ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

* *

Cap. cxcix.

An Act for making a Railway from the Town and Royal Burgh of *Selkirk* to the *Hawick* Branch of the *North British* Railway, about a Mile Southwards from the *Galashiels* Station of the said Branch; and for other Purposes.

[31st *July* 1854.]

WHEREAS the making of a Railway leading from the Town and Royal Burgh of *Selkirk* in the County of *Selkirk* to the *Hawick* Branch of the *North British* Railway, about a Mile Southwards from the *Galashiels* Station of the said Branch in the County of *Roxburgh*, would be of great local and public Advantage, by opening an additional, certain, and expeditious Means of Communication between the Towns of *Selkirk* and *Galashiels*, the City of *Edinburgh*, and other Towns and Places: And whereas the Persons herein-after named, with others, are willing, at their own Expense, to carry such Undertaking into execution: And whereas the Railway to be made under the Authority of this Act is intended to join and communicate with the *Hawick* Branch of the *North British* Railway about a Mile Southwards from the *Galashiels* Station of said Branch, and it is expedient that Provision should be made for Agreements as herein-after mentioned betwixt the Company to

be hereby incorporated and the *North British* Railway Company; but these Purposes 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 Commons, in this present Parliament assembled, and by the Authority of the same,

8 & 9 Vict. cc. 17., 19., and 33. incorporated.

I. The several Acts of Parliament following, (that is to say,) "The Companies Clauses Consolidation (*Scotland*) Act, 1845," "The Lands Clauses Consolidation (*Scotland*) Act, 1845," and "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall, so far as the same are not hereby expressly varied or altered, be incorporated with and form Part of this Act.

Short Title.

II. In citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Selkirk and Galashiels* Railway Act, 1854."

Subscribers incorporated.

III. *John Nesbitt Murray*, *George Roberts*, *George Rodger*, *John Anderson*, *Robert Haldane*, *Henry Scott*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, shall be united into a Company for the Purpose of making and maintaining the Railway herein-after particularly described, with all proper Works and Conveniences belonging thereto, according to the Provisions of the said Acts and of this Act, and for the other Purposes herein and in the said Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The *Selkirk and Galashiels* Railway Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and hold Lands for the Purposes of the Undertaking within the Restrictions herein and in the said Acts contained.

Capital.

IV. The Capital of the Company shall be Twenty-four thousand Pounds, and the whole thereof when raised shall be applicable only to the Purposes authorized by this Act.

Number and Amount of Shares and Calls.

V. The Number of Shares into which the Capital shall be divided shall be Two thousand four hundred, and the Amount of each Share shall be Ten Pounds, and One Fifth Part of the Amount of each Share shall be the greatest Amount of any One Call, and Two Months at the least shall intervene between successive Calls.

Interest not to be paid on Calls paid up.

VI. It shall not be lawful for the said Company, out of any Money by this Act 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 the Shares held

held by him in the Capital by this Act authorized to be raised: Provided always, that nothing herein-before contained shall be deemed to prevent the said 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 in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in that Behalf contained.

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

VII. It shall not be lawful for the said Company, out of any Money by this Act 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 said Company to construct any other Railway or execute any other Work or Undertaking.

Power to borrow Money on Mortgage.

VIII. It shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Eight thousand Pounds, but no Part of such Sum shall be borrowed until the whole of the said Capital of Twenty-four thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up: Provided always, that the said Capital and the Sums to be borrowed as aforesaid shall be applied solely to the Purposes authorized by this Act.

Arrears may be enforced by Appointment of a Judicial Factor.

IX. It shall be lawful for the Mortgagees or Bondholders of the Company to enforce the Payment of the Arrears of Principal and Interest due on their respective Mortgages or Bonds by the Appointment of a Judicial Factor; and in order to authorize the Appointment of such Judicial Factor, the Amount owing to the Mortgagees or Bondholders by whom Application for such Judicial Factor shall be made, in the event of the Principal Moneys due on such Mortgages or Bonds not being duly paid, shall not be less than One thousand Pounds on the whole.

