and shall bear and pay a proportional Sum towards carrying on the said Works respectively in manner directed by the said last-recited Act and this Act.

Application of the additional Money subscribed.

XXIII. And be it further enacted, That it shall and may be lawful for the said Proprietors of the *Leith* Branch Railway to apply all or any Part of the Money so subscribed as aforesaid in virtue of the Powers of this Act, for making and completing the Extension of the said Branch Railway in the Harbour of *Leith*, and the Ways, Wharfs, and other Works and Conveniences belonging or requisite thereto, in such

such and the same Manner as they were by the said last-recited Act authorized to apply the Money subscribed in virtue of the Powers thereof.

XXIV. And be it further enacted and declared, That the Holders of Shares in the said Undertaking relating to the *Leith* Branch Railway created by the said last-recited Act shall be entitled, in the first place, to subscribe for the new Shares to be created in virtue of this Act, in preference, according to the Amount of the Shares which they shall respectively hold in such Undertaking at the Time of passing of this Act; but if such new Shares shall not be taken and subscribed for by such Holders of Shares as before mentioned within the Space of Three Calendar Months after the passing of this Act the said Company shall be at liberty to receive Subscriptions for the same from any Person or Persons, Bodies Politic, Corporate, or Collegiate, or Parties whatsoever.

Priority in Subscription for new Shares.

XXV. And whereas by the said first-recited Act the First General Meeting of the said Company of Proprietors, and the Second and every other General Meeting is directed to be held at the Hour of Eleven of the Forenoon: And whereas by the second recited Act it is directed that one General Meeting of the said Proprietors of the said Company shall be held at least once in every Year, and such Meeting is declared to be appointed in manner directed by the said first-recited Act for the Appointment of General Meetings: And whereas the said Hour of Eleven in the Forenoon has been found inconvenient; be it therefore enacted, That such General Meetings shall and may be convened at the Hour of Twelve o'Clock Noon, and that a General Meeting of the said Proprietors of the *Leith* Branch Railway shall be held in the City of *Edinburgh* or *Leith* at least once in every Year, at the same Hour of Twelve o'Clock Noon, any thing in the said recited Acts to the contrary notwithstanding: Provided always, that Notice shall be given by the respective Clerk or Clerks to the said Company of Proprietors, and the said Proprietors of the *Leith* Branch Railway, in any one Newspaper usually circulated in the County of *Edinburgh*, specifying in such Notice the Time and Place where the same shall be held, at least Ten clear Days before the Day on which such General Meetings respectively shall be held: Provided always, that any stated General Meeting shall have Power to adjourn to the Effect of continuing the Proceedings to some future Day.

General Meetings of Proprietors how to be held.

XXVI. And be it further enacted, That no Person shall be qualified to be elected to serve or act as a Member of any Committee of the said Company of Proprietors, nor to act in any Meeting of the Proprietors of the said Branch Railway, who shall hold any Place of Profit, or be concerned or interested in any Contract or Contracts under the said Company of Proprietors.

Disqualification of Members of Committee.

XXVII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and also for the said Proprietors of the *Leith* Branch Railway, to enter into all Contracts, Leases, Submissions, or Agreements in reference to the Affairs of the said Branch in the Name of their Clerk or Manager respectively for the Time being; and such

Power to enter into Contracts, and how to sue and be sued.

such Contracts, Leases, and Submissions or Agreements shall be equally valid and effectual as if signed by each individual Proprietor; and in all Matters and Things touching the Affairs of the said Company or the said Branch Railway it shall and may be lawful for the said Company or Proprietors to sue and be sued in any Court of Law or Equity in Name of their Clerk or Manager respectively for the Time being; and no such Action or Suit shall fall or become abated by the Death, Removal, or Resignation of such Clerk or Manager respectively, any thing in the said recited Acts or either of them contained to the contrary notwithstanding.

All Questions to be decided by the Majority of Votes.

XXVIII. And be it further enacted, That every Election of Committees and Officers, and every Question, Matter, and Thing whatsoever which shall be proposed, discussed, or considered in any General or Special Assembly of the said Proprietors of the said Branch Railway to be held by virtue of this or the said recited Acts, shall be finally determined by the Majority of Votes and Proxies then present; and at every such Assembly one of the Proprietors present shall be appointed Preses or Chairman, who shall not only have such Vote or Votes as a Proprietor as aforesaid, but shall also, in case of an equal Division, have the decisive or casting Vote: Provided always nevertheless, that no Person shall have more than Two Votes in his or her own Right, provided it is not contrary to any of the Directions contained in the said Two recited Acts and this Act, or any of them.

