



ANNO DECIMO QUARTO

VICTORIÆ REGINÆ.

Cap. xxvii.

An Act for enabling the *North British Railway Company* to enlarge their Station at *Edinburgh*, and to make certain short Railways there and at *Dalkeith*; and for other Purposes.

[5th June 1851.]

WHEREAS by Local and Personal Act, Seventh of *George* 7 G.4. c. 98. the Fourth, Chapter Ninety-eight, the *Edinburgh and Dalkeith Railway Company* were incorporated, and authorized to make a Railway from *Edinburgh* to the South Side of the River *North Esk*, near *Dalkeith* and *Newbattle*, with Branches therefrom, which Railway and Branches are called the *Edinburgh and Dalkeith Railway*: And whereas by Local and Personal Act, Tenth 10 G.4. c. 122. of *George* the Fourth, Chapter One hundred and twenty-two, the said Company were authorized to make a Branch Railway from their said Railway to *Leith*, called the *Leith Branch* of the *Edinburgh and Dalkeith Railway*: And whereas by the Local and Personal Act, Fourth and Fifth of *William* the Fourth, Chapter Seventy-one, the 4 & 5 W.4. c. 71. said Company were authorized to make a short Extension of the *Leith Branch*, and to make a Branch from their Main Railway to the Town of *Dalkeith*, which Branch is called "The *Dalkeith Town Branch*:"

[Local.]

5 A

And

*The North British Railway (Stations Enlargement) Act, 1851.*7 & 8 Vict.
c. 66.8 & 9 Vict.
c. 82.9 & 10 Vict.
c. 74.9 & 10 Vict.
c. 74.8 & 9 Vict.
c. 164.9 & 10 Vict.
c. 73.10 & 11 Vict.
c. 136.11 & 12 Vict.
c. 25.

And whereas by the Local and Personal Act, Seventh and Eighth of *Victoria*, Chapter Sixty-six, the *North British* Railway Company were incorporated: And whereas under the Provisions of the Local and Personal Acts, Eighth and Ninth of *Victoria*, Chapter Eighty-two, and Ninth and Tenth of *Victoria*, Chapter Seventy-four, the Undertaking of the *Edinburgh and Dalkeith* Railway Company was purchased by and is now vested in the *North British* Railway Company: And whereas by the said Local and Personal Act, Ninth and Tenth of *Victoria*, Chapter Seventy-four, the *North British* Railway Company were authorized to make Branch Railways, and to purchase Lands for the Purposes thereof, but were restricted from taking, using, or interfering with a certain Public Stairs numbered 1. in the Parish of *Trinity College* on the Plans referred to in such Act: And whereas, as well by the said recited Acts, or some of them, as by the Local and Personal Acts, Eighth and Ninth of *Victoria*, Chapter One hundred and sixty-four, Ninth and Tenth of *Victoria*, Chapter Seventy-three, Tenth and Eleventh of *Victoria*, Chapter One hundred and thirty-six, and Eleventh and Twelfth of *Victoria*, Chapter Twenty-five, Power to raise various Sums of Money by the Creation of Shares, amounting in the whole to Three millions and twenty-three thousand Pounds, and various other Powers, were conferred upon the *North British* Railway Company: And whereas the Station of the *North British* Railway Company at *Edinburgh* is inconveniently small, and it is expedient that a short Railway should be made at or near the same, to improve the Station and Approach thereto: And whereas a Railway at the *Dalkeith* Station of the said *Dalkeith* Town Branch, between the Station House and Grain Sheds, would be of public Advantage: And whereas the *North British* Railway Company are willing to execute the above-mentioned Works, if authorized by Parliament so to do: And whereas the said Public Stairs at *Edinburgh* numbered 1. in the Parish of *Trinity College* on the Plans referred to in the said Act, 9 & 10 Vict. Cap. 74., require to be altered for the Purposes of the Works hereby authorized, and it is expedient that the Provisions of the said Act restricting the said *North British* Railway Company from using or interfering with such Public Stairs should be repealed: And whereas it is expedient that the *North British* Railway Company should be authorized to raise a further Sum of Money, for discharging Liabilities incurred in making the Railways and Works by the said Acts authorized, and for completing such Railways and Works, and for the Purchase of additional Plant, and otherwise for carrying into effect the Objects of the said Acts: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and

