ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

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C A P. LXXXV.

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.

[9th *August* 1844.]

WHEREAS it is expedient that the Concession of Powers for the Establishment of new Lines of Railway should be subjected to such Conditions as are herein-after contained for the Benefit of the Public: 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 at any Time after the End of Twenty-one Years from and after the First Day of *January* next after the passing of any Act of the present or of any future Session of Parliament for the Construction of any new Line of Passenger Railway, whether such new Line be a Trunk, Branch, or Junction Line, and whether such new Line be constructed by a new Company incorporated for the Purpose or by any existing Company, the clear annual Profits divisible upon the subscribed and paid-up

If, after 21 Years from the passing of the Act for the Construction of any future Railway, the Profits shall exceed 10*l.* per Cent.,

the Treasury may revise the Scale of Tolls, and fix a new Scale.

paid-up Capital Stock of the said Railway, upon the Average of the Three then last preceding Years, shall equal or exceed the Rate of Ten Pounds for every Hundred Pounds of such paid-up Capital Stock, it shall be lawful for the Lords Commissioners of Her Majesty's Treasury, subject to the Provisions herein-after contained, upon giving to the said Company Three Calendar Months Notice in Writing of their Intention so to do, to revise the Scale of Tolls, Fares, and Charges limited by the Act or Acts relating to the said Railway, and to fix such new Scale of Tolls, Fares, and Charges, applicable to such different Classes and Kinds of Passengers, Goods, and other Traffic on such Railway, as in the Judgment of the said Lords Commissioners, assuming the same Quantities and Kinds of Traffic to continue, shall be likely to reduce the said divisible Profits to the said Rate of Ten Pounds in the Hundred: Provided always, that no such revised Scale shall take effect, unless accompanied by a Guarantee to subsist as long as any such revised Scale of Tolls, Fares, and Charges shall be in force, that the said divisible Profits, in case of any Deficiency therein, shall be annually made good to the said Rate of Ten Pounds for every Hundred Pounds of such Capital Stock: Provided also, that such revised Scale shall not be again revised or such Guarantee withdrawn, otherwise than with the Consent of the Company, for the further Period of Twenty-one Years.

Proviso.

Option of Purcase of future Railways.

II. And be it enacted, That whatever may be the Rate of divisible Profits on any such Railway it shall be lawful for the said Lords Commissioners, if they shall think fit, subject to the Provisions herein-after contained, at any Time after the Expiration of the said Term of Twenty-one Years, to purchase any such Railway, with all its Hereditaments, Stock, and Appurtenances, in the Name and on Behalf of Her Majesty, upon giving to the said Company Three Calendar Months Notice in Writing of their Intention, and upon Payment of a Sum equal to Twenty-five Years Purchase of the said annual divisible Profits, estimated on the Average of the Three then next preceding Years: Provided that if the average Rate of Profits for the said Three Years shall be less than the Rate of Ten Pounds in the Hundred, it shall be lawful for the Company, if they shall be of opinion that the said Rate of Twenty-five Years Purchase of the said average Profits is an inadequate Rate of Purchase of such Railway, reference being had to the Prospects thereof, to require that it shall be left to Arbitration, in case of Difference, to determine what (if any) additional Amount of Purchase Money shall be paid to the said Company: Provided also, that such Option of Purchase shall not be exercised, except with the Consent of the Company, while any such revised Scale of Tolls, Fares, and Charges shall be in force.

Proviso.

Existing Railways not to be subjected to the Options.

III. Provided always, and be it enacted, That the Option of Revision or Purchase shall not be applied to any Railway made or authorized to be made by any Act previous to the present Session; and that no Branch or Extension of less than Five Miles in length of any such Line of Railway shall be taken to be a new Railway within the Provisions of this Act; and that the said Option of

Purchase shall not be exercised as regards any Branch or Extension of any Railway, without including such Railway in the Purchase, in case the Proprietors thereof shall require that the same be so included.

Reservation to Parliament of the Consideration of future Policy in regard to the said Options.