First and Subsequent General Meetings.

X. The First Ordinary Meeting of the Company shall be held within Two Months next and after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held Twice in every Year, in the Months of *February* or *March*, and *August* or *September*, as the Directors may appoint; and all Meetings, whether ordinary or extraordinary, shall be held in the Town of *Selkirk*.

Quorum of General Meetings.

XI. The Quorum of General Meetings of the Company shall be Six Shareholders present personally or by Proxy, holding in the aggregate not less than One thousand five hundred Pounds in the Capital of the Company.

XII. The

Votes of Shareholders.

XII. The Scale according to which the Shareholders may vote in respect of their Shares shall be as follows; (that is to say,)

For One and up to Ten Shares, One Vote:

For more than Ten Shares an additional Vote for every Ten Shares up to One hundred Shares:

For more than One hundred Shares an additional Vote for every Twenty Shares over and above the said One hundred Shares.

Number and Qualification of Directors.

XIII. Subject to the Power herein-after contained for reducing the Number of Directors, the Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Capital of the Company.

Power to reduce the Number of Directors.

XIV. It shall be lawful for the Company to reduce the Number of Directors, provided that the reduced Number be not less than Four.

First Directors.

XV. *John Nesbitt Murray*, *George Roberts*, *George Rodger*, *John Anderson*, *Robert Haldane*, and *Henry Scott* shall be the First Directors of the Company.

First Election of Directors.

XVI. The Directors hereby appointed shall continue in Office until the First Ordinary Meeting to be held after the passing of this Act, and at such Meeting the Shareholders present personally or by Proxy may either continue in Office the Directors appointed by this Act or any Number of them, or may elect a new Body of Directors, or Directors to supply the Places of those not continued in Office, the Directors appointed by this Act being eligible as Members of such new Body.

Future Directors.

XVII. At the First Ordinary Meeting to be held in the Year next after the Year in which such last-mentioned Directors shall have been appointed or elected, the Shareholders present personally or by Proxy shall elect Persons to supply the Places of the Directors then retiring from Office, agreeably to the Provisions in the said "Companies Clauses Consolidation (*Scotland*) Act, 1845," contained; and the several Persons elected at any such Meeting, being neither removed nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead, in manner provided by the said "Companies Clauses Consolidation (*Scotland*) Act, 1845."

Quorum of Directors.

XVIII. The Quorum of a Meeting of Directors shall be Three.

Periods for balancing Books, and Inspection of same.

XIX. The Periods to which the Books of Accounts of the Company shall be brought to a Balance shall be the Thirty-first Day of *January* and the Thirty-first Day of *July* in each Year; and the Periods at which Shareholders of the Company shall be entitled to the Inspection of such Books

Books shall be Fourteen Days before and Fourteen Days after each of the Ordinary Meetings of the Company.

Newspaper for Advertisements.

XX. The Newspaper in which Advertisements relating to the Affairs of the Company are to be inserted shall be some Newspaper published either in the County of *Selkirk* or *Roxburgh*.

Power to make Railway according to deposited Plans, &c.

XXI. And whereas Plans and Sections of the Railway, showing the Lines and Levels thereof, together with a Book of Reference to the said Plans containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers of the Lands through which the same is intended to pass, have been deposited in the Offices of the Principal Sheriff Clerks of the Counties of *Selkirk* and *Roxburgh* in *Selkirk* and *Jedburgh* respectively: Subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the Company to make and maintain the said Railway and Works in the Lines and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Line of Railway.

