ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

****

Cap. cxcv.

An Act to authorize the Amalgamation of the *Border Counties* Railway Company with the *North British* Railway Company; and for other Purposes. [13th *August* 1860.]

WHEREAS by "The *North British* Railway Consolidation Act, 1858," the Provisions of former Acts relating to the *North British* Railway Company were consolidated and amended, and by "The *North British and Selkirk* Railway Amalgamation Act, 1859," the *Selkirk and Galashiels* Railway Company were amalgamated with the *North British* Railway Company, and by "The *Border Union* (*North British*) Railways Act, 1859," the *North British* Railway Company were authorized to make a Railway from their *Hawick* Line at *Hawick* to the *Port Carlisle* Railway at *Carlisle*, with Branches therefrom to *Langholm*, the *Canobie* Coal Pits, and the *Caledonian* Railway near the *Gretna* Station thereof: And whereas by "The *Border Counties* Railway (*North Tyne* Section) Act, 1854," (hereinafter called the Act of 1854,) the *Border Counties* Railway Company were incorporated, and authorized to raise Two hundred and fifty thousand Pounds in Shares of Twenty Pounds each, and to borrow on Mortgage of their Undertaking to the Extent of One Third of their Capital, and to make a Railway from the *Newcastle-upon-Tyne and*

21 & 22 Vict. c. cix.

17 & 18 Vict. c. ccxii.

Carlisle Railway in the Township and Parish of *Hexham* to the *Belling* in the Township of *Plashet and Tynehead* in the Parish of *Falstone* in the County of *Northumberland*: And whereas by "*Border Counties* Railway (*Liddesdale* Section and Deviations) Act, 1859," (herein-after called the Act of 1859,) the *Border Counties* Railway Company were authorized to raise a further Capital of One hundred thousand Pounds by the Creation and Issue of new Shares, and to borrow on Mortgage or Bond, including the Sums which by the Act of 1854 they were authorized to borrow, any Sums not exceeding in the whole One hundred and sixteen thousand six hundred and sixty-six Pounds, and to make a Railway, called "The *Liddesdale* Section," in extension of their authorized Line from the *Belling* to the *Border Union* Railway, or Extension of the *North British* Railway from *Hawick* to *Carlisle*, and to make certain Deviations in their authorized Line or *North Tyne* Section, and by the same Act Powers were given to the *North British* Railway Company, amongst other things, to subscribe for or take and hold Shares in the Capital of the *Border Counties* Railway Company, or otherwise contribute towards the Funds of that Company out of the surplus Funds of the *North British* Railway Company any Monies not exceeding in the whole One hundred thousand Pounds, or to raise the Amount of their Contribution by the Creation of Shares, preferential or otherwise, in their own Undertaking, and to guarantee to the *Border Counties* Railway Company Interest or Dividend upon any Sum not exceeding the Amount they were authorized to contribute, and to enter into Agreements with the *Border Counties* Railway Company with respect to the Maintenance, working, and Use of the Railways of that Company: And whereas the *Border Counties* Railway Company have created Shares for raising the whole of the Capital authorized by the Act of 1854, and have also created Shares for raising Thirty thousand Pounds of the Capital authorized by the Act of 1859, and the total Amount of Capital represented by such Shares is Two hundred and eighty thousand Pounds: And whereas the *Border Counties* Railway Company have raised and expended upon the Undertaking upwards of One hundred and seventy-five thousand Pounds: And whereas the *North British* Railway Company have agreed to subscribe Seventy thousand Pounds towards the Undertaking of the *Border Counties* Railway Company, but Shares representing that Amount, or any Part thereof, have not been created by the *Border Counties* Railway Company: And whereas the Portion of the Railway authorized by "The *Border Counties* Railway (*North Tyne* Section) Act, 1854," from the Junction with the *Newcastle-upon-Tyne and Carlisle* Railway to near *Bellingham* is completed, and the other Works authorized by the recited Acts relating to the *Border Counties* Railway Company are in course of Construction: And whereas the Railways already constructed or authorized to be constructed by the said Two Companies form a continuous Line of Railway Communication between