IV. And whereas it is expedient that the Policy of Revision or Purchase should in no manner be prejudged by the Provisions of this Act, but should remain for the future Consideration of the Legislature, upon Grounds of general and national Policy: And whereas it is not the Intention of this Act that under the said Powers of Revision or Purchase, if called into use, the public Resources should be employed to sustain an undue Competition against any independent Company or Companies; be it enacted, That no such Notice as herein-before mentioned, whether of Revision or Purchase, shall be given until Provision shall have been made by Parliament, by an Act or Acts to be passed in that Behalf, for authorizing the Guarantee or the Levy of the Purchase Money herein-before mentioned, as the Case may be, and for determining, subject to the Conditions herein-before mentioned, the Manner in which the said Options or either of them shall be exercised; and that no Bill for giving Powers to exercise the said Options, or either of them, shall be received in either House of Parliament unless it be recited in the Preamble to such Bill that Three Months Notice of the Intention to apply to Parliament for such Powers has been given by the said Lords Commissioners to the Company or Companies to be affected thereby.

Accounts to be kept, and to be open to Inspection.

V. And be it enacted, That, from and after the Commencement of the Period of Three Years next preceding the Period at which the Option of Revision or Purchase becomes available, full and true Accounts shall be kept of all Sums of Money received and paid on account of any Railway within the Provisions herein-before contained, (distinguishing, if the said Railway shall be a Branch Railway or one worked in common with other Railways, the Receipts, and giving an Estimate of the Expences on account of the said Railway, from those on account of the Trunk, Line, or other Railways,) by the Directors of the Company to whom such Railway belongs or by whom the same may be worked; and every such Railway Company shall once in every Half Year during the said Period of Three Years cause a half-yearly Account in abstract to be prepared, showing the total Receipt and Expenditure on account of the said Railway for the Half Year ending the Thirtieth Day of *June* and the Thirty-first Day of *December* respectively, or such other convenient Days as shall in each Case be directed by the said Lords Commissioners, under distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified under the Hands of Two or more Directors of the said Railway Company, and shall send a Copy of the said Account to the said Lords Commissioners on or before the last Days of *August* and *February* respectively, or such other Days as shall in each Case be directed by the said Lords Commissioners, in each Year; and it shall be lawful for the said Lords Commissioners, if and when they shall think fit, to appoint any proper Person or Persons to inspect the Accounts and Books of the said Company during the said Period of Three Years; and it shall

shall be lawful for any Person so authorized, at all reasonable Times, upon producing his Authority, to examine the Books, Accounts, Vouchers, and other Documents of the Company at the principal Office or Place of Business of the Company, and to take Copies or Extracts therefrom.

Companies to provide One cheap Train each Way daily.

VI. And whereas it is expedient to secure to the poorer Class of Travellers the Means of travelling by Railway at moderate Fares, and in Carriages in which they may be protected from the Weather; be it enacted, That on and after the several Days hereinafter specified all Passenger Railway Companies which shall have been incorporated by any Act of the present Session, or which shall be hereafter incorporated, or which by any Act of the present or any future Session have obtained or shall obtain, directly or indirectly, any Extension or Amendment of the Powers conferred on them respectively by their previous Acts, or have been or shall be authorized to do any Act unauthorized by the Provisions of such previous Acts, shall, by means of One Train at the least to travel along their Railway from one End to the other of each Trunk, Branch, or Junction Line belonging to or leased by them, so long as they shall continue to carry other Passengers over such Trunk, Branch, or Junction Line, once at the least each Way on every Week Day, except *Christmas Day* and *Good Friday* (such Exception not to extend to *Scotland*), provide for the Conveyance of Third Class Passengers to and from the terminal and other ordinary Passenger Stations of the Railway, under the Obligations contained in their several Acts of Parliament, and with the Immunities applicable by Law to Carriers of Passengers by Railway; and also under the following Conditions; (that is to say,)

Such Train shall start at an Hour to be from Time to Time fixed by the Directors, subject to the Approval of the Lords of the Committee of Privy Council for Trade and Plantations:

Such Train shall travel at an average Rate of Speed not less than Twelve Miles an Hour for the whole Distance travelled on the Railway, including Stoppages:

Such Train shall, if required, take up and set down Passengers at every Passenger Station which it shall pass on the Line:

The Carriages in which Passengers shall be conveyed by such Train shall be provided with Seats, and shall be protected from the Weather, in a Manner satisfactory to the Lords of the said Committee:

