



ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. xxx.

An Act for making a Railway from the Town of *Jedburgh* to the *Kelso* Branch of the *North British* Railway at or near the *Roxburgh* Station, and for other Purposes. [25th May 1855.]

WHEREAS the making of a Railway leading from the Town and Royal Burgh of *Jedburgh* in the County of *Roxburgh* to the *Kelso* Branch of the *North British* Railway would be of great local and public Advantage, by opening an additional, certain, and expeditious Means of Communication between the Towns of *Jedburgh* and *Kelso*, 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 it is expedient that they should be incorporated for that Purpose: And whereas the Railway to be made under the Authority of this Act is intended to join and communicate with the *Kelso* Branch of the *North British* Railway at the *Roxburgh* Station on the said Branch, and it is expedient that Provision should be made for Agreements, as herein-after mentioned, between 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

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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, as follows :

Short Title. I. This Act may be cited for all Purposes as "*The Jedburgh Railway Act, 1855.*"

Interpretation of Terms. II. In this Act the Expression "the Company" shall mean the *Jedburgh Railway Company* hereby incorporated, and the Expression "the Railway" shall mean the *Jedburgh Railway* hereby authorized to be made.

8 & 9 Vict. cc. 16. 18 & 20. incorporated. III. "*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.

Subscribers incorporated. IV. *William Oliver Rutherford, Andrew Whitelock Mein, William Dodd, John Ord, James Shortreed Elliot Fair, and Charles Kerr,* 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 and are hereby incorporated by the Name of "*The Jedburgh 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, under the Restrictions herein and in the said Acts contained.

Capital. V. The Capital of the Company shall be Thirty-five thousand Pounds.

Number and Amount of Shares. VI. The Number of Shares into which the Capital shall be divided shall be Three thousand five hundred, and the Amount of each Share shall be Ten Pounds.

Power to borrow on Mortgage. VII. It shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding Eleven thousand five hundred Pounds ; but no Part of such Sum shall be borrowed until the whole of the said Capital of Thirty-five thousand Pounds shall have been

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been subscribed for, and One Half thereof shall have been actually paid up.

VIII. The whole Sums authorized to be raised by the Creation of Shares and by borrowing under the Provisions of this Act shall be applied for the Purposes of this Act, and for no other Purpose whatsoever.

Application
of Moneys.

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 five hundred Pounds in the whole.

Arrears may
be enforced
by Appoint-
ment of a
Judicial
Factor.

X. 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 half-yearly in the Months of *February* or *March* and *August* or *September*, as the Directors may appoint; and all Meetings of the Company, whether ordinary or extraordinary, shall be held in the Town of *Jedburgh*.

Ordinary
Meetings of
the Com-
pany.

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

Quorum of
General
Meetings.

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

Scale of
voting.

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 beyond the first Hundred Shares.

XIII. The Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Fifteen Shares in the Capital of the Company.

Number and
Qualification
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.

Power to re-
duce the
Number of
Directors.

XV. *William*

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First Directors.

XV. *William Oliver Rutherford, Andrew Whitelock Mein, William Dodd, John Ord, James Shortreed Elliot Fair, and Charles Kerr* shall be the First Directors of the Company.

First Election of Directors.

XVI. The Directors appointed by this Act 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 Ordinary Meeting to be held in the Month of *February* or *March* One thousand eight hundred and fifty-six 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 of the "*Companies Clauses Consolidation (Scotland) Act, 1845,*" 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.*"

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 at which the Books of Account 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 shall be Fourteen Days before and Fourteen Days after each Ordinary Meeting 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 in the County of *Roxburgh*.

Power to make Railway according to deposited Plan.

XXI. And whereas a Plan and Sections of the Railway and Works, showing the Lines and Levels thereof, together with a Book of Reference to the said Plan, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through which the same are intended to be made, have been deposited in the Office of the Principal Sheriff Clerk of the County of *Roxburgh*: It shall be lawful for the Company, subject to the Provisions of this Act and the Acts herewith incorporated, to make and maintain the Railway and Works in the Lines and upon the Lands delineated on the

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the said Plan and described in the said Book of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use such of the said Lands or such Portions thereof as shall be necessary for these Purposes.

XXII. The Railway shall commence at a Point at or near the *Flour Mill Bridge* over the River *Jed*, and terminate by a Junction with the *Kelso Branch* of the *North British Railway* at a Point thereon at or near the *Roxburgh Station* on the said Branch Railway, and will pass from, through, or into the Parishes of *Jedburgh*, *Crailing*, *Eckford*, and *Roxburgh* in the County of *Roxburgh*. Line of Railway.