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and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

- I. That in construing this Act the Expression "the Company" shall mean the *North British Railway Company*. Interpretation.
- II. That all the Provisions of "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and of "The Railways Clauses Consolidation (*Scotland*) Act, 1845," except such as may be expressly varied by this Act, shall extend to this Act, and to the several Purposes thereof, and the same, together with this Act, shall be One Act. Clauses of 8 & 9 Vict. cc. 19. & 33. incorporated with this Act.
- III. That the recited Acts, and the Acts incorporated therewith, so far as they are now unrepealed and in force, and as altered or amended by this Act, and this Act, shall be One Act, and shall be carried into execution accordingly. Recited Acts and this Act to be One Act.
- IV. That it shall be lawful for the Company to make and maintain the following Works, with all proper Works, Approaches, and Conveniences connected therewith respectively; that is to say, Power to execute Works.
- First, an Enlargement of their Station at *Edinburgh* :
- Second, a Railway diverging from the Line of the *North British Railway* at a Point at or near where such Railway crosses *Gilmore Street* in the Parish of *Canongate* and County of *Edinburgh*, and terminating at a Point at or near the Road leading from *Canal Street* to the Goods Station of the *Edinburgh, Dundee, and Perth Railway Company* in the Parish of *Saint Andrew's* and County of the City of *Edinburgh* or County of *Edinburgh* :
- Third, a Railway commencing at a Point at or near the Grain Sheds at the *Dalkeith* Station of the *Dalkeith Town Branch* in the Parish of *Dalkeith* and County of *Edinburgh*, and terminating at or near the Station House of the said *Dalkeith Town Branch* in the same Parish.
- V. Whereas Plans showing the Situation and Extent of the proposed Enlargement of the said Station at *Edinburgh*, and Plans and Sections showing the Lines and Levels of the said proposed Railways, together with Books of Reference to such Plans, containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands required to be taken for the Purposes of the said Works, have been deposited with the Principal Sheriff Clerks for the County of the City of *Edinburgh* and for the County of *Edinburgh*, subject to the Provisions and Powers of Deviation in this and the said Railways Clauses Consolidation Acts contained: It shall be Works to be executed according to deposited Plans.

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be lawful for the Company to make the said Works upon the Site and according to the Lines and Levels thereof respectively defined upon the said Plans and Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for the Purpose: Provided always, that, notwithstanding the References on the said Plans numbered 1. and 9. in the Parish of *Trinity College* to the Road leading through below the *North Bridge* Eastward, in continuation of *Canal Street*, it shall not be lawful for the Company to take, occupy, alter, or interfere with the said Road in any manner of way, except temporarily to enclose Part of the same during the Construction of the Flights of Stairs herein-after authorized to be made.

Certain open Spaces for Light and Air not to be diminished.

VI. Provided always, That it shall not be lawful for the Company to shut up, alter, or diminish the Two open Spaces for Light and Air presently existing between the several Parts of the Bridge already constructed by them for carrying their present Railway across the Road leading Northward in continuation of *Leith Wynd*, except to the Extent and Effect of cutting diagonally off each of the said open Spaces not more than One Third thereof; and the Company shall of new puddle the said Bridge and the other Bridge already constructed by them for carrying their present Railway across the Road in continuation of *Canal Street* leading to the *Physic Gardens*, or use other Means to make the said Bridges water-tight, and shall for ever maintain the same in a sufficient State and Condition of Repair.

Powers to shut up Roads.

VII. That it shall be lawful for the Company to shut up permanently the Road numbered 8. in the Parish of *Trinity College* on the Plans deposited as aforesaid,

Period for compulsory Purchase of Lands limited.

VIII. That the Powers of the Company for the compulsory Purchase of Lands by this Act authorized to be taken shall not be exercised after the Expiration of One Year from the passing of this Act.

Period for Completion of Works.

IX. That the Works by this Act authorized to be made shall be completed within Two Years from the passing of this Act; and upon the Expiration of such Period the Powers by this and the recited Acts granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof respectively as shall then be completed.