The Fare or Charge for each Third Class Passenger by such Train shall not exceed One Penny for each Mile travelled:

Each Passenger by such Train shall be allowed to take with him Half a Hundred Weight of Luggage, not being Merchandize or other Articles carried for Hire or Profit, without extra Charge; and any Excess of Luggage shall be charged by Weight, at a Rate not exceeding the lowest Rate of Charge for Passengers Luggage by other Trains:

Children under Three Years of Age accompanying Passengers by such Train shall be taken without any Charge, and Children of Three Years and upwards, but under Twelve Years of Age, at Half the Charge for an Adult Passenger:

And with respect to all Railways subject to these Obligations which shall be open on or before the First Day of *November* next, these Obligations shall come into force on the said First Day of *November*; and with respect to all other Railways subject to these Obligations, they shall come into force on the Day of opening of the Railway, or the Day after the last Day of the Session in which the Act shall be passed by reason of which the Company will become subject thereunto, which shall first happen.

Penalty for Non-compliance.

VII. And be it enacted, That if any Railway Company shall refuse or wilfully neglect to comply with the Provisions of this Act as to the said cheap Trains within a reasonable Time, or shall attempt to evade the Operation of such Order, such Company shall forfeit to Her Majesty a Sum not exceeding Twenty Pounds for every Day during which such Refusal, Neglect, or Evasion shall continue.

Board of Trade to have a discretionary Power of allowing alternative Arrangements.

VIII. Provided always, and be it enacted, That, except as to the Amount of Fare or Charge for each Passenger by such cheap Trains, which shall in no Case exceed the Rates herein-before in such Case provided, the Lords of the said Committee shall have a discretionary Power, upon the Application of any Railway Company, of dispensing with any of the Conditions herein-before required in regard to the Conveyance of Passengers by such cheap Trains as aforesaid, in consideration of such other Arrangements, either in regard to Speed, covering from the Weather, Seats, or other Particulars, as to the Lords of the said Committee shall appear more beneficial and convenient for the Passengers by such cheap Trains under the Circumstances of the Case, and shall be sanctioned by them accordingly; and any Railway Company which shall conform to such other Conditions as shall be so sanctioned by the Lords of the said Committee shall not be liable to any Penalty for not observing the Conditions which shall have been so dispensed with by the Lords of the said Committee in regard to the said cheap Trains and the Passengers conveyed thereby.

When no Tax to be levied.

IX. And be it enacted, That no Tax shall be levied upon the Receipts of any Railway Company from the Conveyance of Passengers at Fares not exceeding One Penny for each Mile by any such cheap Train as aforesaid.

Where Companies run Trains on the Sunday cheap Trains to be likewise provided.

X. And be it enacted, That whenever any Railway Company subject to the herein-before mentioned Obligation of running cheap Trains shall, from and after the Days herein-before specified on which the said Obligation is to accrue, run any Train or Trains on *Sundays* for the Conveyance of Passengers, it shall, under the Obligations contained in its Act or Acts of Parliament, and with the Immunities applicable by Law to Carriers of Passengers by Railway, by such Train each Way, on every *Sunday*, as shall stop at the greatest Number of Stations, provide sufficient Carriages for the Conveyance of Third Class Passengers at the terminal and other Stations at which such *Sunday* Train may ordinarily stop; and the Fare or Charge for each Third Class Passenger by such Train shall not exceed One Penny for each Mile travelled.

Railway Companies to afford additional Facilities for the Transmission of the Mails. 1 & 2 Vict. c. 98.

XI. And whereas by an Act passed in the Second Year of the Reign of Her Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railways*, Provision was made for the Transmission of the Mails by Railway, and it is expedient that such Provision should be extended; be it enacted, That it shall be lawful for the Postmaster General to require, in the Manner and subject to the Conditions as to Payment for Service performed prescribed by the said Act, that the Mails be forwarded upon any such Railway as is herein-before last mentioned at any Rate of Speed which the Inspector General of Railways for the Time being shall certify to be safe, not exceeding Twenty-seven Miles in the Hour including Stoppages; and it shall be also lawful for the Postmaster General to send any Mail Guard with Bags not exceeding the Weight of Luggage allowed to any other Passenger (or subject to the general Rules of the Company for any Excess of that Weight) by any Trains other than a Mail Train, upon the same Conditions as any other Passenger; provided that in such last-mentioned Case nothing herein or in the last-recited Act contained shall be construed to authorize the Postmaster General to require the Conversion of a regular Mail Train into an ordinary Train, or to exercise any Control over the Company in respect of any ordinary Train, nor shall the Company be responsible for the safe Custody or Delivery of any Mail Bags so sent.