Certain Rates and Duties repealed.

XXIX. And be it further enacted, That the Rates and Duties by the said recited Acts granted for and in respect of Carriages conveying Passengers shall be and the same are hereby repealed.

Tolls allowed to be taken on Carriages conveying Passengers or Cattle, &c. upon the Railway.

XXX. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, in regard to the Main Line and Branches thereof, and to and for the said Proprietors of the *Leith* Branch Railway, in regard to such Branch and the Extension thereof, to demand, receive, and recover, to and for the Use and Benefit of the said Company of Proprietors and Proprietors of the said *Leith* Branch Railway respectively, for or in respect of Passengers, Beasts, Cattle, and Animals conveyed in Carriages upon the said Railway and Branches, and for or in respect of the several Matters and Things herein-after mentioned, any Tolls, Rates, or Fares not exceeding the following; (that is to say),

- For every Person conveyed in or upon any such Carriage, any Sum not exceeding Three-pence *per* Mile:
- For every Person conveyed in or upon any such Carriage, for ascending or descending the *Edinburgh* inclined Plane, an additional Sum not exceeding Three-pence:
- For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, any such Sum not exceeding Sixpence *per* Mile:
- For every Calf, or Pig, Sheep, Lamb or other small Animal, conveyed in or upon any such Carriage, any Sum not exceeding Three-pence *per* Mile:

For every Carriage of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, any Sum not exceeding One Shilling *per* Mile :

For the Use of every Machine for the loading or unloading of Ships or Vessels any Sum not exceeding Two-pence *per* Ton.

XXXI. Provided always, and be it further enacted, That in all Cases where any Passengers, Cattle, or Animals shall be conveyed on the said Railway or Branches for a less Distance than Two Miles the said Company of Proprietors, or Proprietors, respectively, are hereby empowered to demand and receive the afore-mentioned Tolls, Rates, or Fares, as the Case may be, for Two Miles, how short soever such Distance may be.

Regulating the Charge for short Distances.

XXXII. And be it further enacted, That it shall be lawful for the said Company from Time to Time at any General or Special General Meeting of the said Company to make such Orders for fixing the Sums to be charged by the said Company in respect of small Parcels not exceeding Five Hundred Weight each as to them shall seem proper, and from Time to Time to repeal or vary the same as they shall think fit : Provided always, that the Provision herein-before contained shall not extend to Articles, Matters, or Things sent in large aggregate Quantities, although made up of separate and distinct Parcels, such as Bags of Sugar, Coffee, Meal, and the like, but only to single Parcels unconnected with Parcels of a like Nature which may be sent upon the said Railway or Branches at the same Time.

Dues for small Parcels.

XXXIII. And be it further enacted, That it shall be lawful to and for the said Company of Proprietors, in regard to the said Main Line and Branches thereof, and to and for the said Proprietors of the said *Leith* Branch Railway, in regard to such Branch and the Extension thereof, and they are respectively hereby authorized, to provide and establish Carriages, and to convey upon the said Railway and Branches all such Passengers, Cattle, and other Animals, Goods, Wares, and Merchandise, Articles, Matters, and Things, as shall be offered to them for that Purpose, and to make such reasonable Charges for such Conveyance as they may from Time to Time determine upon, in addition to the several Rates, Tolls, or Fares by the said recited Act and this Act authorized to be taken.

Company and Proprietors authorized to provide Carriages to convey Passengers, Cattle, and Goods, and to charge for the same.

XXXIV. And whereas the Clause in the said first-recited Act empowering the said Company to levy Wharfage Dues has given rise to Doubts ; be it enacted, That the said Company of Proprietors for the Main Line and Branches thereof, and the said Proprietors of the *Leith* Branch and Extension thereof, shall respectively have Power to levy, for all Goods which are brought upon any Wharf or Depôt or Place within their respective Limits, excepting the Wharf in the Harbour of *Leith* upon which such Extension is intended to be made, any Sum not exceeding Two-pence *per* Ton, and for each Day such Goods may remain upon such Wharf, Depôt, or Landing Place any Sum not exceeding One Penny additional *per* Ton ; and the said Company of Proprietors, and the said Proprietors of the *Leith* Branch

Regulation of Wharfage Dues.