22 & 23 Vict. c. xliii.

between *Hexham* and *Edinburgh*, and could be worked with greater Economy and Convenience to the Public if placed under the same Management, and the said Companies are willing and desirous that their Undertakings should be amalgamated: And whereas it is expedient that the *North British* Railway Company should be empowered to run over and use with their Engines and Carriages, and for the Purposes of their Traffic, that Part of the *Newcastle-upon-Tyne and Carlisle* Railway which lies between the Junction of the *Border Counties* Railway therewith and the Station at *Hexham*, including such Station and the Works connected with that Part of the said Railway and Station respectively, and that Provision should be made for facilitating the Interchange, Transmission, and Conveyance of Traffic from, to, or over the *North British* Railway and the *Border Counties* Railway, or either of them, to, from, or over the *Newcastle-upon-Tyne and Carlisle* Railway, East of the Junction between the Two Railways or certain Parts thereof respectively: And whereas the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Companies amalgamated, and certain Provisions of Border Counties Acts repealed.

I. The *Border Counties* Railway Company is hereby amalgamated with the *North British* Railway Company upon the Terms and subject to the Provisions herein-after enacted, and the following Provisions of the recited Acts relating to the *Border Counties* Railway Company are hereby repealed; (that is to say,) so much of the Second Section of the Act of 1854 as incorporates "The Companies Clauses Consolidation Act, 1845;" also the Fourth and following Sections of the Act of 1854 to the Sixteenth Section inclusive relating to the Incorporation of the *Border Counties* Railway Company, the Capital, borrowing Powers, Meetings, and Directors of that Company, and the Newspaper for Advertisements, and the Thirtieth and following Sections of the Act of 1854 to the Thirty-fifth Section inclusive relating to Tolls; also the Fourth Section of the Act of 1859 incorporating certain Provisions of "The Companies Clauses Consolidation Act, 1845," and "The Companies Clauses Consolidation (*Scotland*) Act, 1845," and the Sixth Section of the Act of 1859 relating to Directors, and the Twenty-third and following Sections of the Act of 1859 to the Fortieth Section inclusive relating to Tolls and to Capital and borrowing Powers, and to the Application of certain Monies, and the keeping of certain Accounts.

Border Counties Acts remaining unrepealed to apply to

II. The recited Acts of 1854 and 1859, so far as they are not repealed by this Act, shall and are hereby declared to apply to the *North British* Railway Company, in like Manner in all respects as before the passing of this Act they applied to the *Border Counties* Railway Company, and

North British Railway Company.

and as if the *North British* Railway Company had been originally named and referred to therein instead of the *Border Counties* Railway Company, and the Railways and Works by the said Acts authorized shall henceforth form Part of the Undertaking of the *North British* Railway Company.

Certain Provisions of 8 & 9 Vict. cc. 16 & 17. incorporated.

III. The Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," and of "The Companies Clauses Consolidation Act, 1845," "with respect to the Payment of Subscriptions and the Means of enforcing Payment of Calls," and "with respect to the Forfeiture of Shares for Nonpayment of Calls," and "with respect to the borrowing of Money by the Company on Mortgage or Bond," and "with respect to the Conversion of the borrowed Money into Capital," and "with respect to the Consolidation of Shares into Stock," are hereby incorporated with this Act.

North British Company seised and possessed of Estate, &c. of Border Counties Company.

IV. The *North British* Railway Company shall and are hereby declared to be seised and possessed of and entitled to all the Buildings and Works of every Description, and all the Lands, Tenements, Hereditaments, Heritages, Goods, Debts, and Estate and Effects whatsoever, Heritable and Moveable, Real and Personal, whereof the *Border Counties* Railway Company were seised or possessed or were entitled to immediately before the passing of this Act.

Conveyances, &c, to remain in force.

