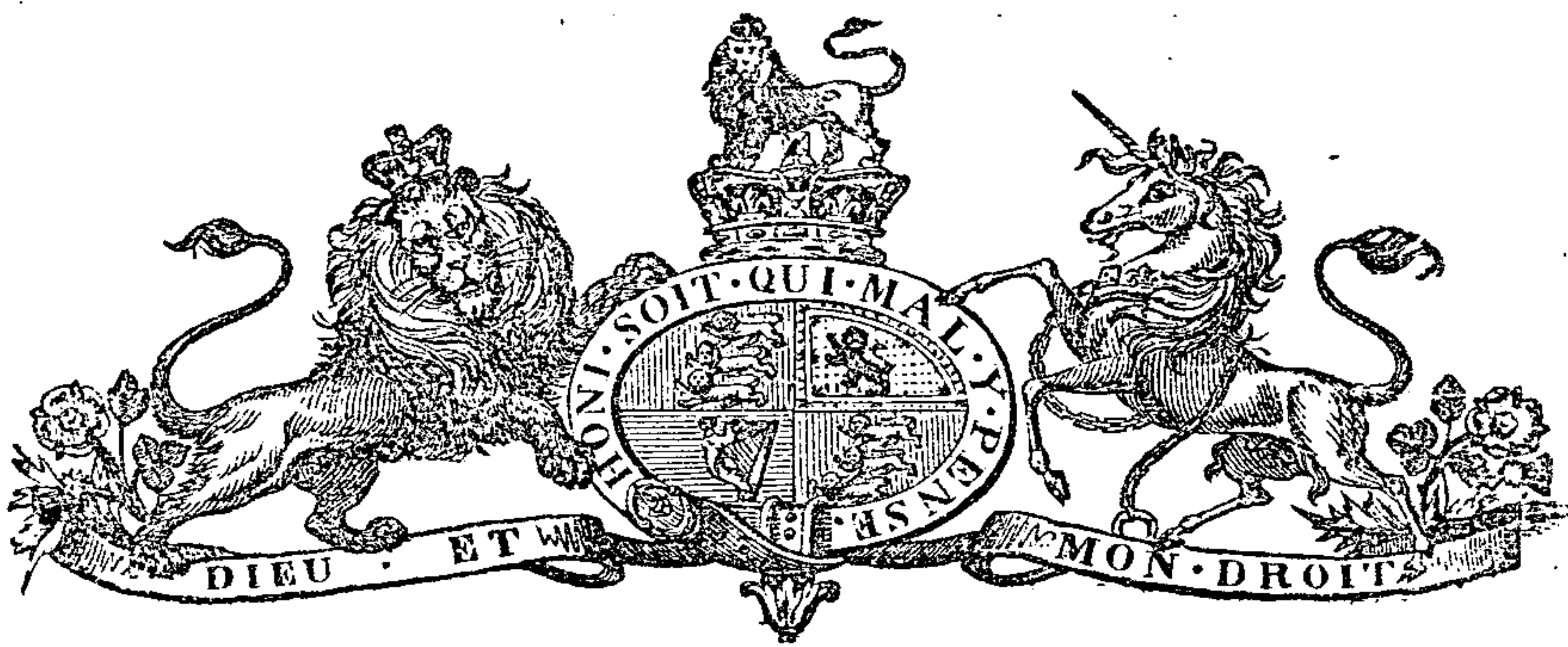




ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. lxxviii.

An Act for making a Railway from the *Hawick* Branch of the *North British* Railway, near to the *Eskbank* Station, to the Royal Burgh of *Peebles*.
[8th July 1853.]

WHEREAS the making of a Railway leading from the *Hawick* Branch of the *North British* Railway, near to the *Eskbank* Station in the County of *Edinburgh*, to the Town and Royal Burgh of *Peebles* in the County of *Peebles*, would be of great local and public Advantage by opening an additional, certain, and expeditious Means of Communication between the said Places, and by facilitating Communication with the City of *Edinburgh* and more distant Towns and Places: And whereas the Persons herein-after named are willing, at their own Expense, to carry such Undertaking into execution: And whereas it is expedient that the Company hereby to be incorporated shall be empowered to enter into Agreements and Arrangements as after mentioned with the *North British* Railway Company; but the various Purposes 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

[Local.] 14 H the

The Peebles Railway Act, 1853.

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. incor-
porated with
this Act.

I. That 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 be incorporated with and form Part of this Act.

Short Title.

II. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression “The *Peebles Railway Act, 1853.*”

Subscribers
incorporated.