[Local.]

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Railway,

Power to compound for the Tonnage Duty.

Railway, respectively, shall also have Power to compound the said Tonnage Duty for such yearly or monthly or weekly Rent as may be agreed upon between them respectively and any Trader who may desire to leave his Goods for a Time upon any Depôt or Wharf, and who may desire to hire a Portion of such Depôt or Wharf for a limited Time, within their respective Limits: Provided that such Depôt, Wharf, or Landing Place shall have been bought, acquired, or constructed by the said Company or by the said Proprietors.

Power to erect Warehouses, and to levy Dues for Warehouse Room.

XXXV. And be it further enacted, That the said Company of Proprietors and the said Proprietors of the *Leith* Branch Railway respectively, within their respective Limits, shall have Power to build such Warehouses for Grain or other Goods as to them shall seem necessary, and also to levy such Dues for the Use of such Warehouses as to them shall seem just and equitable.

Hours of the Railway being open.

XXXVI. And whereas by the said first-recited Act all Persons are empowered to use the Railways, with properly constructed Waggons, between the Hours of Four in the Morning and Eight in the Evening during the Months of *May, June, July, August, and September*, and between the Hours of Six in the Morning and Seven in the Evening during the Months of *October, November, December, January, February, March, and April*; but as this Regulation has been found inconvenient, be it therefore enacted, That no Person shall use any Part of the said Railways or Branches thereof without the Licence and Consent of the said Company of Proprietors or their Committee in respect of the Main Line and Branches thereof, and of the Proprietors of the *Leith* Branch Railway in respect of such Branch or the Extension thereof, or of their respective Committees or Managers, at any other Times of the Day than between Six in the Morning and Eight in the Evening during the Months of *April, May, June, July, August, and September*, and between Seven in the Morning and Seven in the Evening during the Months of *October, November, December, January, February, and March*; and the said Company of Proprietors for the Main Line and Branches thereof, and the said Proprietors of the *Leith* Branch Railway, and their respective Committees and Managers, within their respective Limits, shall have full Power and Authority to controul and regulate the Conduct and Proceedings of all Persons using the said Railways and Branches thereof, or travelling in the Railway Carriages, in all Matters relating to the Use of the said Railways and Branches thereof; and all Persons using or passing along or across the said Railways and Branches thereof, or travelling in any of the Railway Carriages, shall pay Obedience to the Orders and Regulations of the said respective Committees, or principal Officers appointed by them, under a Penalty of Five Pounds, to be paid by the Party offending, for each Offence.

Waggons and Carriages may be weighed.

XXXVII. And be it further enacted, That it shall and may be lawful for the Officers or Collectors appointed by the said Company of Proprietors, and the said Proprietors of the *Leith* Branch Railway, within their respective Limits, to weigh all Waggons and Carriages passing on the said Railways and Branches thereof, as often as may to them

the

the said Officers or Collectors appear necessary for determining the Weight of Goods carried in such Waggons or Carriages; and no Charge on account of Delay or Loss of Time shall be payable to the Owner of such Waggons or Carriages on account of such weighing; and the Person or Persons in charge of all Waggons and Carriages shall place them upon any of the Company's Weighing Machines and other Machines of the Branch Proprietors, and assist in the weighing of the same when required to do so by any of the Company's or Proprietor's Officers, under a Penalty of Forty Shillings, to be paid by the Party offending, for each Offence.

XXXVIII. And whereas by the said last-recited Act it is enacted, that in case the said Railways and Branches authorized by the said recited Acts to be made should not be completed within the Space of Five Years, computed from the passing of the said last-recited Act, the Powers, Authorities, and Privileges thereby given should cease and determine, save only and except as to so much of the said Railways and Works as should have been declared and certified in manner in the said first-recited Act mentioned to have been completed within the said Term; be it enacted, That the said Term shall be prolonged and extended to Five Years from the passing of this Act.

Time within which Works are to be completed.

