



ANNO DECIMO

GEORGII IV. REGIS.

Cap. cxxii.

An Act to enable the *Edinburgh* and *Dalkeith* Railway Company to raise a further Sum of Money to make a Branch from the said Railway to *Leith*, and for other Purposes relating thereto.
[4th *June* 1829.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Railway 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 in manner therein set forth, and to raise and borrow certain Sums of Money for that Purpose: And whereas the said Company have raised all the Sums of Money authorized to be raised by the said recited Act for the Main Line of the said Railway, and have applied the same in the Execution of the said Main Line, and have proceeded a considerable Length in the Formation of the same: And whereas the unexpected Increase of the Expence of the Work beyond the original Estimates for the same, and the extra Work deemed necessary in the Progress of the Undertaking, and other unforeseen Circumstances, have raised the Expences of completing the said Railway and other Works greatly beyond the Amount originally contemplated, and the said Company

[*Local.*] 7 G. 4. c. 98.

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will be unable to continue their Operations or to complete the said Railway unless they shall be empowered to raise a further Sum of Money for that Purpose, and unless the Provisions of the said recited Act be in other respects enlarged and amended: And whereas the making and maintaining a Branch from the Main Line of the said Railway at or near *Niddrie North Mains*, to or near to the Harbour of *Leith* in the County of *Edinburgh*, will be of great public Utility, by opening an improved Communication from the said Harbour to the great Fields of Coal and Lime in the Interior of the said County, and thereby supplying the Public with Coals and other Minerals at a cheaper Rate, and by affording a more easy and cheap Means of Conveyance of Corn and other agricultural Produce to the Port of *Leith*; 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, Provisions, Regulations, Directions, Privileges, Penalties, Forfeitures, Clauses, Restrictions, Matters, and Things whatsoever contained in the said recited Act, 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 the Purposes of this Act, 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 Act and this Act shall, as to all Matters and Things whatsoever, except as aforesaid, be construed as One Act.

Former Act to be construed with this Act.

Branch from Wanton Walls to Fisherrow.

II. And be it further enacted and declared, That from and after the passing of this Act that Part of the said Railway extending from near *Wanton Walls* to *Fisherrow* Harbour, in the said recited Act specified and described, shall be taken and deemed to be a Part of the Main Line of the said Railway.

Company may raise a further Sum for completing Main Line.

III. And be it further enacted, That it shall and may be lawful for the said *Edinburgh* and *Dalkeith* Railway Company, for the Purpose of completing the Main Line of the said Railway, including the said Part thereof from *Wanton Walls* to *Fisherrow* Harbour, to raise and contribute among themselves, or by the Admission of new Subscribers, in addition to the Sum of Fifty-seven thousand six hundred and ninety-five Pounds for the said original Main Line of the said Railway, and in addition to the further Sum of Four thousand one hundred and thirty-six Pounds for the said Part of the said Railway from *Wanton Walls* to *Fisherrow* Harbour, herein-before made Part of the Main Line of the said Railway, which they were authorized and empowered to raise by and under the said recited Act, any Sum or Sums of Money not exceeding in the whole the further Sum of Fifty-four thousand eight hundred and seventy-five 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,

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 the said recited Act into execution for the Completion of the Main Line of the said Railway; 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 Act, 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 Assigns, who shall have severally subscribed for One or more Share or Shares, and have paid such Sum or Sums of Money as have been called for or demanded under and by virtue of the said recited Act, or 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 of 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 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 recited Act and this Act.

IV. And be it further enacted, That it shall and may be lawful for the said Company 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 Main Line of Railway, 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 Act authorized to apply the Money subscribed in virtue of the Powers thereof.

Application of the additional Money subscribed.

V. And be it further enacted and declared, That the Holders of Shares in the said Undertaking created by the said 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 the said 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

Priority in Subscription for new Shares.

Person or Persons, Bodies Politic, Corporate, or Collegiate, or Parties whatsoever.

Order of
Distribution
of Profits.

VI. And be it further enacted, That in all Time hereafter, when any Distribution is to take place of the Profits and Advantages that shall or may arise or accrue from the said Undertaking, every such Distribution shall be made, according to such One of the Modes after mentioned as may correspond to the Amount of Profits or Advantages so at the Time to be distributed; (that is to say,) if such Profits and Advantages shall be sufficient to pay only a Dividend after the Rate of Five Pounds *per Centum*, or after a lower or less Rate, on the Shares of Stock to be created under the Authority of this Act, the Holders of such Shares of Stock shall be entitled to and shall receive the whole of the Profits and Advantages so at the Time to be distributed; if such Profits and Advantages shall be sufficient to pay a Dividend after the Rate of Five Pounds *per Centum* on the Shares of Stock to be created under the Authority of this Act, and also a Dividend after a lower or less Rate on the Shares of Stock created under the Authority of the said recited Act, the Holders of Shares created under the Authority of this Act shall be entitled to and shall receive a Dividend at the Rate of Five Pounds *per Centum*, and the Holders of Shares created under the Authority of the said recited Act shall be entitled to and shall receive such Dividend at a lower or less Rate, as the Surplus of Profits and Advantages at the Time under Distribution shall afford; and if the Profits and Advantages at the Time to be distributed shall be sufficient to pay a Dividend at the Rate of Five Pounds *per Centum*, both on the Shares of Stock to be created under the Authority of this Act and on the Shares of Stock created under the Authority of the said recited Act, or a Dividend at a higher or greater Rate, the said Profits and Advantages shall be divided among all the Holders of Shares in the said Undertaking rateably according to the Amount of Stock held by each, without either Class having a Right to Preference or Priority of Payment over the other.

Power to
borrow a fur-
ther Sum of
Money.

VII. And be it further enacted, That it shall and may be lawful for the said Company and they are hereby authorized (in addition to the Sum of Twenty thousand Pounds which by the said recited Act they are empowered to borrow) to borrow and take up at Interest, for the Completion of the Purposes of the said recited Act, a further Sum of Ten thousand Pounds, or such Part thereof as to them shall seem meet and convenient, and to assign and convey the Main Line of the said Railway, and other Works and Property of the said Company, and the Rates arising or to arise thereon by virtue of the said recited Act or this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rates,) as a Security for any such Sum or Sums of Money to be borrowed as aforesaid, to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance the same; and any Assignments to be granted in Security of such Sums, and the Transferences to be made of such Assignments, shall and may be made

made in pursuance and in Terms of the Powers and Directions to that Effect contained in the said recited Act; and all Persons to whom any such Assignments shall be made under this Act shall be equally entitled one with the other to their Proportions of the said Rates and Premises according to their respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority of any of such Assignments or on any other Account; and such additional Sum of Money so authorized to be borrowed as aforesaid shall be applied by the said Company to the Completion of the Main Line of the said Railway and Works therewith connected.