XXIII. The Railway shall join and communicate with the *Kelso Branch* of the *North British Railway* at the Points of Junction shown on the said Plan; and such Junction, and all Communication between the Railway and the said *Kelso 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 *North British Railway Company*, or other Person authorized by them for that Purpose. Junction with the Kelso Branch of the North British Railway.

XXIV. Nothing herein contained shall be held to authorize the Company to enter upon, purchase, or take any Lands belonging to the *North British Railway Company*, or to alter or vary the Line or Levels of the said *Kelso Branch*, or to interfere with the said *Kelso Branch*, except as specially provided by this Act, without the Consent of the *North British Railway Company*; and the Company hereby incorporated shall bear all Expense of effecting such Junction as aforesaid, and, unless otherwise agreed between the said Companies, of maintaining, watching, and working the same, and of all 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 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 provided for by this Act, the same shall be referred to Arbitration. Lands and Works of North British Railway Company not to be interfered with, except by Consent.

XXV. It shall be lawful for the Company to carry the Railway on the Level across the following Roads numbered respectively on the said Plan as follows; (that is to say,) Certain Roads may be crossed on the Level.

The Road in the Parish of *Eckford* numbered 20:

The Roads in the Parish of *Crailing* numbered 25 and 36:

The Roads in the Parish of *Jedburgh* numbered 15 and 50.

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XXVI. For

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Lodges or
Stations to
be made at
level Cross-
ings.

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 Level; and the 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 Company shall fail to erect or at all Times maintain any such Station or Lodge, or to 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 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 shall direct, and at the Expense of the Company, to carry any of the said Roads either over or under the Railway by means of Bridges or Arches 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 Board best adapted for removing or diminishing the Danger arising from such level Crossings.

Lands for
extraordi-
nary Pur-
poses.

XXVIII. The Quantity of Land to be taken by the Company for the extraordinary Purposes mentioned in "The Railways Clauses Consolidation (*Scotland*) Act, 1845," shall not exceed Five Acres.

Conveyance
by Feu Right
of Part of
Roxburgh
Glebe.

XXIX. It shall be lawful for the Presbytery of *Kelso* and the Minister and Heritors of the Parish of *Roxburgh* to sell and convey to the Company such Portion of the Glebe Lands of the Parish of *Roxburgh* as may be required to be taken for the Purposes of this Act, or any Right or Interest therein, in consideration of an annual Feu Duty or Ground Annual payable by the Company to the Minister of the Parish of *Roxburgh* for the Time being, and that 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.

XXX. Provided always, That it shall not be lawful for the Company to pay, nor for the said Presbytery or the said Minister or Heritors to receive or take, any Grassum, Fine, or Premium, or any Consideration in the Nature thereof, for the Lands or Rights or Interests so to be conveyed,

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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 Valuers in the Manner prescribed by the said Consolidation Act with respect to the Valuation of Lands sold by Agreement by Parties under legal Disability or Incapacity to convey as aforesaid.

XXXI. All Feu Duties or Ground Annuals made payable by such Conveyance 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 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 for the Person 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 *Roxburgh*, or summarily by Pounding 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 Person to resume Possession of the Lands or Rights or Interest therein so conveyed, or to proceed by any Action or Declarator or by Real Diligence, or any other Process whatsoever, in respect thereto, or in respect to the said Feu Duties or Ground Annuals.

Provision for
Recovery of
Feu Duties.

XXXII. 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.

Powers for
compulsory
Purchase of
Lands
limited.

XXXIII. 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 Act or the Acts incorporated herewith 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.

Period for
Completion
of Works.

XXXIV. 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,)

Tolls.

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

Tonnage on
Articles of
Merchandise.

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* One Penny Halfpenny ; and if conveyed by Carriages belonging to the Company, an additional Sum *per Ton per Mile* of One Penny :

For

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For all Coal, 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; and if conveyed in Carriages belonging to the Company, an additional Sum *per Mile* of 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* Twopence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* of 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* Threepence Halfpenny; and if conveyed in Carriages belonging to the Company, an additional Sum *per Ton per Mile* of 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* Fivepence; and for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton which any such Carriage may weigh, One Penny Halfpenny; and if conveyed on a Truck or Platform belonging to the Company, an additional Sum *per Mile* of Fivepence:

Tolls for
Passengers
and Cattle.

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

For every Person conveyed in or upon any such Carriage, *per Mile* Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum of 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 *per Mile* of Threepence:

For every Ox, Cow, Bull, or Neat Cattle conveyed in or upon any such Carriage, *per Mile* Twopence; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* of Threepence:

For every Calf or Pig, Sheep, Lamb, or other small Animal, conveyed in or upon any such Carriage, *per Mile* One Penny; and if conveyed in or upon any Carriage belonging to the Company, an additional Sum *per Mile* of One Penny Halfpenny:

Third, for the Use of any Depôt or Station, such reasonable Sum as to the Company may seem fit.