V. All Purchases, Sales, Conveyances, Assignments, Leases, Mortgages, Bonds, Contracts, Agreements, and all Securities and Calls upon Shareholders, and all other Acts and Things made, done, entered into, executed, or instituted under or by virtue or in consequence of or confirmed by either of the Acts hereby in part repealed, or with reference to any of the Purposes thereof, shall, notwithstanding such Repeal, be as good, valid, and effectual to all Intents and Purposes as they would have been if the said Acts had not been hereby in part repealed, and may be proceeded on and enforced accordingly, the *North British* Railway Company being in all respects with reference to such Matters substituted for the *Border Counties* Railway Company.

Mortgages to retain their Priority.

VI. Notwithstanding the passing of this Act or anything therein contained, all Mortgages or Bonds granted by the *Border Counties* Railway Company, and existing at the Time of the passing of this Act, shall, during the Continuance thereof, have the same Priority (if any) amongst themselves, and the same Lien and Charge upon or in respect of the Undertaking by this Act amalgamated with the Undertaking of the *North British* Railway Company, or upon or in respect of any Shares or Stock of the *Border Counties* Railway Company, or by this Act substituted for or authorized to be created in lieu of any such Shares, or otherwise howsoever, as if this Act had not been passed.

VII. Not-

The North British and Border Counties Railways Amalgamation Act, 1860.

Continuance in North British Company of Liabilities of Border Counties Company.

VII. Notwithstanding the Amalgamation and Repeal in part of the Acts of 1854 and 1859, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done and suffered under or confirmed by any Provision hereby repealed of the said Acts of 1854 and 1859, or either of them, shall be as valid as if such Provision were not repealed, and the Repeal thereof and this Act respectively shall accordingly be subject and without Prejudice to everything so done, suffered, or confirmed, and to all Rights, Liabilities, Claims, and Demands, both present and future, which if the said Provisions were not repealed, and this Act were not passed, would be incident to or consequent on any and everything so done or suffered, and the *North British* Railway Company shall be liable in respect to all such Rights, Liabilities, Claims, and Demands in the same Manner and to the same Extent as the *Border Counties* Railway Company would have been liable in respect of such Rights, Liabilities, Claims, and Demands in case this Act had not passed: Provided always, that the Generality of the Provisions in this Enactment shall not be confined or restricted by any special Provision in this Act.

Actions, &c. not to abate.

VIII. No Action, Suit, Prosecution, or other Proceeding commenced either by or against the *Border Counties* Railway Company, before the passing of this Act, shall abate or be discontinued or prejudicially affected by this Act, but, on the contrary, shall continue and take effect, either in favour of or against the *North British* Railway Company in like Manner in all respects as the same would have continued and taken effect if this Act had not been passed, and all Offences against the Provisions hereby repealed of the said Acts of 1854 and 1859, or any of them, committed before the passing of this Act, may be prosecuted, and all Penalties incurred by reason of such Offences may be sued for, in like Manner in all respects as if this Act had not been passed.

Debts due to and by the Border Counties Company to be paid to and by the North British Company.

IX. All Companies and Persons who immediately before the passing of this Act owed any Sum of Money to the *Border Counties* Railway Company, or to any Person on their Behalf, shall pay the same, with all Interest (if any) due and payable or accruing from the same, to the *North British* Railway Company, and all Monies which immediately before the passing of this Act were due or owing by or recoverable from the *Border Counties* Railway Company, or for the Payment and Satisfaction of which that Company were or but for the passing of this Act would have been liable, shall, with all Interest (if any) due or to accrue thereon, be paid by or be recoverable from or be satisfied by the *North British* Railway Company.

Border Counties Shares to be

X. The Shares created by the *Border Counties* Railway Company shall and are hereby declared to be Shares of the same Amount each in the

Shares in the North British Company, and subject to the same Trusts, &c. as formerly.

the *North British* Railway Company, and are herein-after for the Purposes of this Act referred to as "*Border* Shares," and as such Shares in the *North British* Railway Company shall and are hereby declared to be respectively subject to the same Trusts, Powers, Provisoes, Agreements, Declarations, Liens, Charges, and Incumbrances as when they were Shares in the *Border Counties* Railway Company, and no Will or Testamentary Disposition of or affecting any such Shares in the *Border Counties* Railway Company shall be revoked or affected by their becoming Shares in the *North British* Railway Company.