VIII. And be it further enacted, That One General Meeting of the Proprietors of the said Company shall be held in the City of *Edinburgh* at least once in every Year; and such General Meeting shall be appointed in manner directed by the said recited Act for the Appointment of General Meetings, any thing in the said recited Act contained to the contrary notwithstanding.

Annual Meeting to be held in *Edinburgh*.

IX. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered to make a Branch from the said Railway from or near from *Niddrie North Mains* to or near to the Harbour of *Leith*, with and under all and every the Powers, Provisoes, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things in the said recited Act 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 Act 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 or near to the said Harbour of *Leith*, as if the same had been repeated and re-enacted in this Act.

Power to make a Branch to *Leith*.

X. And whereas a Map or Plan of the Line of the said Branch from the Main Line of the said Railway from or near from *Niddrie North Mains* to or near to the Harbour of *Leith*, 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 Two Shillings and Sixpence, 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.

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

XI. And be it further enacted, That the said Company in making the said Branch Railway shall not deviate more than shall be necessary

Company not to deviate from Plan.

[*Local.*]

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Houses and
Gardens not
to be in-
jured.

necessary for that Purpose, nor in any Instance more than One hundred Yards, from the Course or Direction delineated in 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 foresaid 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.

Omissions
in Book of
Reference
not to ob-
struct ma-
king the
Railway, &c.

XII. Provided always, and be it further enacted, That the said Company of Proprietors may make the said Branch Railway and other Works into, through, across, or over the Lands or Grounds of any Person or Persons who is or are or may be the Owner or Owners of Land over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted or inaccurately described in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the County of *Edinburgh*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Railway not
to interfere
with the Ex-
tension of
the Harbour
of Leith.

XIII. And whereas by an Act passed in the Seventh Year of the Reign of His present Majesty, intituled *An Act to alter and amend several Acts, made in the Twenty-eighth, Thirty-eighth, Thirty-ninth, Forty-fifth, Forty-seventh, and Fifty-third Years of the Reign of His late Majesty, for enlarging and improving the Harbour of Leith, and to appoint Commissioners for the Superintendence and Management of the said Harbour and Docks, and for other Purposes connected therewith*, it is enacted, "that it shall and may be lawful for the Commissioners," (thereby appointed,) "if the same shall at any Time appear to be necessary for the Trade and Shipping of the Port of *Leith*, to extend the Harbour to the Eastward of the present Eastern Pier, along the Shore and Sands of *Leith*, in so far as the same belong to the Community of the City of *Edinburgh*:" And whereas the Line of the said Branch Railway is intended to pass along the Shore and Sands of *Leith*, and so may eventually interfere with the Extension of the Harbour contemplated by the said recited Act; be it therefore enacted, That if the Line of the said Branch Railway along the said Shore and Sands of *Leith* shall at any Time be found to interfere with the Extension of the said Harbour, or with the Warehouses or other Works therewith connected, it shall and may be lawful to the Lord Provost, Magistrates, and Town Council of the City of *Edinburgh*, by an Act of Council duly passed, to require the Proprietors of the said Branch Railway to remove the same from the said Shore or Sands of *Leith*, in so far as may be necessary for the Purpose of the said

said Extension and other Works contemplated by the said recited Act, when such Extension shall take place, and that within the Space of Six Months after being thereto required; and failing such Removal by the said Proprietors within the aforesaid Space, it shall and may be lawful to the said Lord Provost, Magistrates, and Council to cause the same to be removed, so as to prevent all Interference with the Extension of the said Harbour, or with the Warehouses or other Works therewith connected, and all Expences attending such Removal shall be defrayed by the Proprietors of the said Railway: Provided always, that so long as the said Railway shall be continued along the Seabeach the Proprietors of the said Railway shall be bound to preserve proper Crossing Places at all the Avenues to the Sands, and at such other Places as the said Lord Provost and Magistrates shall point out, for the Accommodation of Persons using the said Sands or Shore for the Deposition of Timber.

XIV. And be it further enacted and declared, That nothing herein contained in regard to the said Branch Railway to or near to the Harbour of *Leith* shall in any way abridge or infringe upon the Rights, Powers, and Privileges of the Commissioners appointed by the said recited Act of the Seventh Year of the Reign of His present Majesty, nor abridge or infringe upon the Rights and Privileges of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in respect of the Accesses to which they or any of them may be entitled to and from the Sands of *Leith*; but that this Act shall confer no Rights and Privileges, in respect to such Accesses, on any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, other than such as they or any of them is or are at present by Law entitled to; but nothing herein contained shall prevent any such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, from connecting Branch Ways with the said Branch Railway for the Transport of all Commodities, Matters, and Things betwixt their respective Properties and the said Branch Railway.

Privileges of
Leith Dock
Commission-
ers not to be
abridged.

XV. And be it further enacted, That it shall not be lawful for the said Company to use any Locomotive or Self-moving Steam Engine upon any Part of the said Branch Railway adjoining to or across any Turnpike Road, without the Consent of the Trustees of such Road, nor upon such Parts of the said Branch Railway as pass through the Lands, Grounds, and Premises of *James Marquis of Abercorn*, or of *William Henry Miller of Craigentenny*, without the respective Consents in Writing of the said *James Marquis of Abercorn*, or of the said *William Henry Miller*, or of their Heirs and Successors in such Lands, Grounds, and Premises respectively, nor to erect any Steam Engine or any other Engine or Machinery on any Part of the Grounds of the said *James Marquis of Abercorn*, or *William Henry Miller*, or within Five hundred Yards of the same, without such Consent as aforesaid.

Locomotive
Steam En-
gines, &c. not
to be used
without
Consent.