Works to form Part of the Undertaking of the North British Railway Company.

X. That the several Works by this Act authorized to be made shall form Part of the Undertaking of the *North British Railway Company*, and as such shall be subject to the Provisions of the said recited Acts relating thereto, so far as the same may be applicable.

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XI. That it shall be lawful for the Company to demand and receive, in respect of the Use of the Railways by this Act authorized to be made, and of the Engines and Carriages employed thereon, any Tolls and Charges not exceeding the maximum Rate of Tolls and Charges which they are now authorized to demand and receive in respect of the Use of the *North British Railway*.

Tolls.

XII. That so much of the recited Act, Ninth and Tenth of *Victoria*, Chapter Seventy-four, as enacts that it shall be unlawful for the Company to take, use, or interfere with, for the Purposes of that Act, a certain Public Stairs numbered 1. in the Parish of *Trinity College* on the Plans referred to in the said Act, shall be and is hereby repealed.

Certain Provisions of 9 & 10 Vict. c. 74., restricting Company from taking certain Stairs, repealed.

XIII. Whereas it is proposed, in addition to altering the said Public Stair, to interfere with a certain Roadway adjoining thereto, and leading from *Shakespeare Square* to *Canal Street*: If the Company shall alter the said Public Stair or interfere with the said Roadway, they shall, at their own Expense, construct a Terrace for the Distance of Ninety-seven Feet or thereabouts from the lowest Plat save One of the said Stair Southward along the Side of the *North Bridge* towards the first open Archway thereof, and shall construct Two Flights of Stairs, separated from one another by a Plat, which shall form a Communication from the South End of the said Terrace to the Roadway leading towards the Markets; and such Terrace and Flights of Stairs shall not in any Part thereof be less than Eight Feet wide, and such Terrace shall not have a greater Fall than Five Feet Three Inches throughout the entire Length thereof; and such Terrace, Plat, and Stairs shall be constructed and for ever maintained by the Company in the most substantial Manner, and to the Satisfaction of the Lord Provost, Magistrates, and Council of the City of *Edinburgh*.

Company to make Terrace and Stairs.

XIV. That it shall not be lawful for the Company to erect any Building on the Road marked No. 8. in the Parish of *Trinity College* on the said Plans deposited with reference to the Works to be executed under the Authority of this Act (except in so far as may be necessary for the Construction of their Lines of Railway); and that in the event of any Scheme being hereafter adopted by the Lord Provost, Magistrates, and Council of the City of *Edinburgh* for the Purpose of improving or widening the *North Bridge*, or erecting Buildings on the East Side thereof, it shall be lawful for the said Lord Provost, Magistrates, and Council, anything in this Act to the contrary notwithstanding, to resume Possession of the said Road and of the Arches under the said *North Bridge* to be taken and used by the Company under the Powers of this Act: Provided always, that such

As to Erection of Buildings on the Road marked No. 8. in the Parish of Trinity College.

[Local.]

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Scheme

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Scheme shall be so arranged as to preserve the Passage of the Railway under the *North Bridge*; and in carrying their Railway through the Arches under the Road or Street called the *North Bridge*, and numbered on the said Plans 3: in the Parish of *St. Andrew's*, the Company shall not erect any Fire-places or Chimneys under the said Road or Street, nor shall they in any way interfere with or injure the Piers or Abutments of the said *North Bridge*, nor shall they interfere with any other Walls of the Bridge, except in so far as may be necessary for the Passage of the Railway under the Bridge.

Plans to be submitted to Engineer to be appointed by the Lord Provost of Edinburgh.

