ANNO UNDECIMO

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C A P. III.

An Act to give further Time for making certain Railways. [20th *December* 1847.]

WHEREAS divers Acts of Parliament have been passed for making Railways, and in such Acts respectively certain Periods of Time are limited within which only the Powers thereby granted, whether for making the Railways or for the compulsory Purchase of the Lands therein referred to, can be lawfully exercised: And whereas it is expedient that in certain Cases further Time be granted for the Purposes aforesaid; 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, That if any Railway Company, or Person authorized by any Act or Acts of Parliament to construct a Railway or any Works connected with a Railway, or to purchase Lands for any such Purpose, desire that the Period limited by such Act or Acts for the Completion of such Railway or Works, or for the Purchase of such Lands, be extended, such Company or Person may, at any Time within Two Calendar Months after the passing of this Act, make Application, in Writing, to the Commissioners of Railways, setting forth what Extension of Time is desired by them or him, and to what Part of the Railway, or the Works or Lands connected therewith, the same is intended to apply, and the Grounds on which such Application is made.

Railway Companies may apply to Commissioners of Railways for Extension of Time for Purchase of Lands, &c.

Commissioners may require Company to give Notice of Application by Advertisement in the Gazette.

II. And be it enacted, That if it appear to the said Commissioners that there are sufficient Grounds for entertaining such Application, they shall require the Company, or Person making the same, to give Notice of such Application having been made, by Advertisement, inserted in such Form as shall be approved of by the said Commissioners, once in the *London*, *Edinburgh*, or *Dublin Gazette*, accordingly as such Railway or Works or Lands are in *England*, *Scotland*, or *Ireland*, and once in each of Three successive Weeks in some Newspaper published or circulating in each County in which any Part of such Railway or Works or Lands to which the Extension of Time is intended to apply is situated, and affixed for Three successive *Sundays* on the principal outer Door of the Church or Churches of every Parish in which any such Part of such Railway or Works or Lands is situated; and every such Notice shall set forth within what Time and in what Manner any Person who thinks himself aggrieved by any such proposed Extension of Time, and who desires to object thereto, may bring such Objections before the said Commissioners.

Commissioners of Railways by Warrant under their Seal, may, upon Proof that Notice has been given, enlarge the Time for the Completion of Purchases and Works.

III. And be it enacted, That upon Proof to the Satisfaction of the said Commissioners that such Notice has been duly given, and after the Expiration of the Time therein appointed for bringing Objections before the said Commissioners, and after considering all such Objections, if any, which have been brought before them, the said Commissioners may, if they think fit, and upon such Terms and Conditions as they think fit, by Warrant under their Seal, and signed by Two or more of the said Commissioners, extend the Period allowed by any such Act or Acts as aforesaid, whether for the Completion of such Railway or Works or for the compulsory Purchase of Lands for that Purpose, for such further Time as the said Commissioners think fit, not exceeding Two Years from the Expiration of the Periods so allowed by such Act or Acts respectively; and they may so extend such Periods respectively, either as to the whole of such Railway or Works, and the whole of the Lands required for the same, or as to so much of such Railway or the Works, or the Lands connected therewith, as shall be specified for that Purpose in such Warrant.

Acts mentioned or referred to in such Warrants to be construed with reference to the same.

IV. And be it enacted, That when any such Warrant as aforesaid is granted by the said Commissioners, the Act or Acts of Parliament authorizing the Construction of the Railway or Works mentioned or referred to in such Warrant shall, as to the Portion of Railway or the Works or Lands described thereby or comprised in such Warrant, be construed as if the extended Period or Periods of Time mentioned in such Warrant had been by such Act or Acts limited as the Period or Periods respectively within which the Powers of such Act or Acts might lawfully be exercised, whether for the Construction of such Railway or Works or for the compulsory Purchase of the Lands required for the same, instead of the Periods mentioned in such Act or Acts respectively.

Not to revive expired Powers.

V. Provided always, and be it enacted, That this Act shall not have the Effect of reviving any Powers which had expired before the

making

making of such Application and that it shall not prejudice or affect any Contract or Agreement entered into before the passing of this Act; and where before the passing of this Act any Contract hath been entered into, or Notice given by any such Railway Company or Person, for purchasing, taking, or using any Lands which, under any such Act or Acts as aforesaid, such Company or Person is entitled to purchase, take, or use, this Act, or any Warrant thereunder, shall not authorize any Extension of the Time allowed for the Purchase of the Lands comprised or mentioned in such Contract or Notice; and every such Contract and Notice respectively shall be construed and shall take effect, and the same Proceedings shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, both at Law and in Equity, as if this Act had not been passed.

Existing Contracts and Notices to take Lands to be construed as if this Act had not passed.

VI. And be it enacted, That within One Calendar Month after the Day on which any such Warrant as aforesaid is granted by the said Commissioners they shall cause Notice thereof to be inserted in the *London*, *Edinburgh*, or *Dublin Gazette*, accordingly as the Railway, Works, or Lands mentioned therein is or are in *England*, *Scotland*, or *Ireland*.

Notices of Warrants being granted to be published in the Gazette.