XVI. Provided also, and be it further enacted, That as soon as a Road or Street intended to be formed by *William Henry Miller*

Bridge over
Cut near the
Fishwives
of
Causeway.

of *Craigentenny*, from the *Piershill* Road to the *Portobello* Road, nearly parallel to and within One hundred Yards of the *Fishwives Causeway*, shall be made and completed from the said *Portobello* Road to the Road from *Niddrie* to *Leith*, and set out and formed One hundred Yards to the Westward thereof, a Bridge shall be erected and maintained in the Line of the said Road by the said Railway Company over the Cut on the Property of the said *William Henry Miller*, such Bridge to be of an equal Breadth with the said intended Road or Street, but nevertheless not to exceed the Breadth of Fifty Feet, and to be on the same Level with the Road from *Niddrie* to *Leith* adjoining to the said Bridge.

Retaining
Walls and
Slopes to be
formed on
either Side
of the Cut.

XVII. Provided further, and be it enacted, That on either Side of the Bridge over such Cut, to be built by the said Railway Company, Retaining Walls shall be built by the said Railway Company to a Height which shall bring the Top thereof within Six Feet of the Level of the Public Road from *Niddrie* to *Leith*, to the Westward of which the said Branch Railway is to be carried, and that the Space between such Retaining Wall on the East Side of the said Branch Railway and the present Parapet Wall to the West of the said Road from *Niddrie* to *Leith* shall not exceed Five Yards in Breadth, and shall be of an uniform Breadth throughout, till it comes to the Curvature near the Crossing of the *Piershill* Road; and that a Slope shall be formed from the Top of the Retaining Wall on the East Side of the said Branch Railway to the Parapet Wall at the Side of the said Road from *Niddrie* to *Leith*, at the Expence of the said Railway Company; and the Ground of the said Slope shall remain the Property of the said *William Henry Miller*; and a Parapet Wall, not exceeding Three Feet in Height, similar to that at the Side of the Road from *Niddrie* to *Leith*, shall be erected, at the Expence of the said Railway Company, above the Retaining Wall on the East Side of the said Branch Railway, but gradually rising, as the deep Cutting becomes less, to a Height not exceeding Six Feet, and shall be continued at this Height until it shall join the present Parapet Wall to the South of the *Piershill* Road; and a similar Parapet Wall, not exceeding the Height of Four Feet, but gradually rising to the Height of Six Feet, and continued as aforesaid, shall also be erected, at the Expence of the said Railway Company, above the Retaining Wall on the West Side of the said Branch Railway, from whence a gradual Slope shall be formed to the Surface of the Ground, at the Rate of at least Eight Feet horizontal to One Foot perpendicular, with Liberty to the said *William Henry Miller*, at his own Expence, to raise such Western Parapet Wall to a greater Height, if he at any Time shall think fit: Provided always, that the Surface Soil on either Slope shall be taken off and preserved, so as to be spread upon the said Slopes when formed, but the Subsoil may be taken and used by the said Railway Company: Provided further, that where the said Branch Railway shall cross the *Piershill* Road the Curvature thereof shall not exceed that of a Radius of Four hundred Yards, without the Consent in Writing of the Proprietor of the Ground for the Time being.

XVIII. Pro-

XVIII. Provided further, and be it enacted, That from a Point Fifty Yards to the South of the Centre of the *Piershill* Road, the said Branch Railway and the said Road from *Niddrie* to *Leith* shall be carried upon the same Inclination and Level until the said Branch Railway shall cross the said *Piershill* Road, with Fence Walls on either Side thereof not exceeding the Height of Six Feet; and after the said Branch Railway shall cross the said *Piershill* Road, the said Branch Railway and the Public Road leading therefrom to *Leith* shall be carried upon the same Inclination and Level until the said Branch Railway shall cross the said Road to the Side thereof next the Sea; and the said Branch Railway shall be made of the same Breadth in every Part thereof from the said *Fishwives Causeway* to where it crosses the said Road to the Side next the Sea, and with the Public Road shall receive an uniform Direction throughout the foresaid Space, and both shall be carried in a straight Line from the Termination of the Curvature at the *Piershill* Road to a Point One hundred Yards to the North of the Road leading from *Craigentenny House* to the Sea: Provided also, that after the said Public Roads and Railway shall have been so made upon the same Inclination and Level, the Proprietor of the Estate of *Craigentenny*, and his Tenants for the Time being, shall have Access to either of the said Public Roads across the said Branch Railway, for which Purpose such Number of Crossings, not exceeding Thirty in all, shall be made upon the said Branch Railway as may be necessary to enable the Tenants upon the said Estate of *Craigentenny* for the Time being to have Access to the said Public Roads; and in the Event of Houses being erected on the West Side of the Railway, or Streets formed leading across the same, the Situation of any of the said Crossings shall be once altered at the Expence of the said Railway Company, and thereafter at the Expence of the said Proprietor, who shall be at liberty to make such further Number of Crossings, similar in Construction, not exceeding Twenty, and to alter the same as he shall think fit: Provided further, that a Fence Wall Six Feet in Height, similar to those erected on each Side of the said Road from *Niddrie* to *Leith*, shall be built at the Expence of the said Railway Company, from the *Piershill* Road through the Estate of *Craigentenny* until the same shall cross the said Road leading to *Leith* to the Side next the Sea, in order to divide such Estate from the said Branch Railway; and a similar Wall shall be erected on the East Side of the said Railway, from the *Piershill* Road along the Curvature until it joins the *Leith* Road: Provided nevertheless, that if for the Purpose of such Access to the South of the *Piershill* Road another Bridge or Bridges shall be necessary over any Part of the said Cut, such Bridge or Bridges shall be built at the Expence of the said *William Henry Miller*, and the Span of such Bridge or Bridges shall not be less, nor the Height above the Railway be less, than those of the said Bridge to be built by the said Railway Company in manner before mentioned: Provided further, that in making the said Branch Railway such proper Drains shall be made under the same, at the Expence of the said Railway Company, as shall be necessary to carry the Water from off the said Estate of *Craigentenny* adjoining to the same; and if further Drains

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or

or Sewers shall become necessary after the said Branch Railway shall have been completed, any such Drain or Sewer may at any Time be made at the Expence of the Proprietor of the said Estate for the Time being, doing as little Injury to the Railway as possible.

No Wharfs
or Depôts
to be made
on Craigen-
tinny with-
out Consent.