Amounts paid on Shares to be considered as paid up.

XI. All Calls paid up, or Monies paid in advance of Calls, in respect of any Shares created by the *Border Counties* Railway Company prior to the passing of this Act shall, after the passing thereof, be considered as paid up or paid in advance, as the Case may be, in respect of the same Shares.

Provisions of 8 & 9 Vict. cc. 16 & 17. for enforcing Payment of Calls, &c. applicable to Border Shares.

XII. The Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," and of "The Companies Clauses Consolidation Act, 1845," with respect to the Payment of Subscriptions and the Means of enforcing Payment of Calls, and with respect to the Forfeiture of Shares for Nonpayment of Calls, shall be applicable with respect to the *Border* Shares as if such Shares had been created under the Powers of this Act, and all Calls made by the *Border Counties* Railway Company and remaining unpaid at the Time of the passing of this Act shall be considered as having been made by the *North British* Railway Company at the respective Times when such Calls were respectively made by the *Border Counties* Railway Company, and to have become due at the several Times when they respectively became due: Provided always, that all Calls which the *North British* Railway Company may hereafter make in respect of such Shares shall be such, both with respect to Amount and Period of Payment, as the *Border Counties* Railway Company might have made if this Act had not been passed.

Rights of Holders of Shares with respect to Dividends, &c.

XIII. The Holders of all *Border* Shares fully paid up shall be entitled to Dividends upon such Shares *pari passu* with the ordinary Consolidated Stock of the *North British* Railway Company, and shall have the same Right of voting, and other Rights, Powers, and Privileges as the Holders of the ordinary Consolidated Stock of the *North British* Railway Company under "The *North British* Railway Consolidation Act, 1858."

Certificates to be given.

XIV. The *North British* Railway Company shall, at the Request in Writing of the registered Proprietor of any *Border* Share, give to such Proprietor, free of Expense, a Certificate or Certificates in the Name of the *North British* Railway Company of such Share, or of any Number of such Shares held by the same Proprietor; and until a Certificate of any

any such Share shall be given under this Act, the Certificate of the same Share (if any) given by and in the Name of the *Border Counties* Railway Company shall continue in force.

Border Shares may be exchanged for North British Stock.

XV. Any Holder of *Border* Shares fully paid up who shall be desirous of exchanging such Shares, or any of them, for ordinary Consolidated Stock of the *North British* Railway Company shall, in lieu of the Shares to be so exchanged, be entitled from the said Company to so much of the said Stock as shall be equal in amount to the aggregate nominal Amount of such Shares; and the *North British* Railway Company shall from Time to Time make such Addition to the Amount of their ordinary Consolidated Stock as may be necessary for the Purpose of such Exchange, and all *Border* Shares exchanged for such Stock shall be cancelled.

North British Railway Company may cancel forfeited Shares.

XVI. When any Share of the *North British* Railway Company is declared forfeited, and the Forfeiture is confirmed by a General Meeting of that Company in accordance with the Provisions in that Behalf of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," or of "The Companies Clauses Consolidation Act, 1845," and Notice of the Forfeiture is given by Advertisement in the "*Edinburgh Gazette*," and in some Newspaper published in *Edinburgh* at least Two Days in the Week, and if the Directors be unable to sell the Share for a Sum equal to the Arrears of Calls and Interest and Expenses due in respect thereof, then and in every such Case at any General Meeting of the *North British* Railway Company held after an Interval of at least Two Months after Notice is given, and if Payment of all Arrears of Calls and Interest due thereon, and of all Expenses, be not made by the registered Holder of the Share before the Meeting is held, the *North British* Railway Company may resolve that the Share instead of being sold be cancelled, and the Share shall thereupon be cancelled.