XXXIX. And for the more effectual Protection of the Inhabitants of *Edinburgh*, and of other Towns near the said Railways, against Frauds in the Purchase of Coals, be it further enacted, That the said Company of Proprietors, and the Proprietors of the *Leith* Branch Railway, within their respective Limits, shall have full Power and Authority to place a Weighing Machine or Weighing Machines in any or all of their Depôts near to *Edinburgh*, *Leith*, or any other Town adjacent to the said Railway or Branches thereof, and to require all Carts or Waggons containing Coals intended to enter the said City or Towns from such Depôts to be weighed thereon, and in consideration of the Expence attending such weighing to charge any Sum not exceeding One Penny for each Cart or Waggon so weighed, the Weigher delivering to the Person in charge of such Coals a Certificate signed by him of their Weight.

To prevent Fraud in the Purchase of Coals.

XL. And whereas under the Powers of the said first-recited Act the Main Line of the said Railway has crossed certain Turnpike Roads within the *Dalkeith* District of Roads in the said County of *Edinburgh*, and certain Claims for Damages have been made by the Trustees for Turnpike Roads within the said District against the said Company for Compensation in respect of such Damages: And whereas the said Company have investigated such Claims, and are satisfied that such Claims, with certain Expences incurred in ascertaining the same, are well founded to the Extent of Four thousand and fifty Pounds or thereabouts; be it therefore enacted, That it shall and may be lawful for the said Company of Proprietors, out of the Funds of the Company, to pay to the Trustees of the said *Dalkeith* District of Roads a Sum not exceeding Four thousand and fifty Pounds, on their obtaining a Discharge in full of all such Claims against the said Company of Proprietors.

Company may settle Claims of Dalkeith District of Roads.

XLI. And

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4° & 5° GULIELMI IV. *Cap.lxxi.*

Expences of
the Act.

XLI. And be it further enacted, That the Expences of procuring, passing, and obtaining this Act shall be defrayed, the one Half out of the Funds of the said Main Line and Branches authorized to be made by the said first-mentioned Act, and the other Half out of the Funds of the *Leith* Branch Railway authorized to be made by the last recited Act.

Public Act.

XLII. 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.

SCHEDULE to which this Act refers.

Dalkeith Branch of the Edinburgh and Dalkeith Railway.

Nos. on Plan.	Owners Names.	Occupiers Names.	Description of Property.	Parish.	County.
1	Walter Francis Duke of Buccleuch and Queensberry	} John Ker	Arable	Dalkeith	Edinburgh.
2	Do.		Do.	Do.	Do.
3. 3. 3. 3. 3	John Moffatt	} Walter Francis Duke of Buccleuch and Queensberry, and Reverend James Monteath	} Pleasure Ground	} Do.	Do.
4	Do.				
5	Do.	} Walter Francis Duke of Buccleuch and Queensberry, and John Lowrie	} Do. Do.	Do.	Do.
6. 6	Walter Francis Duke of Buccleuch and Queensberry				
7. 7. 7. 7	Road Trustees of Lasswade District	} Public - -	Turnpike Road	Do.	Do.
8. 8	Walter Francis Duke of Buccleuch and Queensberry	} Alexander Mitchell	} House and Yards	} Do.	Do.
9	Do.	William Plummer			

Extension of St. Leonard's Depôt.

1. 1	Captain and Mrs. Forbes	Michael Fox	Garden	St. Cuthberts	Edinburgh.
2. 2	Road Trustees of Middle District	} Public - -	Road	Do.	Do.
3	George Tod		} John Weston, Charles Alexander, and Mrs. Kerr	} Dwelling House and Pertinents	} Do.
4	Do.	} Thomas Gibson			
5	Do.		Andrew Knox	Byre	Do.
6. 6	Heirs of the late William Johnston	} Mrs. Johnston, Robert White, Peter Balmain, H. Harrison, George Carstairs	} Garden	Do.	Do.

[Local.]

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Extension of Leith Branch Railway.

Nos. on Plan.	Owners Names.	Occupiers Names.	Description of Property.	Parish.	County.
1	The City of Edinburgh and Leith Dock Commissioners	} Themselves and the Public Do. Do. Do. Do.	} Sands Sea Wall Quay & Street	South Leith	Edinburgh.
2	Do. Do.			Do.	Do.
3. 3. 3. 3	Do. Do.			Do.	Do.

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