XXII. The said Railway shall commence at a Point in the *Mill Haugh* or *Town Haugh* of *Selkirk* near to the Corn Mills of *Selkirk* and near to the Town and Royal Burgh of *Selkirk* in the Parish and County of *Selkirk*, and terminate by a Junction with the *Hawick* Branch of the *North British* Railway at a Point thereon between the *Galashiels* Station of the said Branch of said Railway and the Bridge on the said *Hawick* Branch over the River *Tweed*, and about a Mile Southwards from the said Station of the said Branch in the Parish of *Melrose* and County of *Roxburgh*, and which Railway will pass from, through, or into the following Parishes, Burgh, and Places, or some of them; that is to say, the Parish of *Selkirk* in the Counties of *Selkirk* and *Roxburgh*, the Royal Burgh of *Selkirk* in the said County of *Selkirk*, the Parish of *Galashiels*, comprehending therein the ancient Parish of *Lindean* in the Counties of *Selkirk* and *Roxburgh*, and the Parish of *Melrose* in the said County of *Roxburgh*.

Junction with the Hawick Branch of the North British Railway.

XXIII. The Railway hereby authorized to join and communicate with the *Hawick* Branch of the *North British* Railway shall join and communicate therewith at the Points where, according to the Plan deposited as in this Act mentioned, such Railway appears to join and communicate therewith; and such Junction and all Communication between the Railway hereby authorized and the said *Hawick* Branch, and all such Openings in the Rails thereof and other Works of Connexion as may be necessary or convenient for forming such Junction and effecting such Communication, shall be made and completed to the Satisfaction of

the Engineer for the Time being of the said *North British* Railway Company, or other Person authorized by them for that Purpose.

Lands and Works of the Hawick Branch not to be interfered with except by Consent.

XXIV. Nothing herein contained shall be held to authorize the said Company to enter upon, purchase, or take any Lands belonging to the said *North British* Railway Company, nor to alter or vary the Line or Levels of the said *Hawick* Branch of the *North British* Railway, nor to interfere with the said *Hawick* Branch, except as specially provided by this Act, without the Consent of the said *North British* Railway Company; and the Company hereby incorporated shall bear all Expense of effecting such Junction as aforesaid, and, unless otherwise agreed betwixt the Companies, of maintaining, watching, and working the same, and of necessary Works at the said Junction for preventing Danger, Inconvenience, or Interruption to the Traffic on the said Branch: Provided always, that if any Difference shall arise between the said Two Companies as to the Nature or Necessity of any such Works as aforesaid, or as to the said Junction, or as to any Matter not otherwise mentioned and provided for by this Act, the same shall be referred to Arbitration in manner provided by "The Railways Clauses Consolidation (*Scotland*) Act, 1845," with respect to the Settlement of Disputes by Arbitration.

Certain Roads may be crossed on the Level.

XXV. It shall be lawful for the Company to carry the Railway on the Level across the Roads in the Parish of *Galashiels*, numbered 15 and 43 on the said deposited Plans.

Lodges or Stations shall be made at level Crossings.

XXVI. For the Security of the Public the Company shall erect and maintain either a Station or Lodge at the Place where the Railway shall cross the before-mentioned Roads on the Levels; and the said Company shall be subject to and shall abide by all such Rules and Regulations with regard to the crossing of such Roads on the Levels, or with regard to the Speed at which Trains shall pass such Roads, as may from Time to Time be made by the Board of Trade; and if the said Company shall fail to erect or at all Times maintain any such Station or Lodge, or appoint a proper Person to watch or superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation as aforesaid, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for every Day such Offence shall continue after such Penalty of Twenty Pounds shall have been incurred.

Board of Trade may require Bridges to be erected in lieu of Level Crossings.

XXVII. It shall be lawful for the Board of Trade, if it shall appear to them to be necessary for the Public Safety, at any Time, either before or after the Railway hereby authorized to be carried across the said Roads on the Levels shall have been completed and opened for public Traffic, to require the Company, within such Time as the Board shall direct, and at the Expense of the Company, to carry the herein-before mentioned

mentioned Roads either over or under the Railway by means of Bridges or Arches in lieu of crossing the same on the Levels, or to execute such other Works as under the Circumstances of the Case shall appear to the said Board of Trade best adapted for removing or diminishing the Danger arising from such level Crossings.

As to Reduction of Radius shown on Plans.