Evidence for cancelling.

XVII. A Declaration in Writing made by some credible Person before a Sheriff Depute or his Substitute, stating that a Sum of Money sufficient to pay the Arrears of Calls and Interest and Expenses in respect of the Share could not be obtained for the same upon the Stock Exchange of the City of *Edinburgh* at the Time of the cancelling, shall be Evidence of the Fact therein stated.

Cancelling not to affect Liability of Shareholder to pay Arrears, &c.

XVIII. The cancelling of any forfeited Share under the Powers of this Act shall not affect or alter the Liability of the last Proprietor thereof to pay to the *North British* Railway Company the Arrears of Calls and Interest due in respect of such Share, after deducting the Value thereof at the Time of such cancelling.

Power to issue Shares in lieu of

XIX. Whenever any Shares have been cancelled under the Powers of this Act, the *North British* Railway Company may from Time to Time

cancelled Shares.

Time create and issue new Shares instead of the Shares so cancelled, but the aggregate nominal Amount of such new Shares shall not exceed the aggregate nominal Amount which remained unpaid on the cancelled Shares, and the Capital raised by means of such new Shares shall be applied only to Purposes to which the Capital represented by the forfeited Shares in the Place of which such new Shares were created might have been lawfully applied.

Power for North British Company to raise Capital by Creation of Shares.

XX. The *North British* Railway Company, with the Consent of Three Fifths of the Votes of the Shareholders present, in Person or by Proxy, at any General Meeting or Meetings convened with special Notice of the Purpose, may raise by the Creation of Shares such further Sum or Sums of Money as they think fit, not exceeding Seventy thousand Pounds.

Power to attach Preference to Shares created under the Act.

XXI. The *North British* Railway Company, with the Consent of Three Fifths of the Votes of the Shareholders present, in Person or by Proxy, at any General Meeting or General Meetings convened with special Notice of the Purpose, may attach to all or any Shares created by them under the Powers of this Act, either in perpetuity or for a limited Period, preferential Dividends, not exceeding the Rate of Five Pounds *per Centum per Annum* upon the Amount for the Time being paid thereon, in Priority to the ordinary Stock or Shares of the *North British* Railway Company.

Saving Rights of existing Preference Shareholders.

XXII. Provided always, That this Act or the granting of any such Preference or Priority shall not prejudice or affect any Preference or Priority in Payment of Interest or Dividends on any other Shares or Stock which shall have been previously granted by the *North British* Railway Company in pursuance of or which may have been confirmed by any Act of Parliament, or which may otherwise be lawfully subsisting.

If Year's Revenue insufficient for Dividend, subsequent Revenue not chargeable.

XXIII. Provided also, That if the Revenue of the *North British* Railway Company available for Dividend in any One Year ending the Thirty-first Day of *January* shall be insufficient to pay the Dividend due upon any Preference Shares to be created as aforesaid, the Deficiency, or any Part thereof, shall not be chargeable against the Revenue of the Company available for Dividend in any subsequent Year, or against any other Funds of the Company.

Terms of Preference to be stated on Certificate.

XXIV. The Terms and Conditions to which any Preference Shares created under this Act are subjected by the Provisions of this Act shall be clearly stated upon the Certificate of every such Preference Share.

XXV. All

Amount and issuing of Shares.

XXV. All Shares created by the *North British* Railway Company under the Authority of this Act shall be of such nominal Amount, and shall be issued, apportioned, and allotted to such Persons, and in such Manner, as may be determined by the Resolution of any General Meeting of the Company convened for the Purpose of authorizing the Creation and issuing of such Shares, with due Notice of such Object.

Shares to form Part of Company's General Capital.

XXVI. The *Border* Shares, and all Shares to be created by the *North British* Railway Company under the Authority of this Act, shall, subject to the Provisions of this Act, form Part of the General Capital of the *North British* Railway Company.

Power for North BritishCompany to borrow on Mortgage.