III. That Sir *Graham Graham Montgomery* Baronet, Sir *Adam Hay* Baronet, *William Chambers*, *Anthony Nichol*, *Robert Balfour Wardlaw Ramsay*, *Charles Cowan*, *William Anderson*, *Walter Thornburn*, and *Andrew Buchan*, 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 connected therewith, 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 *Peebles 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. That the Capital of the said Company shall be Seventy thousand Pounds Sterling, and the whole thereof, when raised, shall be applicable only to the Purposes authorized by this Act.

Number and
Amount of
Shares.

V. That the Number of Shares into which the Capital of the Company shall be divided shall be Seven thousand, and the Amount of each Share shall be Ten Pounds.

Calls.

VI. That Forty Shillings *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Two Months at the least shall be the Interval between successive Calls; and the aggregate Amount of Calls to be made on any One Share in any One Year shall not exceed Eight Pounds in the whole.

VII. That

The Peebles Railway Act, 1853.

VII. That 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 by him in the Capital by this Act authorized to be raised: Provided always, that nothing hereinbefore 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.

Interest not
to be paid on
Calls paid up.

VIII. That it shall not be lawful for the said Company, out of any Money by this Act authorized to be raised for the Purposes thereof, 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.

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

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

Power to
borrow
Money on
Mortgage.

X. That it shall be lawful for the Mortgagees of the Company to enforce the Payment of the Arrears of Principal and Interest due on any Mortgages, by the Appointment of a Judicial Factor, and in order to authorize the Appointment of such Judicial Factor, in the event of the Principal Monies due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom Application for such Judicial Factor shall be made shall not be less than Five thousand Pounds in the whole.

Arrears may
be enforced
by the Ap-
pointment of
a Judicial
Factor.

XI. That the First Ordinary Meeting of the Company shall be held within Two Months next 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 *March* or *April* and *September* or *October*, as the Directors may appoint, and all Meetings, whether ordinary or extraordinary, shall be held in the Town of *Peebles*.

First and
subsequent
General
Meetings.

XII. That

The Peebles Railway Act, 1853.

Quorum of
General
Meeting.

XII. That the Quorum of General Meetings of the Company shall be Fifteen Shareholders present, personally or by Proxy, holding in the aggregate not less than Three thousand Pounds in the Capital of the Company.

Votes of
Shareholders.

XIII. That the Scale according to which the Shareholders may vote in respect of their Shares shall be as follows; (that is to say,) for Two Shares or more, but not exceeding Ten Shares, One Vote; for more than Ten Shares an additional Vote for every Ten Shares, to the Extent of One hundred Shares; for more than One hundred Shares an additional Vote for every Twenty Shares over and above the said One hundred Shares: Provided always, that no Shareholder shall be entitled to vote at any Meeting unless he shall have paid up all the Calls then payable upon the Shares held by him.

Number and
Qualification
of Directors.

XIV. That, subject to the Provision herein-after contained for reducing the Number of Directors, the Number of Directors shall be Nine, and the Qualification of a Director shall be the Possession in his own Right of Thirty Shares in the Undertaking.

Power to vary
Number of
Directors.

XV. That it shall be lawful for the Company to reduce the Number of Directors, provided that the reduced Number be not less than Five.

First Direc-
tors.

XVI. That Sir *Graham Graham Montgomery* Baronet, Sir *Adam Hay* Baronet, *William Chambers*, *Anthony Nichol*, *Robert Balfour Wardlaw Ramsay*, *Charles Cowan*, *William Anderson*, *Walter Thorburn*, and *John Ballantine*, shall be the First Directors of the Company.

First Elec-
tion of Di-
rectors.

XVII. That 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 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 Di-
rectors.

XVIII. That 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" contained; and the several Persons elected at any such Meeting, being neither removed
nor

The Peebles Railway Act, 1853.

nor disqualified, nor having resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the said last-mentioned Act.

XIX. That if the whole of the Directors of the said Company herein named or hereafter to be appointed in Terms of the Provisions of this Act shall resign or die, or shall from any Cause become disqualified to act, or if so many of them shall so resign or die or become disqualified that the Number of acting Directors shall be reduced below the Quorum hereby appointed, then and in that Case it shall be lawful for One or more Shareholders of the Company, holding in all not less than Three hundred Shares, by Advertisement as herein-after directed, to call a Special General Meeting of the Company; and the Majority of the Shareholders present, personally or by Proxy, at such Meeting, shall and may elect new Directors to act in the Room and Stead of the Directors so dying or resigning or becoming disqualified: Provided always, that in electing Directors at the said Meeting, it shall be specified in whose Room and Place each of the said Directors is elected, and that they shall only retain Office for the same Period as the Directors would have done in whose Room and Place they shall be so elected.