XV. Provided always, That, with a view to prevent any Injury or Damage arising from the Works of the Company for carrying their Railway through the Arches under the said Road or Street called the *North Bridge* to the said Road or Street or Bridge, the Company shall, before commencing the said Works, submit their Working Plans and Specifications thereof to *David Stevenson* Esquire, Civil Engineer, *Edinburgh*, whom failing, to *Alan Stevenson* Esquire, Civil Engineer, *Edinburgh*, whom also failing, to an Engineer to be appointed by the Lord Provost of the City of *Edinburgh*; and the said *David Stevenson* or *Alan Stevenson*, or Engineer to be appointed, shall be paid by the Company; and the Company shall not commence the said Works until they shall have obtained from the said *David Stevenson*, whom failing, the said *Alan Stevenson*, whom also failing, the said Engineer to be appointed as aforesaid, and lodged with the said Lord Provost, a Report that the Works may be made with perfect Safety to the said Road or Street and Bridge, conformably to the said Plans and Specifications, or to any amended Plans and Specifications to be approved by him, of which a Copy shall be lodged along with the Report, and the said Works shall thereupon be made according to the said Plans and Specifications; and in the course of making the said Works the said *David Stevenson*, whom failing, the said *Alan Stevenson*, whom also failing, the said Engineer to be appointed as aforesaid, shall have Access to them, that he may see that the same are made conformably to the said Plans and Specifications, and shall report to the said Lord Provost in the event of any Deviation from said Plans and Specifications, or Alteration thereof, taking place in the making of the said Works; and in the event of any Injury or Damage arising from the said Works to the said Road or Street or Bridge, either in the course of the making of the said Works or at any Time or Times after the same shall have been made, the Company shall, at their own Expense, repair such Injury or Damage, according to Plans which they shall submit to an Engineer, who shall be appointed by the said Lord Provost, and be paid as aforesaid, and which Plans shall be reported to the said Lord Provost by the said Engineer as having been examined and approved of by him, and a Copy thereof shall be lodged with the Report; and further, in such

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event the Company shall, at their own Expense, make and maintain such Works as the said Lord Provost, on the Report of the said Engineer, may consider necessary for the Accommodation of the Public, until such Injury or Damage shall be repaired as aforesaid; and the Provisions now made shall not affect or diminish the Responsibility of the Company in the event of any Injury or Damage arising from the said Works.

XVI. Whereas the Company have raised and expended upon the Works which they were authorized to make by the recited Acts all the Capital which they were authorized to raise by such Acts: And whereas the Estimate of the Works by this Act authorized amounts to the Sum of Twenty-five thousand Pounds, and the Company require a further Sum of Three hundred and five thousand and five hundred Pounds, or thereabouts, for the general Purposes hereinbefore mentioned: It shall be lawful for the Company, from Time to Time, at any General Meeting or Meetings specially convened for the Purpose, to raise by the Creation of Shares, in addition to their existing Capital, any further Sum or Sums of Money not exceeding in the whole Three hundred and thirty thousand and five hundred Pounds, and, if they shall think fit, with the Consent of Three Fifths of the Votes of the Shareholders present in Person or by Proxy at any such Meeting, to guarantee such Amount of Interest or Dividend, not exceeding Five Pounds *per Centum per Annum* on the Amount for the Time being called up, on the Shares to be so created, or any of them, and to attach such other Privileges with respect to Preference or Priority, or otherwise with respect to such Shares or any of them, or the Interest or Dividends to be payable in respect thereof, as may, with such Consent as aforesaid, be agreed upon at such Meeting or Meetings: Provided always, that no Guarantee of Interest or Dividend, or Preference or Priority in the Payment of Interest or Dividend, which may be granted under the Provisions of this Act, shall prejudice or affect the Preference or Priority in the Payment of Interest or Dividends on the Shares which have been already issued and granted by the Company to the Extent of Six hundred thousand Pounds in Value, or any Preference or Priority in the Payment of Interest or Dividend on any other Shares or Stock which may have been granted by the Company in pursuance of or which may have been confirmed by any previous Act of Parliament, or which may otherwise be lawfully subsisting.

Power to raise a further Sum of Money by Creation of new Shares.

Existing Preference Shares not to be prejudiced.

XVII. That the Capital so to be raised by the Creation of new Shares shall be divided into Shares of such Amount as will conveniently allow the same to be apportioned, and shall be apportioned and allotted to such Persons and in such Manner as may be determined

Division of Capital into Shares.

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determined by the Order of any General Meeting of the Company especially convened for the Purpose.

Shares to
form Part of
the general
Capital.