XXVII. The *North British* Railway Company may at any Time or Times after the passing of this Act borrow on Mortgage of their Undertaking, beyond the Amount then authorized to be borrowed by them under the Provisions of any other Act or Acts of Parliament, any Sum or Sums of Money not exceeding in the whole One hundred and sixteen thousand six hundred and sixty-six Pounds, inclusive of Sums borrowed by the *Border Counties* Railway Company on Mortgage or Bond under the Powers of the Acts of 1854 and 1859, or either of them, and remaining unpaid.

Application of Money raised under this Act.

XXVIII. All Monies which shall come to the *North British* Railway Company from Payment of Calls upon the *Border* Shares, or upon the Shares by this Act authorized to be created for raising the said Sum of Seventy thousand Pounds, or any Part thereof, or by the Exercise of the Power of borrowing by this Act conferred upon the *North British* Railway Company, shall be applied only to Purposes authorized by the Acts of 1854 and 1859, and this Act, or any of them.

Company not to pay Interest on Calls.

XXIX. It shall not be lawful for the *North British* Railway Company, out of any Money by any Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, to pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of any *Border* Shares, or in respect of any Shares held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein contained shall be deemed to prevent the Company from paying to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions of "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in that Behalf contained.

Company not to deposit any Money

XXX. It shall not be lawful for the *North British* Railway Company, out of any Money by any Act relating to the Company authorized to be raised, to pay or deposit any Sum of Money which, by any Standing Order

authorized to be raised by this Act for any other Work.

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.

Tolls.

XXXI. The *North British* Railway Company may demand and receive for the Use of the *Border Counties* Railway, or in respect of any Traffic thereof, or for locomotive Power or Services performed by the Company, such Tolls or Charges as they think fit not exceeding the maximum Rate of Tolls and Charges for the like Purposes which they may for the Time being be authorized to demand and receive upon the *Border Union* Railways or *Carlisle* Extension of the *North British* Railway: Provided always, that in estimating the Amount of Toll or Charge in respect of Traffic conveyed partly on the *Border Counties* Railway and partly on any Part of the *North British* Railway, the *Border Counties* Railway shall be deemed Part of the *North British* Railway.

Power to run over Part of Newcastle and Carlisle Railway.

XXXII. It shall be lawful for the *North British* Railway Company to run over and use with their own Engines, Carriages, and Waggons so much of the *Newcastle-upon-Tyne and Carlisle* Railway as is situate between the Point of Junction of the *Border Counties* Railway therewith and the Station at or near *Hexham*, including that Station and all Works, Wharves, and Conveniences connected therewith, upon such Terms and Conditions and upon Payment of such Tolls or other Consideration as may from Time to Time be agreed upon between the *North British* Railway Company and the *Newcastle-upon-Tyne and Carlisle* Railway Company, or, failing any such Agreement, as may be prescribed by the Board of Trade at the Instance of either of the said Companies, or by an Engineer or other competent Person nominated by the Board of Trade.

As to forwarding Traffic.

XXXIII. The *Newcastle-upon-Tyne and Carlisle* Railway Company shall, so far as they reasonably can, receive and convey and forward upon and from the *Newcastle-upon-Tyne and Carlisle* Railway with all reasonable Despatch, and without unnecessary or unreasonable Obstruction or Delay, all Traffic that may come or be brought to any Wharf, Quay, or Station on or belonging to that Railway East of the Point of Junction with the *Border Counties* Railway, and desire or be invoiced or directed to be conveyed to or over the *North British* Railway or the *Border Counties* Railway, and all Traffic that may come or be brought to the *Newcastle-upon-Tyne and Carlisle* Railway from off the *Border Counties* Railway and desire or be invoiced or directed to be conveyed to any Station, Wharf, or Quay on or belonging to the