Providing for Election of new Directors in case of Death, &c. of those ordinarily elected.

XX. That all Advertisements in regard to the Railway hereby authorized shall be inserted in any One of the *Edinburgh* Newspapers, and in any Newspaper published at least once a Week in the County of *Peebles*, or if there be no such Newspaper published in said County, then in any Two of the Newspapers published in *Edinburgh*.

Newspapers for Advertisements.

XXI. That the Quorum of a Meeting of Directors shall be Three.

Quorum of Directors.

XXII. That the Number of Directors of which Committees appointed by the Directors shall consist shall not be less than Three nor more than Five, and the Quorum of such Committees shall be the major Number of those appointed.

Committee of Directors.

XXIII. And whereas Plans and Sections of the Railway and Works, showing the Lines and Levels and Situation thereof, and also Books of Reference containing the Names of the Owners, Lessees, and Occupiers, or reputed Owners, Lessees, and Occupiers, of Lands through which the same are intended to pass or be made, or which may be required for the Purpose of the Undertaking, have been deposited in the Offices of the Principal Sheriff Clerk of the County of *Edinburgh* and of the Principal Sheriff Clerk of the County of *Peebles* respectively: Be it enacted, That, subject to the Provisions in this Act and the Acts incorporated therewith contained, it shall be lawful for the Company to make and maintain the said Railway and

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

The Peebles Railway Act, 1853.

Works in the Lines and upon the Lands delineated upon 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 Lands as shall be necessary for such Purpose.

Line of Rail-
way.

XXIV. That the Line of Railway to be made and maintained under the Authority of this Act, with all proper Works and Conveniencies connected therewith, shall be the following ; (that is to say,)

A Railway commencing by a Junction with the *Hawick* Branch of the *North British* Railway at a Point upon the said *Hawick* Branch near to the *Eskbank* Station in the Parish of *Dalkeith* and County of *Edinburgh*, and terminating in or near a Field called the *Dovecot Park*, at or near to the Town and Royal Burgh of *Peebles* in the Parish of *Peebles* and County of *Peebles*; such Railway passing from, through, or into the Parishes of *Dalkeith*, *Lasswade*, *Cockpen*, and *Pennicuik*, all in the County of *Edinburgh*, and the Parishes of *Newlands*, *Eddlestone*, and *Peebles*, and into or near to the Royal Burgh of *Peebles*, all in the County of *Peebles*.

Junction with
the *Hawick*
Branch of the
North British
Railway.

XXV. That the Railway hereby authorized to join and communicate with the *Hawick* Branch of the *North British* Railway near to the *Eskbank* Station aforesaid 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 such Openings in the Ledges or Flanches of the *North British* Railway as may be necessary or convenient for effecting such Junction, and all necessary Works connected therewith, and all other Works that may at any Time be necessary for altering, repairing, and maintaining the Rails and Points at such Junction, and of regulating and adjusting the same, shall be made and effected under the Direction and Superintendence and to the entire Satisfaction of the Engineer for the Time being of the said *North British* Railway Company, or other Person authorized by them for that Purpose.

Company to
bear Expense
of Works at
Junction, and
Junctions to
be worked
under Control
of *North British*
Railway
Company.

XXVI. That the Company hereby incorporated shall be at the sole Expense of effecting the Junction and Communication before mentioned, and all necessary Works connected therewith, and of maintaining, watching, and working the same; and the said Junction shall be worked under the Control and Superintendence of the *North British* Railway Company, and in Terms of their Regulations and Byelaws for the Time being.

North British
Railway not
to be inter-
fered with
without Con-
sent.

XXVII. That, except for forming the Communication herein authorized, nothing in this Act contained shall extend to authorize the Company by this Act incorporated, in making and constructing the
Railway

The Peebles Railway Act, 1853.

Railway hereby authorized to be made and constructed, to alter, vary, or interfere with the *North British* Railway, or any of the Works thereof, without the Consent in Writing of the said *North British* Railway Company first had and obtained, nor without such Consent to take or enter upon any of the Lands belonging to the said *North British* Railway Company.

XXVIII. That, subject to the Provisions in the said "Railways Power to cross certain Roads on a Level. Clauses Consolidation (*Scotland*) Act, 1845," contained, in reference to the crossing of Roads on a Level, it shall be lawful for the Company, in the Construction of the Railway by this Act authorized to be made, to carry the same on the Level across the several Roads numbered on the said deposited Plans, as follows ; (that is to say,)

In the Parish of *Cockpen*, the Roads numbered 2 and 28 ;

In the Parish of *Lasswade*, the Roads numbered 55, 62, 102, 105, 182, and 213 ;

In the Parish of *Pennicuik*, the Roads numbered 37 and 78 ;

In the Parish of *Eddlestone*, the Roads numbered 81, 115, and 171 ;

In the Parish of *Peebles*, the Road numbered 54.