XIX. Provided also, and be it enacted, That it shall not be lawful for the said Railway Company to make Wharfs or Places of Deposit or Resort, or to erect Toll Houses or Weighing Machines, upon any Part of the Estate of *Craigentenny*, without the Consent in Writing of the Proprietor thereof; and no permanent Incumbrance, Matter, or Thing shall be placed or remain on the Ground to be acquired by the said Railway Company, in order to make the Ground so taken of an uniform Breadth through the Estate of *Craigentenny*, without such Consent in Writing as aforesaid.

Marquis of
Abercorn
and his Te-
nants to
have Right
of Way
Leave on his
own Pro-
perty.

XX. And be it further enacted, That the said Marquis of *Abercorn*, and his Heirs and Successors in the Lands, Grounds, and Heritages of the said Marquis through which the said Branch Railway is intended to pass, and his and their Tenants residing on the same, shall be entitled to and have Right of Way Leave on the said Branch Railway through such Lands, Grounds, and Heritages of the said Marquis, free of all Expence, for the Conveyance of all Coals or other Minerals the Produce of such Lands, Grounds, and Heritages; and neither the said Company nor the Proprietors of the said Branch Railway shall be entitled to ask, demand, take, recover, or receive from the said Marquis or from his Heirs or Successors, or his or their Tenants as aforesaid, any Rate or Duty for the passing of any such Coals or other Minerals along that Part of the said Branch Railway which shall pass through the said Lands, Grounds, and Heritages of the said Marquis of *Abercorn*; but declaring that the said Rates and Duties shall be paid by the said Marquis of *Abercorn*, and his Heirs and Successors in the said Lands, Grounds, and Heritages, and his or their Tenants as aforesaid, on all other Parts of the said Railway or Branches.

Marquis of
Abercorn
and William
Henry Mil-
ler may
make
Branches to
join the
Railway.

XXI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend so as to hinder or prevent the said Marquis of *Abercorn*, and the said *William Henry Miller* of *Craigentenny*, or either of them, or their respective Heirs and Successors, in the Lands, Grounds, and Heritages of the said Marquis and of the said *William Henry Miller*, through which the said Branch Railway is intended to pass, after Ten Days Notice in Writing given to the said Company, or to the Committee for the said Branch Railway to *Leith*, from laying down a Branch or Branches from such Lands or Grounds respectively, to communicate with or to cross the said Branch Railway to *Leith*, or from making, at their proper Expences respectively, such Openings into the Ledges or Flanches of the said Branch Railway, not injuring the same, as may be necessary and convenient for effecting such Communication or Crossing, without the said Company being entitled to receive any Rates or Tolls for the passing of any Minerals, Goods, or other Articles along such Branch or Branches belonging

to the said Marquis, or to the said *William Henry Miller*, or their said respective Heirs or Successors; but without Prejudice to the said Company's receiving Rates or Tolls for such Minerals, Goods, or other Articles passing along the Railway belonging to the said Company, excepting in so far as any Articles may be conveyed free of any Rates or Duties through the Lands of the said Marquis in virtue of such Way Leave as aforesaid.

XXII. And be it further enacted, That it shall not be lawful for the said Company to carry the waste Water or Drainage from any fixed Steam Engine to be erected by the said Company into the Lands, Grounds, or Heritages belonging to the said Marquis of *Abercorn*, nor to make thereon any Coal Yard, Wharf, or other Receptacle or Place of Deposit for Goods, Wares, or Merchandize, nor any Place for the Conversion of Coal into Coke by burning, or other similar Nuisance, nor to erect any Buildings or Works of any Kind thereon, excepting the said Railway, and necessary Works connected therewith, without the Consent in Writing of the said Marquis, his Heirs or Successors: Provided always, that, when required by the said Marquis of *Abercorn*, a Fence Wall, Five Feet in Height, shall be built, at the Expence of the said Company, along the West Side of the said Branch Railway, from the *Fishwives Causeway* to One hundred Yards beyond the *Easter Duddingstone Road*; and when required as aforesaid, the like Fence Wall shall also be so built on the East Side of the said Branch Railway from the *Fishwives Causeway* to the *Easter Duddingstone Road*, excepting where the Public Road adjoins the said Railway on such East Side thereof.

Wharfs, &c.
not to be
made on
Grounds of
Marquis of
Abercorn.

XXIII. And whereas the probable Expence of making the said Branch Railway to or near to the Harbour of *Leith* as a single Railway, and Works relating thereto, will amount to the Sum of Twenty-five thousand seven hundred Pounds, and the Sum of Nineteen thousand six hundred Pounds, being more than Four Fifth Parts of such Expence, has been already subscribed by certain Persons, under a Contract binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums subscribed by them respectively; be it further enacted, That the said Branch Railway to or near to the Harbour of *Leith* shall not be begun till the Sum of Twenty-five thousand seven hundred Pounds be completely subscribed.

Branch to
Leith not to
be made till
the whole
Sum is sub-
scribed.

XXIV. And be it further enacted, That the said Sum of Twenty-five thousand seven hundred Pounds, or so much thereof as shall be raised and contributed for the Purpose last mentioned, shall be divided into Shares of Twenty-five Pounds each, and such respective Shares shall be numbered in regular Progression, and every such Share shall be distinguished by the Number to be applied to the same; and no Person subscribing thereto, or becoming a Proprietor of such Undertaking, shall become a Proprietor of less than One Share; and the said Shares shall be and are hereby vested in the several Persons so raising and contributing the same, and their

Shares.

several

several and respective Executors, Successors, and Assignees, to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute; and all Bodies Politic, Corporate, and Collegiate, and all and every other Person or Persons, their several and respective Executors, Successors, and Assignees, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Undertaking of the said Branch Railway to or near to the Harbour of *Leith*, and other the Purposes of the said Subscription, shall be entitled to and receive, at such Time and Times as the Majority of the Proprietors of the said Branch Railway to or near to the Harbour of *Leith* shall, at a General or Special Meeting of such Proprietors to be convened for that Purpose, direct and appoint, the entire and net Distribution of an equal proportional Part, according to the Money so by them respectively paid, of the Profits and Advantages that shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by the said Company from the said Branch to or near to the Harbour of *Leith* by the Authority of the said recited Act or this Act; and every Body Politic, Corporate, and Collegiate, Person or Persons, having such Property in the said Undertaking of the said Branch as aforesaid shall bear and pay a proportional Sum towards carrying on the same in manner herein directed and appointed.