XXXV. The

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

XXXVI. 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 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. Limiting Charges for the Conveyance of Passengers.

XXXVII. 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. Passengers Luggage.

XXXVIII. 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, 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,) Limiting Charges for the Conveyance of Goods.

For 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 Twopence:

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, Merchandise, Fish, Articles, Matters, and Things, *per* Ton *per* Mile Fourpence:

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And

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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 One Penny Halfpenny *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 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 Tolls.

XXXIX. The following Provisions and Regulations shall be applicable to the fixing of the Tolls and maximum Charges hereinbefore 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 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 and Animals, 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 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.

Restrictions
as to Charges
not to apply
to Special
Trains.

XL. 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 or Extra Trains by or on the Railway or any Part thereof, and for loading and unloading, collecting, receiving, or delivering, and providing Covers for Goods, Articles, or Animals.

XLI. Nothing

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

Company may take increased Charges by Agreement.

XLII. And with respect to small Packages, and single Articles of great Weight, conveyed on the Railway, it shall be lawful for the Company to demand and recover the Tolls following; (that is to say,)

Tolls for small Parcels and single Articles of great Weight.

For the Carriage of small Parcels (that is to say, Parcels not exceeding Five hundred Pounds Weight each), as follows:

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

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

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

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: 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 One Shilling *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.

XLIII. 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,)

Arrangements with the *North British* Railway Company.

The Use and Working by the *North British* Railway Company of all or any Part of the Railway hereby authorized to be made, and the Use of the Works and Conveniences belonging thereto:

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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 Repair :

The Regulation of Trains to be run between *Jedburgh* and the *Roxburgh* and other Stations on the *North British* Railway and Branches, 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 *Jedburgh* and *Roxburgh* on the Railway hereby authorized :

Provided always, that in the event of such Agreement being entered into, and during the Continuance thereof, the Railway hereby authorized shall be worked as Part of the *North British* Railway ; and all Tolls and Rates on Traffic passing on the Railway hereby authorized, to or from the *North British* Railway, shall be charged and levied as if the said Railway formed Part of the *North British* Railway.

Duration of Agreement, and to be approved by the Board of Trade.

XLIV. 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 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 or 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 Board of Trade shall not approve such Agreement without being satisfied that the same has been duly assented to by the Shareholders of the said Companies in Special Meeting assembled for that Purpose.

Appointment of Joint Committee for carrying the Agreement into effect.

XLV. 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 respectively 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

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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.

XLVI. At the Expiration of the said Agreement the said Companies, with the Consent in Special Meeting of the Shareholders of the said Companies respectively, and subject to the Approval of the Board of Trade, may enter into a further Agreement for all or any of the Purposes aforesaid: Provided always, that before the said Companies shall enter into any such further Agreement as aforesaid they shall respectively 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 a Newspaper published in *Edinburgh* and a Newspaper published in the County of *Roxburgh*; 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 ap-
proved by
the Board of
Trade.

XLVII. 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 the said Company or any of them, excepting in so far as expressly provided by this Act.

Saving
Rights of
North British
Railway
Company.

XLVIII. It shall not be lawful for the 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 herein-before 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 in "The Companies Clauses Consolidation (*Scotland*) Act, 1845," in that Behalf contained.

Interest not
to be paid on
Calls paid up.

XLIX. It shall not be lawful for the 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

Deposits for
future Bills
not to be paid
out of Capi-
tal.

[Local.]

4 U

Order

The Jedburgh Railway Act, 1855.

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.

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

L. Nothing herein contained shall be deemed or construed to exempt the Railway by this Act 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 Accounts of Railway Companies, now in force or which may hereafter pass during this 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 for small Parcels, authorized by this Act.

Sum deposited pursuant to Standing Orders not to be repaid, except in certain Events.

LI. Whereas, pursuant to the Standing Orders of both Houses of Parliament, and to an Act of the Ninth Year of Her present Majesty, *Cap.* XX., a Sum of Two thousand six hundred and twenty-five Pounds, being One Tenth Part of the Amount required to be subscribed in respect of the Railway authorized by this Act, has been deposited with the Court of Exchequer in *Scotland* in respect of the Application to Parliament for this Act: Notwithstanding anything contained in the said recited Act, the said Sum of Two thousand six hundred and twenty-five 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 is 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, either open the 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 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

The Jedburgh Railway Act, 1855.

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 Two thousand six hundred and twenty-five 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 Heirs or Successors, of the said Sum of Two thousand six hundred and twenty-five Pounds, if the Company shall not, within the Time limited for the Completion of the Railway, either open the 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 Moneys 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.

LII. 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. Expense of Act.

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