XXVIII. It shall be lawful for the Company, within the Limits of Deviation described on the deposited Plans, to reduce the Radius of the Curve shown on the said deposited Plans at One Mile Three Furlongs to any Extent which shall leave a Radius of not less than Two Furlongs,

Regulating Construction of certain Bridge.

XXIX. It shall be lawful for the Company to make the Bridge or Arch for carrying the Road numbered 2, in the Parish of *Galashiels*, on the said deposited Plans, under the said Railway of a Height not less than Twelve Feet.

Regulating the Inclinations of certain Road.

XXX. It shall be lawful for the Company to construct the Approaches to the Bridge for carrying the Road, numbered as herein-after mentioned on the said deposited Plans, over the Railway hereby authorized, with such Inclinations as they think fit, not steeper than the following; (that is to say,)

In the Case of the Road numbered 58, in the Parish of *Galashiels*, not steeper than One Foot in Nine Feet.

Lands for extraordinary Purposes.

XXXI. The Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Five Acres.

Conveyances of Lands by Feu Right.

XXXII. It shall be lawful for the Magistrates and Town Council of the Royal Burgh of *Selkirk* to sell and convey to the Company for the Purposes of this Act any Lands of which they are the Owners, or any Part thereof, or any Right or Interest therein, in consideration of an annual Feu Duty or Ground Annual to be paid by the Company to the said Magistrates and Town Council, and that as nearly as may be in the Form prescribed by "The Lands Clauses Consolidation (*Scotland*) Act, 1845," with respect to Conveyances by Feu by Parties entitled absolutely to dispose of Lands.

Grassums not to be taken.

XXXIII. It shall not be lawful for the Company to pay, nor for the said Magistrates and Town Council to receive or take, any Grassum, Fine, or Premium, or any Consideration in the Nature thereof, for the Lands or Rights or Interests to be so conveyed, other than the Annual Feu Duties or Ground Annuals made payable by such Conveyance; and the Amount of such Feu Duties or Ground Annuals shall, in case of Difference, be ascertained and settled by Valuators, in the Manner prescribed by the said Consolidation Act with respect to the Valuation of Lands sold by Agree-

ment

ment by Parties under legal Disability or Incapacity to convey Lands within the Meaning of Section Seven of the said Consolidation Act.

Provisions for recovering all Feu Duties.

XXXIV. All Feu Duties or Ground Annuals for any Land, or any Right or Interest therein, required for the Purposes of the Railway, and made payable by any Conveyance under this Act and the said Consolidation Act, shall be a First Charge on the Tolls and Rates leviable under this Act and other Revenues of the Company, anything in this Act or in any of the Consolidation Acts herewith incorporated to the contrary notwithstanding; and if at any Time any such Feu Duties or Ground Annuals remain unpaid for Thirty Days after they respectively become payable, it shall be lawful to the Party entitled for the Time being to Payment of such Feu Duties or Ground Annuals to recover the same from the Company with Interest and Costs by Action in the Sheriff Court of the County of *Selkirk*, or summarily by Poinding and Sale of the Goods and Effects of the Company on Application by Petition to the Sheriff of the said County, whose Decision in either Case shall be final and shall not be subject to Review in any Manner whatsoever; and it shall not be lawful for any such Party to resume Possession of the Lands or Rights or Interests therein so conveyed, or to proceed by any Action of Declarator or by Real Diligence, or any other Process whatever, in respect thereto, or in respect to the said Feu Duties or Ground Annuals.

Powers for compulsory Purchases limited.

XXXV. The Powers of the Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for Completion of Works.

XXXVI. The Railway shall be completed within Four Years from the passing of this Act; and on the Expiration of such Period the Powers by this or the said Acts granted to the Company for executing the Railway, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Railway as shall then be completed.

Tolls.

XXXVII. It shall be lawful for the Company to demand and recover any Tolls for the Use of the Railway, not exceeding the following; (that is to say,)

Tonnage on Articles of Merchandise.