XVIII. That all Shares which may be created under the Provisions of this Act shall form Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects, whether with respect to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, to which such general Capital may be subject, except as to the Amount of such Shares, and the Guarantee and special Privileges (if any) to be attached thereto, which respectively shall be determined as herein-before provided, and except as to the Times of making Calls thereon, and the Amount of such Calls, which respectively it shall be lawful for the Directors of the Company from Time to Time to fix as they shall think fit, subject to the Provisions of this Act,

Calls.

XIX. That Thirty *per Centum* shall be the largest Amount which shall be called at any One Time, and there shall be an Interval of at least Three Months between any Two successive Calls, and Two Thirds of the Amount of any Share shall be the greatest Amount which shall be called upon such Share in any One Year.

Power to
borrow on
Mortgage.

XX. That after the Capital by this Act authorized to be raised shall have been subscribed, and One Half of the entire Capital of the Company shall have been paid up, it shall be lawful for the Company, subject to the same or the like Provisions as are contained in the recited Acts with reference to the Monies thereby authorized to be borrowed, to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of any General or Special General Meeting of the Company, not exceeding in the whole the Sum of One hundred and ten thousand one hundred and sixty Pounds; but all Mortgages granted by the Company before the passing of this Act, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over all Mortgages to be granted under the Provisions of this Act,

Former
Mortgages to
have Priority.

Application
of Monies.

XXI. That of the Money by this Act authorized to be raised by Shares the Sum of Twenty-five thousand Pounds shall be applied in carrying into effect the Objects and Purposes of this Act, so far as they relate to the Works by this Act authorized, and the rest shall be applied in discharging the Liabilities incurred in making the Railways and Works by the recited Acts authorized, and in completing such Railways and Works, and in the Purchase of additional Plant, and otherwise in effecting the Objects of the said recited Acts; and

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and that all Monies which may be raised by Mortgage under the Provisions of this Act shall be applied to all or some of the above-mentioned Purposes, or to paying off former Mortgages, and to no other Purpose.

XXII. That it shall not be lawful for the Company, out of any Money by this Act or any other Act relating to the said Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividends to any Shareholder on the Amount of the Calls made in respect of the Shares held by him in the Capital of the Company by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the Company from paying to such Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as may be in conformity with the Provisions in the "Companies Clauses Consolidation (*Scotland*) Act, 1845," in that Behalf contained.

Interest not to be paid on Calls paid up.

XXIII. That it shall not be lawful for the Company, out of any Money by this or any other Act relating to the said Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now in force or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to construct any other Railway or execute any other Work or Undertaking.

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

XXIV. That the Provisions of the Companies Clauses Consolidation (*Scotland*) Act, 1845, with respect to the keeping of Accounts, and the Right of Inspection thereof by the Shareholders, contained in the One hundred and eighteenth and following Sections of the said Act to the One hundred and twenty-second Section inclusive, and also the Provisions of the same Act with respect to the Provision to be made for affording Access to the Special Act by all Parties interested contained in the One hundred and sixty-fifth and One hundred and sixty-sixth Sections of the said Act, shall be incorporated with this Act; and the Expression "Special Act" in the said Act shall mean this Act and all the said recited Acts relating to the *North British Railway*.

Certain Provisions of 8 & 9 Vict. c. 17. incorporated with this Act.

XXV. Whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in

Railways to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97.,

[Local.]

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the

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5 & 6 Vict.
c. 55.,
7 & 8 Vict.
c. 85., and
9 & 10 Vict.
cc. 57. & 105.

the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and Two Acts were passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, One thereof intituled *An Act for constituting Commissioners of Railways*, and the other *An Act for regulating the Gauge of Railways*: Nothing in this Act contained shall be held to exempt the Company or their Railways from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways and Company so far as the same shall be applicable thereto.

Company not
exempt from
Provisions of
future General
Acts.

XXVI. That nothing in this Act contained shall be deemed to exempt the Company from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by the recited Acts and this Act.

Expenses of
Act.

XXVII. That all the Costs, Charges, and Expenses of and incidental to the passing of this Act shall be paid by the Company.

Short Title.

XXVIII. That in citing this Act in other Acts of Parliament, and legal Instruments and Proceedings, it shall be sufficient to use the Expression "*The North British Railway (Stations Enlargement) Act, 1851.*"

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1851.