Meetings of Proprietors of *Leith* Branch may be specially convened.

XXV. And be it further enacted, That if it shall at any Time appear, that for the more effectually putting this Act into execution a Special General Meeting of the Proprietors of the said Branch Railway to or near to the Harbour of *Leith* is necessary to be held, it shall be lawful for their Committee, to be appointed as hereinafter mentioned, or for any Six or more of the said Proprietors, who may each of them be possessed of or entitled to Ten Shares or Subscriptions of Twenty-five Pounds each or upwards at the least in the said Undertaking, to cause Ten Days Notice at the least to be given thereof in some Newspaper or Newspapers usually circulating in the County of *Edinburgh*, specifying in such Notice the Reason and Intention of requesting such Special General Meeting, and the Time when and Place where the same shall be held; and the said Proprietors of the said Branch Railway are hereby authorized to meet pursuant thereto, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company of Proprietors in regard to the said Branch Railway to or near to the Harbour of *Leith*, with respect to the Matters specified in such Notice as aforesaid; and the said Proprietors of the said Branch Railway, or the major Part of them present at any such Meeting, shall have Power to adjourn to such Times and Places as they shall think proper and convenient, and as often as may be necessary; and all such Acts of the Proprietors of the said Branch Railway, or the major Part of them, entitled to vote in Manner herein-after mentioned, met together at every such Special General Meeting, or any adjourned Meeting, shall be as valid

valid with respect to the Matters specified in such Notice as if the same had been done at a General Meeting of the said Company of Proprietors.

XXVI. And be it further enacted, That it shall and may be lawful for the said Company to apply all or any Part of the Money so subscribed as last aforesaid for making and completing the said Branch Railway to or near to the Harbour of *Leith*, and the Ways, Wharfs, and other Works and Conveniences belonging or requisite thereto.

Application of the Money subscribed.

XXVII. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and all and every other Person or Persons, of and in the Undertaking of the said Branch Railway to or near to the Harbour of *Leith*, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property.

Shares to be deemed Personal Estate.

XXVIII. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe to advance any Money for or towards making and maintaining the said Branch Railway to or near to the Harbour of *Leith* shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the Company under and by virtue of the Powers and Directions of the said recited Act and this Act, at such Times and Places as shall be directed by the said Company, or the Committee to be appointed for the said Branch to or near to the Harbour of *Leith*, in manner herein-after mentioned; and in case any Person or Persons shall refuse or neglect to pay the same at the Time and in the Manner required for that Purpose it shall and may be lawful for the said Company to sue for and recover the same in any Court of Law or Equity.

To compel Payment of Subscriptions.

XXIX. And for the better securing to the several Persons who have subscribed or shall hereafter subscribe to the said Undertaking of the said Branch Railway to or near to the Harbour of *Leith* their respective Shares therein, be it further enacted, That the said Proprietors of the said Branch Railway to *Leith* shall and they are hereby required, at some General Meeting of such Proprietors, to cause the Names and proper Additions of the several Persons who shall be then entitled to the Shares in the said Undertaking of the Branch Railway to or near to the Harbour of *Leith*, with the Number of the Shares, or the Amount of all the Subscriptions which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a separate Book to be kept, under the Direction of the Committee of the said Proprietors of the said Branch Railway to *Leith*, in manner herein-after directed; and after such Entry made the said Company shall cause the Common Seal of the said Company to be affixed thereto, and cause a Ticket or Instrument, with the Common Seal of the said Company affixed thereto, to be

Names of Proprietors to be entered, and Tickets of their Shares delivered to them.

[*Local.*]

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delivered

delivered to every such Subscriber upon Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking of the said Branch Railway to or near to the Harbour of *Leith*, every such Proprietor paying to the Clerk One Shilling and no more for every such Ticket or Instrument; and such Ticket or Instrument shall be admitted in all Courts whatsoever as Evidence of the Title of such Subscriber, his or her Executors, Successors, and Assignees, to the Share or Shares therein specified, but the Want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; and which said Ticket or Instrument may be in the Words or to the Effect following; (*videlicet*,)

Form of Ticket.

‘ The *Edinburgh* and *Dalkeith* Railway Company.
‘ *Leith* Branch.

‘ Number

‘ THESE are to certify, That of is a
‘ Proprietor of the Share or Number being Share
‘ of the *Leith* Branch of the *Edinburgh* and *Dalkeith* Railway,
‘ and that the said his [*or her*] Executors or Successors and
‘ Assignees, is and are entitled to the Profits and Advantages of
‘ such Share arising out of the said Branch to *Leith*. Given under
‘ the Common Seal of the said Company, the Day of
‘ in the Year of our Lord .’

Subscribers to be deemed Proprietors, and to be entitled to vote personally or by Proxy.

XXX. And be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons, and his, her, or their Executors, Successors, and Assignees, who shall have subscribed for or shall become entitled to and be in the actual Possession of One or more Share or Shares in such Undertaking, shall be deemed a Proprietor of the said Branch Railway to or near to the Harbour of *Leith* for every such Share, and shall be entitled, in every Meeting of the Proprietors of the said Branch Railway, to vote for the same in manner following; *videlicet*, for One Share, or any Number of Shares less than Twelve, he, she, or they shall be entitled to One Vote; for Twelve Shares and upwards he, she, or they shall be entitled to Two Votes, and no more; which Votes shall and may be given by him, her, or them, or by his, her, or their Proxy or Proxies (such Proxy or Proxies being a Proprietor or Proprietors of One or more Share or Shares in such Undertaking) duly constituted under his, her, or their Hand or Hands, or Common Seal if a Corporation, or, in Cases of Infancy, Idiocy, or Lunacy, under the Hand or Hands of his, her, or their Tutor or Tutors, Curator or Curators, Guardian or Guardians; and that every such Vote by Proxy shall be as good and valid to all Intents and Purposes as if such Principal or Principals had voted in Person, and being an Infant had been of full Age; the Appointment of which Proxy shall and may be made in the Words or to the Effect following (varying the same so as to meet each particular Case); *videlicet*,

Form of the Appointment.