First, in respect of the Tonnage of all Articles conveyed upon the Railway or any Part thereof, as follows:

For all Dung, Compost, and all Sorts of Manure, Lime and Limestone, and all undressed Materials for the Repair of public Roads or Highways, *per* Ton *per* Mile not exceeding One Penny Halfpenny; and if conveyed by Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny:

For all Coal, Coke, Culm, Charcoal, and Cinders, all Stones for building, pitching, and paving, all Bricks, Tiles, Slates, Clay, Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all other

other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per* Ton *per* Mile not exceeding Twopence; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny:

For all Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile not exceeding Twopence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding One Penny Halfpenny:

For all Cotton and other Wools, Drugs, manufactured Goods, and all other Wares, Merchandise, Fish, Articles, Matters, or Things, *per* Ton *per* Mile not exceeding Threepence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per* Ton *per* Mile not exceeding Twopence:

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

And a like Sum of Sixpence *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per* Mile not exceeding Sixpence.

Tolls for Passengers or Cattle.

Second, in respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows:

For any Person conveyed in or upon any such Carriage *per* Mile any Sum not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding Twopence *per* Mile:

For every Horse, Mule, Ass, or other Beast of Draught or Burden conveyed in or upon any such Carriage, *per* Mile Threepence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding Threepence *per* Mile:

For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per* Mile not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding Threepence *per* Mile:

For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per* Mile not exceeding One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding Three Halfpence *per* Mile.

Tolls for propelling Power.

XXXVIII. The Toll which the Company may demand for the Use of Engines for propelling Carriages shall not exceed One Penny *per* Mile for

for each Passenger or Animal, or for each Ton of Goods or other Articles, in addition to the several Tolls or Sums by this Act authorized to be taken.

Limiting Charges for the Conveyance of Passengers.

XXXIX. It shall not be lawful for the Company to demand or receive any greater Sum in respect of the Carriage of Passengers conveyed on the Railway by this Act authorized than Threepence *per* Passenger *per* Mile in respect of any Passenger travelling in a First-class Carriage, Twopence *per* Passenger *per* Mile in respect of any Passenger travelling in a Second-class Carriage, and One Penny Halfpenny *per* Passenger *per* Mile in respect of any Passenger travelling in a Third-class Carriage, including the Charges for the Use of Carriages and Locomotive Power and all other Charges incidental to such Conveyance.

Passengers Luggage.

XL. Every Passenger travelling upon the Railway may take with him his ordinary Luggage, not exceeding One hundred and twelve Pounds in Weight for First-class Passengers, One hundred Pounds in Weight for Second-class Passengers, and Sixty Pounds in Weight for Third-class Passengers, without any Charge being made for the Carriage thereof.

Limiting Charges for the Conveyance of Goods.

XLI. It shall not be lawful for the Company to charge in respect of the several Articles, Matters, and Things, and of the several Descriptions of Animals herein-after mentioned, conveyed on the Railway by this Act authorized, any greater Sum, including the Charges for the Use of Carriages, Waggons, or Trucks, and for Locomotive Power, and all other Charges incidental to such Conveyance, than the several Sums herein-after mentioned; (that is to say,)

For Dung, Compost, and all Sorts of Manure, Lime, and Limestone, and undressed Materials for the Repair of public Roads or Highways, Twopence *per* Ton *per* Mile:

For Coals, Coke, Culm, Charcoal, and Cinders, Stones for building, pitching, and paving, Bricks, Tiles, Slates, Clay, Sand, Ironstone, and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and other similar Descriptions of Wrought Iron and Iron Castings not manufactured into Utensils or other Articles of Merchandise, *per* Ton *per* Mile Twopence Halfpenny:

For Sugar, Grain, Corn, Flour, Hides, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per* Ton *per* Mile Threepence:

For Cotton and other Wools, Drugs, manufactured Goods, and other Wares, Merchandize, Fish, Articles, Matters, and Things, *per* Ton *per* Mile Fourpence:

And for every Carriage, of whatever Description, not being a Carriage adapted and used for travelling on a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, *per* Mile Sixpence; and a Sum of Three Halfpence *per* Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh:

For

For every Horse, Mule, Ass, or other Beast of Draught or Burden, *per* Mile Fivepence:

For every Ox, Cow, Bull, or Neat Cattle, *per* Mile Threepence:

For every Calf or Pig, Sheep, Lamb, or other small Animal, *per* Mile One Penny.