XXIX. That, for the Security of the Public, the Company shall erect and maintain either a Station or Lodge at each of the Places where the Railway shall cross the before-mentioned Roads on the Level ; 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 Level, 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 and 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. Lodges or Stations may be made at level Crossings.

XXX. That 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 Level shall have been completed and opened for Public Traffic, to require the Company, within such Time as the Board of Trade shall direct, and at the Expense of the Company, to carry the herein-before mentioned Roads, or any of them, either over or under the Railway, by means of a Bridge or Arch, in lieu of crossing the same on the Level, or to execute such other Works as, under the Circumstances of the Case, shall appear to the said Board Board of Trade may require Bridges to be erected in lieu of level Crossings.

The Peebles Railway Act, 1853.

Board best adapted for removing or diminishing the Danger arising from such level Crossing.

Regulating
Dimensions
of Bridge
carrying
Road under
Railway.

XXXI. That it shall be lawful for the Company to make the Bridge or Arch to carry the Road numbered as after mentioned on the said deposited Plans, under the Railway, of Dimensions not less than Thirty Feet in Width, with a clear Height of Sixteen Feet; (that is to say,)

In the Parish of *Pennicuik*, the Road numbered 106.

Regulating
Inclinations
of certain
Roads.

XXXII. That it shall be lawful for the Company to construct the Approaches to the Bridges, Arches, or level Crossings, for carrying the Roads, numbered as after mentioned on the said deposited Plans, over, under, or across 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 182, in the Parish of *Lasswade*, not steeper than 1 in 20;

In the Case of the Road numbered 37, in the Parish of *Pennicuik*, not steeper than 1 in 20.

Lands for ex-
traordinary
Purposes.

XXXIII. That the Quantity of Land to be taken by the Company for extraordinary Purposes shall not exceed Fifteen Acres.

Period within
which Lands
are to be
purchased.

XXXIV. That 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.

XXXV. That the Railway shall be completed within Five 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.

XXXVI. That it shall be lawful for the Company to demand any Tolls for the Use of the Railway not exceeding the following; (that is to say,)

Tonnage on
Articles of
Merchandise.

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 undressed Materials for the Repair of public Roads or Highways, *per Ton per Mile* not exceeding Twopence; 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,

The Peebles Railway Act, 1853.

Sand, Ironstone and Iron Ore, Pig Iron, Bar Iron, Rod Iron, Hoop Iron, and all 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 Halfpenny; 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, Dye-woods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, *per Ton per Mile* not exceeding Threepence; 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 Fourpence; 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:

In respect of Passengers and Animals conveyed in Carriages upon the Railway, as follows: Tolls for Passengers or Cattle.

For any Person 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 One Penny *per Mile*:

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, *per Mile* not exceeding Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum not exceeding One Penny *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 One Halfpenny *per Mile*.

XXXVII. That the Sum which the Company may demand for the Use of Engines for propelling Carriages shall not exceed One Charges for propelling Power.
[Local.] 14 K Penny

The Peebles Railway Act, 1853.

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

Limiting
Charges for
the Convey-
ance of Pas-
sengers.

XXXVIII. That 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.

Amount of
Passengers
Luggage to
be carried
free of
Charge.

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

Limiting
Charges for
Conveyance
of Goods.

XL. That 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, Waggon, 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, and all other Articles, Matters, and Things herein-before classed therewith, *per* Ton *per* Mile, One Penny Halfpenny :

For Coals, and all other Articles, Matters, and Things herein-before classed therewith, *per* Ton *per* Mile, Twopence :

For Sugar, and all other Articles, Matters, and Things herein-before classed therewith, *per* Ton *per* Mile, Threepence :

For Cotton, and all other Articles, Matters, and Things herein-before classed therewith, *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, Sevenpence :

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, Twopence :

For every Calf or Pig, Sheep or Lamb, or other small Animal, *per* Mile, Three Farthings each.

XLI. That

The Peebles Railway Act, 1853.

XLI. That the Restrictions herein-before contained as to the Charges to be made for Passengers, Animals, or Goods, shall not extend to any Special Train.

Restriction
as to Charges
not to apply
to Special
Trains.