‘ I One of the Proprietors [*or We, A.B. and C.D.,*
‘ Guardians of One of the Proprietors] of the *Leith*
‘ Branch

‘ Branch of the *Edinburgh* and *Dalkeith* Railway, do hereby nominate, ment of a
‘ constitute, and appoint to be my [*or his or her*] Proxy Proxy.
‘ in my [*or his or her*] Absence to vote and give my [*or his or her*]
‘ Assent or Dissent to any Business, Matter, or Thing relating
‘ to the said Branch which shall be mentioned or proposed at any
‘ Meeting of the Proprietors of the said Branch in such Manner
‘ as he the said shall think proper,
‘ according to his Opinion and Judgment, for the Benefit of the
‘ said Branch, or any thing appertaining thereto. In witness
‘ whereof I [*or we*] have hereunto set my Hand [*or our Hands*]
‘ the Day of in the Year of
‘ our Lord .’

XXXI. Provided always, and be it enacted, That nothing herein Proprietors
contained shall authorize or empower any of the Proprietors of the of Branch
said Branch Railway to or near to the Harbour of *Leith* to vote or Railway not
act in any Meeting of the Proprietors of the said Main Line of Rail- entitled to
way, unless he, she, or they be also Proprietors of such Main Line, vote for
and entitled to vote or act as such. Main Line.

XXXII. Provided also, and be it further enacted, That in case Power to
the said Sum of Twenty-five thousand seven hundred Pounds herein borrow
before authorized to be raised for the Purposes of the said Branch to or 10,000*l.* for
near to the Harbour of *Leith* shall be found insufficient for making the *Leith*
and completing the said Branch and other Works therewith con- Branch by
nected hereby authorized to be made, and defraying all necessary Assignment
Charges and Expences relating thereto, it shall be lawful for the said of the Rates.
Company, on the Requisition of the Committee of Proprietors of the
said Branch to be appointed as herein-after mentioned, by an Order
of any General Assembly of the said Company, to borrow and take
up at Interest all or any Part of the Sum of Ten thousand Pounds
on the Credit of the said Branch Railway to or near to the said Har-
bour of *Leith*, as to them shall seem meet and convenient; and the
said Company, after any such Requisition and Order, shall be and
are hereby authorized and empowered to assign the Property of
the said Branch, and the Rates arising or to arise therefrom by
virtue of this Act, or any Part thereof, (the Costs and Charges of
assigning the same to be paid out of such Rates,) as a Security
for any such Sum or Sums of Money to be borrowed as aforesaid,
with Interest to such Person or Persons, or to his, her, or their
Trustee or Trustees, who shall advance the same; all which said
Securities or Assignments shall be made, under the Common Seal
of the said Company, in the Words or to the Effect following; (that
is to say,)

‘ Number

‘ **B**Y virtue of an Act made in the Year Form of As-
‘ of the Reign of King *George* the Fourth, intituled [*here* signment.
‘ set forth the Title of this Act], we the *Edinburgh* and *Dalkeith*
‘ Railway Company, incorporated by and under an Act of the
‘ Seventh Year of the Reign of His said Majesty, in consideration
‘ of the Sum of to us in hand paid
‘ by of on account of the Branch
‘ Railway

' Railway to or near to the Harbour of *Leith*, do assign unto
 ' the said his [or her] Executors, Succes-
 ' sors, and Assignees, all and singular the Rates arising by virtue
 ' of this Act from the said Branch Railway, and all the Estate,
 ' Right, Title, and Interest of and in the same, to hold unto the
 ' said his [or her] Executors, Suc-
 ' cessors, and Assignees, until the said Sum of
 ' together with Interest for the same after the Rate of
 ' for every for a Year, shall be fully paid and
 ' satisfied. Given under the Common Seal of the said Company
 ' this Day of in the Year of our
 ' Lord .

And all and every Person or Persons to whom such Security or
 Assignment shall be made shall be equally entitled one with the
 other to his, her, or their Proportion or Proportions of the Rate
 and Premises of the said Branch Railway, according to the re-
 spective Sum in such Assignments mentioned to be advanced,
 without any Preference by reason of Priority of any such Assign-
 ments, or on any Account whatsoever; and a Memorial of every
 such Assignment, containing the Date, Name or Names of the
 Person or Persons to whom made, the Sum of Money borrowed,
 and the Rate of Interest, shall be entered in a Book or Books
 for the said Branch Railway, to be kept by the Clerk to the
 Proprietors of the Branch Railway to *Leith* to be appointed as herein-
 after mentioned; which said Book or Books shall and may be
 perused at all seasonable Times by any of the Proprietors or Cre-
 ditors of the said Branch Railway, or other Persons interested
 therein, without Fee or Reward; and all and every Person or
 Persons to whom any such Security or Securities, Assignment or
 Assignments, shall be made as aforesaid, or who shall be entitled to
 the Money due thereon, shall and may from Time to Time
 transfer his, her, or their Right or Interest therein to any Person or
 Persons whomsoever; which Transfer shall and may be in such and
 the same Manner and Form as in and by the said recited Act directed
 as to Transfers of Assignments of Rates arising out of the Main
 Line of Railway; and all Rules and Regulations by the said recited
 Act applicable to Money borrowed on the Credit of the said Main
 Line of Railway shall be applicable to the said Branch Railway
 to or near to the Harbour of *Leith*, except in so far as the same may
 be hereby altered or repealed.

Interest of
 Money bor-
 rowed to be
 paid in pre-
 ference to
 the Divi-
 dends, and
 may be sued
 for at Law.

XXXIII. And be it further enacted, That the Interest of the
 Money which shall be borrowed on the Credit of the said Branch
 Railway to or near to the Harbour of *Leith* as aforesaid shall be paid
 half-yearly to the Persons severally entitled thereto, in preference
 to any Interest or Dividends due and payable from the said Branch
 Railway by virtue of this Act to the Proprietors of the said Branch
 Railway, and shall from Time to Time be fully paid and discharged
 or provided for before any such yearly or other Interest or Divi-
 dends due to the said Proprietors shall be paid, made, or divided;
 and in case such Interest or any Part thereof shall be behind and
 unpaid

unpaid by the Space of Thirty Days next after the same shall become due and payable as aforesaid, and after Demand made, the same shall and may be sued for and recovered, with Costs, from the said Company, by Action in the Court of Session in *Scotland*.