Certain Companies to convey Military and Police Forces at certain Charges. 5 & 6 Vict. c. 55.

XII. And whereas by an Act passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*, it was among other things enacted, that whenever it shall be necessary to move any of the Officers or Soldiers of Her Majesty's Forces of the Line, Ordnance Corps, Marines, Militia, or the Police Force, by any Railway, the Directors thereof shall and are hereby required to permit such Forces respectively, with their Baggage, Stores, Arms, Ammunition, and other Necessaries and Things, to be conveyed at the usual Hours of starting, at such Prices or upon such Conditions as may from Time to Time be contracted for between the Secretary at War and such Railway Companies for the Conveyance of such Forces, on the Production of a Route or Order for their Conveyance signed by the proper Authorities: And whereas it is expedient to amend such Provision in regard to the Prices and Conditions of Conveyance by any new Railway or any Railway obtaining new Powers from Parliament; be it enacted, That all Railway Companies which have been or shall be incorporated by any Act of the present or any future Session, or which by any Act of the present or any future Session shall have obtained or shall obtain any Extension or Amendment of the Powers conferred by their previous Acts or any of them, or have been or shall be authorized to do any Act unauthorized by the Provisions of such previous Acts, shall be bound to provide such Conveyance as aforesaid for the said Military, Marine, and Police Forces, at Fares not exceeding Two-pence *per* Mile for each Commissioned Officer proceeding on Duty, such Officer being entitled to Conveyance in a First Class Carriage, and not exceeding One Penny for each Mile for each Soldier, Marine, or Private of the Militia or Police Force, and also for each Wife, Widow, or Child above Twelve Years of Age

of

of a Soldier entitled by Act of Parliament or by competent Authority to be sent to their Destination at the public Expence, Children under Three Years of Age so entitled being taken free of Charge, and Children of Three Years of Age or upwards, but under Twelve Years of Age, so entitled, being taken at Half the Price of an Adult; and such Soldiers, Marines, and Privates of the Militia or Police Force, and their Wives, Widows, and Children so entitled, being conveyed in Carriages which shall be provided with Seats, with sufficient Space for the reasonable Accommodation of the Persons conveyed, and which shall be protected against the Weather; provided that every Officer conveyed shall be entitled to take with him One Hundred Weight of personal Luggage without extra Charge, and every Soldier, Marine, Private, Wife, or Widow shall be entitled to take with him or her Half a Hundred Weight of personal Luggage without extra Charge, all Excess of the above Weights of personal Luggage being paid for at the Rate of not more than One Halfpenny *per* Pound, and all public Baggage, Stores, Arms, Ammunition, and other Necessaries and Things, (except Gunpowder and other combustible Matters, which the Company shall only be bound to convey at such Prices and upon such Conditions as may be from Time to Time contracted for between the Secretary at War and the Company,) shall be conveyed at Charges not exceeding Two-pence *per* Ton *per* Mile, the Assistance of the Military or other Forces being given in loading and unloading such Goods.

Companies to allow Lines of Electrical Telegraph to be established.

XIII. And whereas Electrical Telegraphs have been established on certain Railways, and may be more extensively established hereafter, and it is expedient to provide for their due Regulation; be it enacted, That every Railway Company, on being required so to do by the Lords of the said Committee, shall be bound to allow any Person or Persons authorized by the Lords of the said Committee, with Servants and Workmen, at all reasonable Times to enter into or upon their Lands, and to establish and lay down upon such Lands adjoining the Line of such Railway a Line of Electrical Telegraph for Her Majesty's Service, and to give to him and them every reasonable Facility for laying down the same, and for using the same for the Purpose of receiving and sending Messages on Her Majesty's Service, subject to such reasonable Remuneration to the Company as may be agreed upon between the Company and the Lords of the said Committee, or in case of Disagreement as may be settled by Arbitration: Provided always, that, subject to a prior Right of Use thereof for the Purposes of Her Majesty, such Telegraph may be used by the Company for the Purposes of the Railway, upon such Terms as may be agreed upon between the Parties, or, in the event of Difference, as may be settled by Arbitration.