XLII. That 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 Persons in charge of such Goods, either in respect of the Conveyance thereof, other than small Parcels by Passenger Trains, or by reason of any other special Service performed by the said Company in relation thereto.

Charges may
be made by
Agreement.

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

Regulations
as to Tolls.

For Articles or Persons conveyed on the Railway for a less Distance than Four Miles the Company may demand as for Four entire Miles, and in addition to the prescribed Tolls for Conveyance a reasonable Charge for the Expense of stopping, loading, and unloading :

For a fractional Part of a Mile beyond Four Miles, or beyond any greater Number of Miles, the Company may demand Tolls for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile :

For a Fraction of a Ton the Company may demand Toll according to the Number 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.

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

Tolls for
small Parcels
and Articles
of great
Weight.

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

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

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

For

The Peebles Railway Act, 1853.

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

For any Parcel 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 ; 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 Terms 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.

Power to enter into working Agreements with the North British Railway Company.

XLV. That, subject to the Provisions of the " Railways Clauses Consolidation (*Scotland*) Act, 1845," it shall be lawful for the said *North British* Railway Company and the Company hereby incorporated to make, enter into, and complete any Contracts and Agreements or Arrangements which may by them be mutually deemed necessary and advisable for the Use and working of the Railway by this Act authorized, the Conveyance of the Traffic of the Railway by this Act authorized, and Apportionment of Revenue arising from Traffic and of all incidental Expenses, and generally for and in respect of all such Matters and Things as may be necessary for the proper and efficient working of the said Railway when completed, on such Terms and Conditions and in such Manner as may be agreed upon by and between the said Companies.

Saving Rights of North British Railway Company.

XLVI. That, except as is by this Act expressly provided, nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the *North British* Railway Company in and by the several Acts relating to such Railway ; but all their Rights, Powers, and Authorities (under their several Acts of Parliament, or otherwise) are hereby expressly saved and reserved as if this Act had not been passed.

Railway to be subject to Provisions of

XLVII. 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*

The Peebles Railway Act, 1853.

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 Two other Acts were passed in the Ninth and Tenth Years of the Reign of Her said Majesty respectively, intituled *An Act constituting Commissioners of Railways*, and *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 for 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.

1 & 2 Vict.
c. 98.
3 & 4 Vict.
c. 97.
5 & 6 Vict.
c. 55.
7 & 8 Vict.
c. 85.
9 & 10 Vict.
cc. 105. 57.
and
14 & 15 Vict.
c. 64.

XLVIII. That whereas, pursuant to the Standing Orders of the Houses of Parliament and to an Act of the Ninth Year of Her present Majesty, Chapter Twenty, a Sum of Five thousand four hundred and ninety-eight Pounds, being One Tenth Part of the Amount subscribed by the Promoters of the Railway authorized by this Act, has been deposited in the Bank of the *British Linen Company of Edinburgh*, 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: Be it enacted, That, notwithstanding anything contained in the said recited Act, the said Sum of Five thousand four hundred and ninety-eight Pounds so deposited as aforesaid in respect of the Application for this Act, and the Interest of the said Sum of Five thousand four hundred and ninety-eight Pounds, shall not, except upon the Execution and Deposit of such Bond as herein-after mentioned, be paid to or on the Application of the Person or Persons, or the Majority of the Persons named in the Warrant or Order in pursuance of the said Act, or the Survivors or Survivor of them, unless the said Company shall, previously to the Expiration of the Period limited by this Act for the 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 said 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

Security for
Completion
of Line
within Time
limited.

[*Local.*]

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The Peebles Railway Act, 1853.

One Half of the said Capital ; and if the said Period shall expire before the said 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 Five thousand four hundred and ninety-eight Pounds deposited as aforesaid, and the Interest thereof, shall, immediately from and after the Expiration of the said Period, be forfeited to Her Majesty, and be paid by the Officer or Person in whose Name the said Sum and Interest shall then be deposited 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 said Sum of Five thousand four hundred and ninety-eight Pounds shall have been executed by the said 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 Heirs or Successors, of the said Sum of Five thousand four hundred and ninety-eight Pounds, if the said 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 said 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 thereof shall be paid or transferred 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 the Monies to be recovered upon such Bond shall be dealt with in like Manner as the said Sum of Money and the Interest 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.

Railway not
exempt from
Provisions of
future General
Acts.

XLIX. That 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, or to the better and more impartial Audit
of

The Peebles Railway Act, 1853.

of Railway Accounts, 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, or of Rates and Charges for small Parcels, authorized by this Act.

L. That all Costs, Charges, and Expenses connected with the passing of this Act shall be paid by the Company hereby incorporated. Expenses of Act.

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