XXXIV. And be it further enacted, That all the Money to be raised or borrowed by the said Company by virtue of this Act for the Purpose of the said Branch Railway to or near to the Harbour of *Leith* shall be and is hereby directed and appointed to be laid out and applied, in the first place, for and towards the Payment and Discharge and Satisfaction, to the Extent herein-after directed, of all Costs, Charges, and Expences in applying for, obtaining, and passing this Act, in so far as relates to the said Branch Railway, and all the necessary Expences preparatory and relating thereto, and all the Residue and Remainder of such Money for and towards making, completing, and maintaining the said Branch Railway to or near to the Harbour of *Leith*, and Works connected therewith, and to no other Use, Intent, or Purpose whatsoever.

Application of Money so to be raised.

XXXV. Provided always, and be it enacted, That nothing herein contained shall extend to charge or make liable any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who is, are, or shall be the Proprietor or Proprietors of the Stock of the said Branch Railway to or near to the Harbour of *Leith*, or his, her, or their Estate, heritable or moveable, real or personal, with any Debt or Demand whatever due or to become due by or from the said Company for or on account of the said Main Line of Railway in any Manner of Way for or on account of his, her, or their being the Proprietor or Proprietors of Stock of the said Branch, nor with any Debt or Demand whatever due or to become due by the Proprietors of the said Branch, beyond the Extent of his, her, or their Capital Stock or Share or Shares in the said Branch; any Law, Custom, or Usage to the contrary thereof notwithstanding.

No Proprietor of Leith Branch answerable for Debts on Main Line, nor for more than his own Stock.

XXXVI. And be it further enacted, That at the First or some subsequent General Meeting of the said Company, as soon as conveniently may be after the passing of this Act, the said Company shall appoint a General Meeting of the Proprietors of the said Branch Railway to or near to the Harbour of *Leith*, to be held, within One Calendar Month from the Date of such Appointment, at such Time and Place as to the said Company shall seem expedient, of which Meeting Ten Days Notice at the least shall be given in some Newspaper or Newspapers usually circulating in the County of *Edinburgh*; and at such General Meeting the Proprietors of the said Branch, together with such Proxies of such Proprietors as shall be then present, shall choose and elect, out of such of the said Proprietors as at the Time of such Election shall respectively be possessed in their own Right of Stock of the said Branch Railway to or near to the Harbour of *Leith* to the Amount of Six Shares at the least in the said Branch Railway, a Committee to manage the Affairs of the said Branch Railway as herein directed, and to consist of Five or more Persons,

A Committee for Leith Branch to be elected.

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of whom the senior resident Magistrate of *Leith* shall *ex officio* always be One, while the Magistrates and Masters of the Incorporations of *Leith* shall hold Six Shares at least in the said Branch Railway, Three of whom shall at all Meetings of the Committee be a Quorum; but if any Person elected to be of such Committee shall cease to hold the Number of Six Shares, or shall become bankrupt, such Proprietor shall cease to be of such Committee, and another Proprietor, qualified as aforesaid, shall be nominated by the remaining Members of the Committee, to continue in Office till the next General Meeting of the said Proprietors.

Power to
appoint and
remove Offi-
cers.

XXXVII. And be it further enacted, That the Proprietors of the said Branch Railway to *Leith* shall have Power and Authority, at any General Meeting of such Proprietors, to appoint, and upon the Requisition in Writing of Two Thirds in Number of such Committee to remove and displace, any Person or Persons who shall have been chosen a Member or Members of the said Committee, or any Clerk or other Officer or Officers under them, and to choose and elect others in case of Death or other Vacancy.

Committee
for *Leith*
Branch to
have similar
Powers with
Committee
on Main
Line.

XXXVIII. And be it further enacted, That such Committee so to be appointed for the Branch Railway to or near to the Harbour of *Leith* shall have such and the like Powers and Authorities of appointing Sub-Committees, with Power and Authority to enter into Contracts and Agreements, and to do all other Matters and Things in relation to the making of the said Branch Railway as are in and by the said recited Act given and granted to the Committee therein authorized to be appointed for carrying into execution the said Main Line of Railway and its Branches in the said recited Act mentioned.

Books of Ac-
count of
the *Leith*
Branch to be
kept.

XXXIX. And be it further enacted, That proper separate Books of Account of the Monies received and expended in relation to the said Branch Railway to or near to the Harbour of *Leith*, and of all other Matters relating to the same, shall be kept, and that all such Books and other Matters shall be deposited and kept, under the Direction of the said Committee for the Time being for the said Branch Railway, at such Place or Places as the said Committee of the Proprietors of the said Branch Railway to *Leith* shall from Time to Time direct; and every Proprietor of Six or more Shares of the said Railways shall for One Month after the Annual General Meeting have free Access to the same, for his, her, or their Inspection, without Fee or Reward.

Shares of
Proprietors
of *Leith*
Branch may
be sold.

XL. And be it further enacted, That it shall be lawful for the several Proprietors of the said Branch Railway to or near to the Harbour of *Leith* to sell and dispose of his, her, or their Shares thereof in such and the like Manner and Form, and upon such and the like Conditions, as are in the said recited Act enacted and declared in respect of the Sale of Shares of the said Main Line of Railway and Branches thereof in the said recited Act mentioned.

XLI. And

XLI. And be it further enacted, That when the said Branch Railway to or near the Harbour of *Leith* shall be completed, or as soon after as a competent Judgment can be formed of the Profits which may accrue therefrom, the said Committee for the said Branch Railway to or near to the Harbour of *Leith* shall and they are hereby empowered and directed to make and declare such Dividend or Dividends on the Stock of the said Branch Railway to be paid out of the Profits of such Branch to the Proprietors of Shares thereof as shall be settled and approved by any General Meeting of such Proprietors.

Dividend to be declared on the Stock of the *Leith* Branch.

XLII. And be it further enacted, That it shall and may be lawful for the Committee for the said Branch Railway to or near to the Harbour of *Leith*, 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, for the Tonnage and Conveyance of all Minerals, Goods, Wares, and Merchandize and other Things which shall be carried, or 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 Act authorized to be taken by the said Company upon the said Main Line of Railway and Branches thereof in the said recited Act mentioned: Provided always, that it shall be lawful for the said Committee on the said Branch to or near to the Harbour of *Leith*, at any Time or Times hereafter, to ask, demand, take, recover, or receive upon the said Branch such Rates and Duties as the said Committee shall from Time to Time direct, but not exceeding the Amount of the Rates and Duties specified in the said recited Act.