Electrical Telegraph established by private Parties to be open to the Public.

XIV. And be it enacted, That where a Line of Electrical Telegraph shall have been established upon any Railway by the Company to whom such Railway belongs, or by any Company, Partnership, Person or Persons, otherwise than exclusively for Her Majesty's Service, or exclusively for the Purposes of the Railway, or jointly for both, the Use of such Electrical Telegraph, for the Purpose of receiving and sending Messages, shall, subject to the prior Right of

of Use thereof for the Service of Her Majesty and for the Purposes of the Company, and subject also to such equal Charges and to such reasonable Regulations as may be from Time to Time made by the said Railway Company, be open for the sending and receiving of Messages by all Persons alike, without Favour or Preference.

Appointment of Inspectors by Board of Trade. 3 & 4 Vict. c. 97.

XV. And whereas by an Act passed in the Fourth Year of the Reign of Her Majesty, intituled *An Act to regulate Railways*, Power is given to the Lords of the said Committee to appoint any proper Person or Persons to inspect any Railway, and the Stations, Works, and Buildings, and the Engines and Carriages belonging thereto; and in order to carry the Provisions of this Act into execution it is expedient that the said Power be extended; be it enacted, That the said Power given to the Lords of the said Committee of appointing proper Persons to inspect Railways shall extend to authorize the Appointment by the Lords of the said Committee of any proper Person or Persons, for such Purposes of Inspection as are by the said Act authorized, and also for the Purpose of enabling the Lords of the said Committee to carry the Provisions of this and of the said Act and of any general Act relating to Railways into execution; and that so much of the last-recited Act as provides that no Person shall be eligible to the Appointment as Inspector who shall, within One Year of his Appointment, have been a Director, or have held any Office of Trust or Profit under any Railway Company, shall be repealed: Provided always, that no Person to be appointed as aforesaid shall exercise any Powers of Interference in the Affairs of the Company.

Repealing Provision of 3 & 4 Vict. c. 97.

XVI. And whereas by the said Act of the Fourth Year of the Reign of Her Majesty, intituled *An Act for regulating Railways*, it is among other things enacted, that whenever it shall appear to the Lords of the said Committee that any of the Provisions of the several Acts of Parliament regulating any Railway Companies, or the Provisions of that Act, have not been complied with on the Part of any of the said Companies or any of their Officers, and that it would be for the public Advantage that the due Performance of the same should be enforced, the Lords of the said Committee shall certify the same to Her Majesty's Attorney General for *England* or *Ireland*, or to the Lord Advocate for *Scotland*, as the Case may require; and thereupon the said Attorney General or Lord Advocate shall, by Information, or by Action, Bill, Plaint, Suit at Law or in Equity, or other legal Proceeding (as the Case may require), proceed to recover such Penalties and Forfeitures, or otherwise to enforce the due Performance of the said Provisions, by such Means as any Person aggrieved by such Non-compliance, or otherwise authorized to sue for such Penalties, might employ under the Provisions of the said Acts; provided always, that no such Certificate as aforesaid shall be given by the Lords of the said Committee until Twenty-one Days after they shall have given Notice of their Intention to give the same to the Company against or in relation to whom they shall intend to give the same: And whereas it is expedient that more effectual Provision should be made, not only for enforcing a Compliance on the Part of Railway Companies with the Provisions

visions of their Acts, but also for restraining Railway Companies from performing Acts unauthorized by such Provisions; be it enacted, That so much of the said Act as is herein-before recited shall be repealed.

If Railway Companies contravene or exceed the Provisions of their Acts, or of any general Act the Board of Trade to certify the same to the Attorney General, &c., who shall proceed against them.