VII. Provided always, and be it enacted, That whenever any such Warrant as aforesaid shall have been granted by the said Commissioners for extending the Time within which any of the Powers given by any such Act or Acts may lawfully be exercised, the Justices, Arbitrators, Umpires, or Juries respectively, as the Case may be, who under the Provisions of such Act or Acts shall award or assess the Compensation to be made by any such Company or Person as aforesaid to the Owners or Occupiers of or other Persons interested in any Lands taken or used for the Purposes of any such Railway or Works, or injuriously affected by the Construction thereof, shall, in estimating the Amount of such Compensation, have regard to and make Compensation for the additional Damage (if any) sustained by such Owners, Occupiers, or other Persons, by reason of any such Extension of Time having been granted as aforesaid.

Parties aggrieved by Extension of Time being granted may have Compensation for additional Damage.

VIII. And be it enacted, That no Railway Company authorized by Act of Parliament to construct a Railway, or any Works connected with a Railway, who had not before the Twenty-seventh Day of *November* in the Year One thousand eight hundred and forty-seven executed any Part of the Works, or entered into any Contract or Agreement for the Execution of any Part of the Works which they were for the first Time authorized by such Act to construct, shall within Twelve Calendar Months after the passing of this Act enter into any Contract or Agreement for the Execution of any Works so for the first Time authorized by such Act, excepting always from this Enactment Contracts and Agreements for the Construction of Part of any Railway or Works which by any Act shall have been substituted by way of Deviation from any Part of the Line of such Railway as authorized by some previous Act, or in lieu of some other Works authorized by some previous Act, and also Contracts and Agreements

Contracts for new Works not to be entered into for a limited Period, except in certain Cases.

Agreements for the Construction of such other Works as the Company shall be authorized to proceed in constructing by the Consent of the Holders of Three Fifths of the Shares or Stock held by such of the Shareholders of such Company as shall signify their Assent thereto or Dissent therefrom within the Time and in the Manner herein-after mentioned, or as they shall be authorized to proceed in constructing by an Order of the said Commissioners of Railways published in the *London*, *Edinburgh*, or *Dublin Gazette*, according as the Works are situated in *England*, *Scotland*, or *Ireland*; and all Contracts and Agreements entered into in contravention of this Enactment shall be utterly void and of no effect.

Mode of ascertaining Consent of Shareholders to the making of Contracts for new Works.

IX. And be it enacted, That for the Purpose of ascertaining such Consent of the Shareholders as aforesaid a General Meeting of the Shareholders of such Company shall be held within Six Weeks after the passing of this Act, of which public Notice shall be given by public Advertisement in the Manner required or usually adopted for advertising the Extraordinary General Meetings of such Company; and a Circular Letter shall be sent by the Post, addressed to each of the Shareholders of such Company, according to his registered Address or other known Address, describing the Portion of Line or Works proposed to be executed, and stating that a General Meeting of the Shareholders of such Company will be held, at a Time and Place mentioned in such Circular, for the Purpose of determining whether a Contract for executing such Works shall be entered into or not within the Twelve Months next after the passing of this Act, and requesting such Shareholder to signify his Assent to or Dissent from the making of such Contract, according to a Form to be contained in such Circular Letter, which Form shall be to the Effect set forth in the Schedule hereto; and such Circular Letter shall request such Shareholder either to return such Form, signed by him, in a Letter addressed to the Secretary of such Company, or to attend such General Meeting as aforesaid, and deliver the same, so signed by him, to the Chairman thereof; and at the Meeting so to be held the Chairman thereof shall cast up the Number or Amount of Shares or Stock held by Shareholders assenting to the making of such Contract, and the Number or Amount of Shares or Stock held by Shareholders dissenting therefrom, whether such Assent have been signified by the Shareholder sending to the Secretary of the Company such Form as aforesaid, signed by him, or by such Shareholder attending such Meeting, and delivering in the same to the Chairman thereof; and such Chairman shall thereupon publicly announce the Number or Amount of Shares or Stock of the Shareholders assenting to the making of such Contract, and the Number or Amount of the Shares or Stock of those dissenting therefrom, and shall state whether or not the Holders of Three Fifths of the whole of such Shares or Stock consent to the making of such Contract: Provided always, that in computing the Number or Amount of the Shares of Shareholders assenting or dissenting as aforesaid no Share shall be taken into account the Holder whereof shall not have paid all the Calls then due by him upon the Shares held by him.

X. And

X. And be it enacted, That a Certificate under the Hand of the Chairman of the Company, and countersigned in each Case by the Secretary of the Company, stating that such Meeting as aforesaid has been duly held, and such Circular Letter sent, and such Consent given as aforesaid, in Cases where the same is given, shall, within One Week after the Day of holding such Meeting, be deposited in the Office of the said Commissioners of Railways; and such Certificate, or a Copy thereof, certified under the Seal of the said Commissioners to be a true Copy, shall be received as Evidence in all Courts, and before all Justices and others, that such Consent was duly given within the Time aforesaid.

Certificate of the Chairman of Company, countersigned by the Secretary, to be Evidence of Consent.

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

SCHEDULE referred to by the foregoing Act.

(1) Name of Railway.	(1) Name of Shareholder.	(1) No. of Shares or Amount of Stock held by him.	(1) Works proposed to be contracted for.	(2) Whether assenting or dissenting.

(1) The Secretary will insert these Particulars.

(2) In this Column the Shareholder will write the Word "assenting" or "dissenting," as the Case may be, and sign his Name thereunder.

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