Rates and Duties to be levied the same as on Main Line.

XLIII. Provided always, and be it further enacted, That in case the said intended Branch Railway to or near to the Harbour of *Leith* shall not have been completed and made within the Space of Six Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Six Years all the Powers, Authorities, and Privileges given by this Act shall cease and determine; save only and except as to so much (if any) of the said intended Branch Railway and Works therewith connected as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said County of *Edinburgh* assembled at any Quarter Sessions of the Peace to be holden in and for the said County at any Time before the Expiration of the said Term of Six Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of One or more Witness or Witnesses upon Oath to be produced before them for that Purpose.

If *Leith* Branch not completed in Six Years, Powers to cease, except as to such Part, if any, as shall be completed.

XLIV. And whereas by the said recited Act it is enacted, That in case the said Railways thereby authorized to be made shall not be completed within the Space of Six Years from the passing of the said Act the Powers, Authorities, and Privileges thereby given shall cease and determine, save only and except as to so much of the said Railways and Works as shall have been certified, in manner therein

Period within which original Line of Railway may be completed.

therein mentioned, to have been completed within the said Term ; be it enacted, That the said Space of Six Years shall be computed from the passing of this Act.

In case the Marquis of Lothian continues the Main Line to Newton Grange, additional Rates not be taken at North Esk Bridge.

XLV. And whereas it would be of great public Utility, and be greatly to the Advantage of the said Company and for the Benefit of the said Railways, if a Communication were made from the Southern End of the Main Line of the said Railway at or near *Dalhousie Mains*, across the River *South Esk*, through the extensive Coal Fields in that District, to *Newton Grange*, all in the County of *Edinburgh* ; and it is desirable to give every Encouragement to the Execution of such Communication ; be it therefore enacted, That in case the Most Honourable *John William Robert* Marquis of *Lothian*, or the Heir or Heirs succeeding to him in his Estates of *New Battle*, shall, at their own Costs and Charges, make such Communication between the said District and the Southern Extremity of the said Main Line of Railway, by building a Bridge across the River *South Esk*, and continuing a Railway from the said Southern Extremity of the Main Line of the Railway, across the said River *South Esk*, to *Newton Grange*, it shall no longer be lawful for the said Company to ask, demand, take, recover, or receive Pontage Rates or Duties at the Bridge over the River *North Esk* for any Goods, Commodities, Wares, and Merchandize, Articles, Matters, and Things whatsoever, which, after passing any Bridge that may be erected over the said River *South Esk*, shall come upon the said Main Line of the Railway at or near *Dalhousie Mains*, and shall afterwards pass along the same, and along the said Branch to or near to the Harbour of *Leith* ; but all such Goods, Commodities, Wares, Merchandizes, Articles, Matters, and Things so passing across the River *South Esk* to or near to the Harbour of *Leith* shall only pay the ordinary Rates and Duties upon the said Railway and its Branches ; in which Railway the Length of Railway along the said Bridge over the River *North Esk* shall be taken into Account in paying the said Rates and Duties ; any thing in the said recited Act contained to the contrary notwithstanding.

Proprietors of Main Line to be indemnified by Proprietors of the Leith Branch.

XLVI. And be it further enacted and declared, That the Proprietors of the said Main Line of Railway shall be held and kept indemnified by the Proprietors of the said Branch Railway to or near to the Harbour of *Leith* of, from, and against all Liabilities to which they may be subjected in respect of the said Branch Railway, and for or in respect of all Payments made or to be made, and of all Obligations incurred or to be incurred, in relation to the same.

Expences of Act.

XLVII. And be it further enacted, That the Expences of procuring, passing, and obtaining this Act shall be paid out of the first and readiest of the Monies which shall be in or come into the Hands of the said Company, and shall be afterwards apportioned and paid, one Half out of the Funds of the said Main Line and Branches authorized to be made by the said recited Act, and the other Half out of the Funds of the aforesaid Branch Railway to or near to the Harbour of *Leith* hereby authorized to be made.

XLVIII. And

XLVIII. And be it further enacted, That this Act shall be **Public Act.**
deemed and taken to be a Public Act, and shall be judicially taken
notice of as such by all Judges, Justices, and others, without being
specially pleaded.

SCHEDULE to which this Act refers.

Branch Railway from the Main Line to Leith Harbour.

No. on the Plan.	Owners Names.	Occupiers Names.	Description of Property.	Parish.	County.
1.	The City of Edinburgh and Leith Dock Commissioners.	Themselves and the Public.	Harbour.	South Leith.	Edinburgh.
2.	Ditto.	Ditto.	Stone Piers and Passage.	Ditto.	Ditto.
3. 3. 3. 3.	Ditto.	Ditto.	Lands and Ground.	Ditto.	Ditto.
4.	Ditto.	Margaret Hall.	House and Ground.	Ditto.	Ditto.
5.	Edinburgh and Leith Glass Company.	Themselves.	Sea Wall and Houses next the same.	Ditto.	Ditto.
6.	William Gray and Company.	Themselves.	Sea Wall and Houses and Ground.	Ditto.	Ditto.
7.	George Wood, M.D.	Himself.	Pasture.	Ditto.	Ditto.
8.	Trustees of the late John Rhind.	Themselves.	Ditto.	Ditto.	Ditto.
9. 9. 9. 9.	Trustees of Post Road District.	Public.	Turnpike Road.	Ditto.	Ditto.
10. 10. 10. 10. 10. 10. 10. 10. 10.	} William Henry Miller.	Himself.	Arable and Meadow Ground.	Ditto.	Ditto.
11.		Ditto.	William Johnston.	Farm Road.	Ditto.
12.	Road Trustees	Public.	Road.	South Leith and Duddingston.	Ditto.
1. 1.	The Marquis of Abercorn.	David Scott.	Arable Land.	Duddingston.	Ditto.
2. 2. 2. 2.	Ditto.	William Hope.	Ditto.	Ditto.	Ditto.
3. 3. 3. 3.	Ditto.	John Johnston.	Ditto.	Ditto.	Ditto.
4. 5.	Heritors of Duddingston Parish.	Public.	Parish Road.	Ditto.	Ditto.
1. 1.	Andrew Wauchope of Niddrie Marischall.	James Johnston.	Arable Land.	Libberton.	Ditto.