the *Newcastle-upon-Tyne and Carlisle* Railway East of the Point of Junction with the *Border Counties* Railway, and the *North British* Railway Company, so far as they reasonably can, shall receive and convey and forward upon and from the *North British* Railway and *Border Counties* Railway, or either of them, with all reasonable Despatch and without unnecessary or unreasonable Obstruction or Delay all Traffic that may come or be brought to any Station, Wharf, or Quay on or belonging to either of those Railways, and desire or be invoiced or directed to be conveyed to any Station, Wharf, or Quay on or belonging to the *Newcastle-upon-Tyne and Carlisle* Railway East of the Point of Junction with the *Border Counties* Railway, and all Traffic that may come or be brought to the *Border Counties* Railway from off the *Newcastle-upon-Tyne and Carlisle* Railway (Eastward of the Point of Junction), and desire or be invoiced or directed to be conveyed to or over the *Border Counties* Railway or the *North British* Railway, and the Board of Trade may from Time to Time, at the Instance of either Company, prescribe such Rules and Regulations for securing the speedy and uninterrupted Reception and Passage of such Traffic upon, over, and from the *Newcastle-upon-Tyne and Carlisle* Railway, or upon, over, and from the *North British* Railway and the *Border Counties* Railway, or either of them, as they may think fit, and may from Time to Time annul, alter, or modify any such Rules or Regulations, and the *Newcastle-upon-Tyne and Carlisle* Railway Company and *North British* Railway Company shall respectively observe, perform, and abide by all the Rules and Regulations so prescribed and for the Time being in force: Provided always, that nothing herein contained shall be held to apply to any Traffic sought to be conveyed over any of the said Railways by any Route other than such as would be the shortest between the Places to and from which such Traffic is so sought to be conveyed.

As to booking through.

XXXIV. The said Companies respectively shall, at, from, and to all such Stations on the *Newcastle-upon-Tyne and Carlisle* Railway East of the Point of Junction of the Two Railways, and on the *North British* and *Border Counties* Railways, as shall from Time to Time be mutually agreed upon between them, or, in case of Difference, be settled by an Arbitrator to be appointed at the Instance of either Company by the Board of Trade, book through all or any Traffic passing or requiring to be conveyed between any of such Stations.

How Duty to be enforced.

XXXV. If Complaint shall be made to the Court of Common Pleas that the *Newcastle-upon-Tyne and Carlisle* Railway Company or the *North British* Railway Company are acting in contravention of the Two next preceding Enactments, or of any Rule or Regulation as aforesaid prescribed by the Board of Trade, it shall be lawful for the said Court to

to take all such Proceedings, and to make such Inquiry into the Reasonableness of such Complaint, and to enforce all such Orders against the *Newcastle-upon-Tyne and Carlisle* Railway Company or the *North British* Railway Company, as the Case may be, as if these Enactments had been contained in "The Railway and Canal Traffic Act, 1854."

Complaints to be made as under 17 & 18 Vict. c. 31.

XXXVI. Any Complaint to the Court of Common Pleas under this Act shall be in a summary Way, as prescribed in the Third Section of "The Railway and Canal Traffic Act, 1854," with respect to Complaints under that Act; and the Word "Traffic" in the Two next preceding Enactments shall have the same Meaning as in that Act.

Meaning of the Word "Traffic."

Two additional Directors till Border Railways made.

XXXVII. Until the *Border Counties* Railway is completed from *Hexham* to the Junction with the *Border Union* Railways, *William Henry Charlton* and *Thomas John Taylor*, respectively Directors of the *Border Counties* Railway Company before the passing of this Act, shall be Directors of the *North British* Railway Company.

Railway not exempt from Provisions of present and future General Acts.

XXXVIII. Nothing in this Act contained shall be construed to exempt the Railways by the recited Acts (or any of them) authorized to be made, or the *North British* Railway Company, from the Provisions of any General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter 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 or of Rates for small Parcels authorized by the said Acts or this Act.

Expenses of Act.

XXXIX. All the Costs, Charges, and Expenses of and incident to the applying for and obtaining and passing of this Act shall be paid by the *North British* Railway Company.

Short Title.

XL. This Act may be cited for any Purpose as "The *North British and Border Counties* Railway Amalgamation Act, 1860."

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