Regulations as to the Tolls.

XLII. The following Provisions and Regulations shall be applicable to the fixing of the Tolls and maximum Charges herein-before specified; (that is to say,)

For Persons, Animals, Articles, Matters, and Things conveyed on the Railway for a less Distance than Three Miles the Company may demand Tolls and Charges as for Three entire Miles:

For a Fraction of a Mile beyond Three Miles or beyond any greater Number of Miles the Company may demand Tolls and Charges on Animals, Articles, Matters, and Things for such Fraction in proportion to the Number of Quarters of a Mile contained therein; and if there shall be a Fraction of a Quarter of a Mile, such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers, every Fraction of a Mile beyond an integral Number of Miles shall be deemed One Mile:

For a Fraction of a Ton the Company may demand Tolls and Charges according to the Numbers of Quarters of a Ton in such Fraction; and if there be a Fraction of a Quarter of a Ton, such Fraction shall be deemed a Quarter of a Ton:

With respect to all Articles, except Stone or Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

Restriction not to apply to Special Trains.

XLIII. Notwithstanding anything in this Act contained, it shall be lawful for the Company and they are hereby authorized and empowered to demand, receive, and take any reasonable Sum for the Use of Engines and Carriages for Special Trains, other than Express or Ordinary Trains, by or on the said Railway or any Part thereof, and for loading and unloading, collecting, receiving, or delivering, and providing Covers for Goods, Articles, or Animals.

Company may take increased Charges by Agreement.

XLIV. Nothing herein contained shall be held to prevent the said Company from taking any increased Charge over and above the Charges herein-before limited for the Conveyance of Goods of any Description by Agreement with the Owners or Person in charge of such Goods, either in respect of the Conveyance of such Goods, except small Parcels, by Passenger Trains, or by reason of any other special Service performed by the said Company in relation thereto.

XLV. And

Tolls for small Parcels.

XLV. And with respect to small Packages. and single Articles of great Weight, the Company may, notwithstanding the Rate of Tolls prescribed by this Act, lawfully demand the Tolls following; (that is to say,)

For the Carriage of small Parcels on the Railway, as follows:

For any Parcel not exceeding Seven Pounds in Weight, Fourpence:

For any Parcel exceeding Seven Pounds but not exceeding Fourteen Pounds in Weight, Eightpence:

For any Parcel exceeding Fourteen Pounds but not exceeding Twenty-eight Pounds in Weight, One Shilling and Sixpence:

For any Parcel exceeding Twenty-eight Pounds Weight but not exceeding Fifty-six Pounds in Weight, Two Shillings:

And for Parcels exceeding Fifty-six Pounds in Weight but not exceeding Five hundred Pounds in Weight the Company may demand any Sum which they think fit: Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but such Term shall apply only to single Parcels in separate Packages:

For the Carriage of any One Boiler, Cylinder, or single Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage shall, exceed Four Tons but shall not exceed Eight Tons, the Company may demand such Sum as they think fit, not exceeding Twelvepence *per* Ton *per* Mile:

For the Carriage of any single Piece of Timber, Stone, Machinery, or other single Article, the Weight of which, with the Carriage, shall exceed Eight Tons, the Company may demand such Sum as they think fit.

Arrangements may be made with the North British Railway Company for Purposes herein named.