XVII. And be it enacted, That whenever it shall appear to the Lords of the said Committee that any of the Provisions of the several Acts of Parliament regulating any Railway Company, or the Provisions of this Act or of any general Act relating to Railways, have not been complied with on the Part of any Railway Company or any of its Officers, or that any Railway Company has acted or is acting in a Manner unauthorized by the Provisions of the Act or Acts of Parliament relating to such Railway, or in excess of the Powers given and Objects defined by the said Act or Acts, and it shall also appear to the Lords of the said Committee that it would be for the public Advantage that the Company should be restrained from so acting, the Lords of the said Committee shall certify the same to Her Majesty's Attorney General for *England* or *Ireland*, or to the Lord Advocate for *Scotland*, as the Case may require; and thereupon the said Attorney General or Lord Advocate shall, in case such Default of the Railway Company shall consist of Non-compliance with the Provisions of the Act or Acts relating thereto or of this Act, or of any general Act relating to Railways, proceed by Information, or by Action, Bill, Plaint, Suit at Law or in Equity, or other legal Proceeding, as the Case may require, to recover such Penalties and Forfeitures, or otherwise to enforce the due Performance of the said Provisions, by such Means as any Person aggrieved by such Non-compliance, or otherwise authorized to sue for such Penalties, might employ under the Provisions of the said Acts; and in case the Default of the Railway Company shall consist in the Commission of some Act or Acts unauthorized by Law, then the said Attorney General or Lord Advocate, upon receiving such Certificate as aforesaid, shall proceed by Suit in Equity, or such other legal Proceeding as the Nature of the Case may require, to obtain an Injunction or Order (which the Judge in Equity or other Judge to whom the Application is made shall be authorized and required to grant, if he shall be of opinion that the Act or Acts of the Railway Company complained of is or are not authorized by Law,) to restrain the Company from acting in such illegal Manner, or to give such other Relief as the Nature of the Case may require.

Notice to be given to the Company.

Prosecutions to be under the Sanction of the Board of Trade, and within One Year after the Offence.

XVIII. Provided always, and be it enacted, That no such Certificate as aforesaid shall be given by the Lords of the said Committee until Twenty-one Days after they shall have given Notice to the Company against or in relation to whom they shall intend to give such Certificate of their Intention to give such Certificate; and that no legal Proceedings shall be commenced under the Authority of the Lords of the said Committee against any Railway Company for any Offence against any of the several Acts relating to Railways or this Act, or any general Act relating to Railways, except upon such Certificate of the Lords of the said Committee as aforesaid, and within One Year after such Offence shall have been committed.

Issue of Loan Notes and other illegal Securities by Railway Companies prohibited.

XIX. And whereas many Railway Companies have borrowed Money in a Manner unauthorized by their Acts of Incorporation or other Acts of Parliament relating to the said Companies, upon the Security of Loan Notes or other Instruments purporting to give a Security for the Repayment of the Principal Sums borrowed at certain Dates, and for the Payment of Interest thereon in the meantime: And whereas such Loan Notes or other Securities issued otherwise than under the the Provision of some Act or Acts of Parliament have no legal Validity, and it is expedient that the Issue of such illegal Securities should be stopped; but such Loan Notes or other Securities having been issued and received in good Faith as between the Borrower and Lender, and for the most part for the lawful Purposes of the Undertaking, and in ignorance of their legal Invalidity, it is expedient to confirm such as have been already issued; be it enacted, That from and after the passing of this Act any Railway Company issuing any Loan Note or other negotiable or assignable Instrument purporting to bind the Company as a legal Security for Money advanced to the said Railway Company otherwise than under the Provisions of some Act or Acts of Parliament authorizing the said Railway Company to raise such Money and to issue such Security, shall for every such Offence forfeit to Her Majesty a Sum equal to the Sum for which such Loan Note or other Instrument purports to be such Security: Provided always, that any Company may renew any such Loan Note or other Instrument issued by them prior to the passing of this Act for any Period or Periods not exceeding Five Years from the passing of this Act.

Loan Notes already issued may be renewed.

Loan Notes already issued to be paid when due.

XX. And be it enacted, That where any Railway Company, before the Twelfth Day of *July* One thousand eight hundred and forty-four, shall have issued or contracted to issue any such Loan Notes or other unauthorized Instruments, the Company may and shall pay off such Loan Notes or other Instruments as the same may fall due, subject as herein-before provided; and until the same shall be so paid off the said Loan Notes or other Instruments shall entitle the Holders thereof to the Payment by the Company of the Principal Sum and Interest thereby agreed to be paid.

Register of Loan Notes.

XXI. And be it enacted, That a Register of all such Loan Notes or other Instruments shall be kept by the Secretary; and such Register shall be open, without Fee or Reward, at all reasonable Times, to the Inspection of any Shareholder or Auditor of the Undertaking, and of every Person interested in any such Loan Note or other Instrument, desirous of inspecting the same.

Remedy for Recovery of Tithe Rent charged on Railway Land.

XXII. And whereas the Remedies now in force for the Recovery of Tithe Commutation Rent-charges are in many Instances ineffectual for such Parts thereof as are charged upon Lands taken for the Purposes of a Railway, and it is therefore expedient to extend the said Remedies when the said Rent-charges may have been duly apportioned; be it enacted, That in all Cases in which any such Rent-charge, or Part of any Rent-charge, has been or hereafter shall be duly apportioned under the Provisions of the Acts for the Commutation of Tithes in *England* and *Wales*, upon Lands taken or purchased

by any Railway Company for the Purposes of such Company, or upon any Part of such Lands, it shall be lawful for every Person entitled to the said Rent-charge or Parts of such Rent-charge, in case the same has been or shall be in arrear and unpaid for the Space of Twenty-one Days next after any half-yearly Day fixed for the Payment thereof, to distrain for all Arrears of the said Rent-charge upon the Goods, Chattels, and Effects of the said Company, whether on the Land charged therewith, or any other Lands, Premises, or Hereditaments of such Company, whether situated in the same Parish or elsewhere, and to dispose of the Distress when taken, and otherwise to demean himself in relation thereto, as any Landlord may for Arrears of Rent reserved on a Lease for Years: Provided always, that nothing herein contained shall give or be construed to give a legal Right to such Rent-charge, when but for this Act such Rent-charge was not or could not be duly apportioned.

Communications to and from Board of Trade, Service of Notices, &c.

XXIII. And be it enacted, That all Notices, Requisitions, Orders, Regulations, Appointments, Certificates, certified Copies, and other Documents in Writing, signed by some Officer appointed for that Purpose by the Lords of the said Committee, shall for the Purposes of this Act be deemed to have been made by the Lords of the said Committee; and all Certificates of any thing done by the Lords of the said Committee in relation to this Act, and certified Copies of the Minutes of Proceedings or Correspondence of the Lords of the said Committee in relation thereto, signed by such Officer, shall be deemed sufficient Evidence thereof, and that in the Absence of Evidence to the contrary, without Proof of the Authority of the Person signing the same or of the Signature thereto, and Service of the same at one of the principal Offices of any Railway Company on the Secretary or Clerk of the said Company, or by sending the same by Post, addressed to him at such Office, shall be deemed good Service upon the said Company; and all Notices, Returns, and other Documents required by this Act to be given to or laid before the Lords of the said Committee, shall be delivered at or sent by Post addressed to the Office of the Lords of the said Committee.

Penalties.

XXIV. And be it enacted, That all Penalties under this Act for the Application of which no special Provision is made shall be recovered in the Name and for the Use of Her Majesty, and may be recovered in any of Her Majesty's Courts of Record, or in the Court of Session or in any of the Sheriff Courts in *Scotland*.

Interpretation of Act.

XXV. And be it enacted, That where the Word "Railway" is used in this Act it shall be construed to extend to Railways constructed under the Powers of any Act of Parliament; and when the Words "Passenger Railway" are used in this Act, they shall be construed to extend to Railways constructed under the Powers of any Act of Parliament upon which One Third or more of the gross annual Revenue is derived from the Conveyance of Passengers by Steam or other mechanical Power; and whenever the Word "Company" is used in this Act it shall be construed to extend to include the Proprietors for the Time being of any such Railway; and that where a different Sense is not expressly declared, or does not appear by

by the Context, every Word importing the Singular Number or the Masculine Gender shall be taken to include Females as well as Males, and several Persons and Things as well as one Person or Thing.

Act may be amended this Session.

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

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