XLVI. Subject to the Provisions of "The Railways Clauses Consolidation (*Scotland*) Act, 1845," the Company and the *North British* Railway Company may from Time to Time enter into Agreements with respect to the following Purposes, or any of them; (that is to say,)

The Use and working by the *North British* Railway Company of all or any Part of the Railway of the Company, and the Use of the Works and Conveniences belonging thereto:

The Conveyance by the *North British* Railway Company of the whole or any Part of the Traffic upon the Railway:

The Management, Maintenance, and Repair of the Railway:

The Costs and Expenses of such working, Management, Maintenance, and Repairs:

The Regulation of Trains to be run between *Selkirk* and *Galashiels*, and the fixing of the Tolls, Rates, and Charges in respect of the Traffic on the Railways between those Places, not exceeding the maximum Tolls, Rates, and Charges authorized by the Acts of Parliament relating to the respective Companies:

The Collection, taking, and levying of the said Tolls, Rates, and Charges:

The Division and Apportionment between the said Companies of the Tolls and Receipts arising from Traffic between *Selkirk* and *Galashiels* on the Railway hereby authorized, and on the Portion of the *Hawick* Branch of the *North British* Railway which lies betwixt the Point of Junction of the Railway hereby authorized and the *Galashiels* Station of the said *Hawick* Branch:

Provided always, that any such Agreement which may have been entered into prior to the passing of this Act shall be as valid and effectual as if made and entered into under the Powers of this Act, if the same shall be in conformity with the Provisions of this Act.

Duration of Agreement, and to be approved by Board of Trade, but not to affect Persons not Parties thereto.

XLVII. Any such Agreement shall not be for more than Ten Years, and no such Agreement shall have any Operation until the same shall have been approved of by the Board of Trade; and no such Agreement as aforesaid shall in any manner alter, affect, increase, or diminish any of the Tolls, Rates, or Charges which the said Companies shall for the Time being be respectively authorized and entitled to demand and receive from any Person or any other Company, but all other Persons and Companies shall, notwithstanding any such Agreement, be entitled to the Use and Benefit of the Railways to which the said Agreement may relate, upon the same Terms and Conditions, and on Payment of the same Tolls, Rates, and Charges, as they would have been in case no such Agreement had been entered into: Provided always, that the said Board shall not approve such Agreement without being satisfied that the same has been duly assented to by the Shareholders of the several Companies Parties thereto in Special Meeting assembled for that Purpose.

Appointment of joint Committee for carrying the Agreement into effect.

XLVIII. The said Companies may by any such Agreement as aforesaid appoint a joint Committee composed of such Number of Directors of the said Companies as the said Companies may think proper, and from Time to Time may alter, vary, and renew any such Committee as Occasion may require, and may regulate the Proceedings of such Committee, and delegate to such Committee all such Powers of the said Companies respectively as may be necessary for carrying into effect the Purposes of such Agreement; and every such joint Committee so appointed shall have and may exercise the Powers so for the Time being delegated to them in like Manner as the same might have been had and exercised by the said Companies respectively or their respective Directors.

Agreement may be renewed with the Approval of the Board

XLIX. At the Expiration of the said Agreement the said Companies, with the Consent in Special Meeting of the Shareholders of such Companies respectively, and subject to the Approval of the Board of Trade, may

of Trade, but public Notice to be given.

may enter into a further Agreement for all or any of the Purposes aforesaid; provided that before such Companies respectively shall enter into any such further Agreements as aforesaid they shall give Notice of their Intention to enter into such Agreement by Advertisement in a Form to be approved of by the Board of Trade, inserted Once in each of Three successive Weeks in some Newspaper published or circulating in each County in which any Part of the Railway or Railways to which such proposed Agreement relates is situated; and every such Notice shall set forth within what Time and in what Manner any Company or Person aggrieved by such proposed Agreement, and desiring to object thereto, may bring such Objections before the Board of Trade; and no such Agreement shall be valid at Law or in Equity until the same shall have been approved of by the Board of Trade.

Agreement inoperative until approved by the Board of Trade.

Saving Rights of North British Railway Company.

L. Nothing herein contained shall extend or be deemed or construed to extend to alter, vary, prejudice, or diminish any of the Rights, Powers, Privileges, or Authorities vested in the *North British* Railway Company by virtue of the Acts relating to such Company or any of them, excepting in so far as expressly provided and declared by this Act.

Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

LI. And 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 present Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her present 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 present 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 another Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways;* and another Act was passed in the Fourteenth and Fifteenth Years of the Reign of Her said Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways:* Be it enacted, That nothing in this Act contained shall be held to exempt the said Railway or the said Company from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railway and Company so far as the same shall be applicable thereto and not otherwise specially provided for by this Act.

Railway not exempt from Provisions of future

LII. Nothing herein contained shall be deemed or construed to exempt the Railway hereby authorized to be made from the Provisions of any General Act relating to this Act, or of any General Act relating to Railways,

ways, or to the better and more impartial Audit of Railway Accounts, which may pass during the present Session 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 the Rates and Charges for small Parcels authorized by this Act. General Acts.

LIII. And whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of One thousand eight hundred and thirty-four Pounds, being upwards of One Tenth Part of Three Fourths of the Amount of the Estimate of the Expense of the Railway authorized by this Act, has been deposited in Bank in the Name and with the Privity of the Queen's Remembrancer of the Court of Exchequer in *Scotland*, in respect of the Application to Parliament for this Act: Notwithstanding anything contained in the said Act of the Ninth Year of Her present Majesty, the said Sum of One thousand eight hundred and thirty-four Pounds so deposited as aforesaid in respect of the Application for this Act, or the Interest or Dividends of such Sum of Money, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid or transferred to or on the Application of the Person or Persons or the Majority of the Persons named in the Warrant or Order issued in pursuance of the said Act, or the Survivors or Survivor of them, unless the Company shall, previously to the Expiration of the Period limited by this Act for Completion of the Railway hereby authorized to be made, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the Committee of Her Majesty's Privy Council for Trade and Foreign Plantations that the Company have paid up One Half of the Amount of the Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if the said Period shall expire before the Company shall either have opened the said Railway for the public Conveyance of Passengers, or have given such Proof as aforesaid to the Satisfaction of the Lords of the said Committee, the said Sum of Money deposited as aforesaid, and the Interest and Dividends thereof, shall immediately from and after the Expiration of the said Period be forfeited to Her Majesty, and be paid and transferred by the Officer or Person in whose Name they shall then be deposited or invested to the Account of Her Majesty's Exchequer, and when so paid and transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; provided that at any Time after the passing of this Act, if a Bond in Twice the Amount of the said Sum of One thousand eight hundred and thirty-four Pounds shall have been executed by the Company with One or more Sureties (such Bond to be prepared to the Satisfaction of and such Surety or Sureties to be approved by the Solicitor to the Lords Commissioners of Her Majesty's Treasury) conditioned for Payment to Her Majesty, Her As to Repayment of Sum deposited pursuant to Standing Orders.

Her Heirs or Successors, of the said Sum of One thousand eight hundred and thirty-four Pounds if the Company shall not, within the Time limited for the Completion of the said Railway, either open the said Railway for the public Conveyance of Passengers, or prove to the Satisfaction of the Lords of the said Committee that the Company have paid up One Half of the Amount of the said Capital by this Act authorized to be raised by means of Shares, and have expended for the Purposes of this Act a Sum equal in Amount to such One Half of the said Capital; and if such Bond shall have been deposited with the said Solicitor to the said Lords Commissioners, then such Sum of Money, and the Interest or Dividends thereof, shall be paid to or on the Application of the Person or Persons or the Majority of the Persons named in such Warrant or Order as aforesaid, or the Survivors or Survivor of them, and it shall not be necessary to produce any Certificate of this Act having passed, anything in the said Act of the Ninth Year of Her present Majesty to the contrary notwithstanding; and the Money to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money and the Interest or Dividends thereof would have been dealt with under this Act if such Bond had not been executed and deposited as aforesaid; and the Certificate of the said Solicitor to the said Lords Commissioners that such Bond has been executed and deposited as aforesaid, and the Certificate of the Lords of the said Committee that such Proof has been given to their Satisfaction as aforesaid, shall respectively be sufficient Evidence of the Facts so certified.

Expenses of Act.

LIV. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by the Company hereby incorporated.

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