ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

****

CAP. XVIII.

An Act to give further Time for making certain Railways. [29th *May* 1868.]

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, as follows:

Short Title.

1. This Act may be cited as The Railways (Extension of Time) Act, 1868.

Interpretation of Terms.

2. In this Act—

The Term "Company" means a Railway Company; that is to say, a Company constituted by Act of Parliament, or by Certificate under Act of Parliament, for the Purpose of constructing, maintaining, or working a Railway (either alone or in conjunction with any other Purpose):

The Term "Railway" includes "Tramway:"

The Term "Share" includes "Stock:"

The Term "Gazette" means with respect to a Railway or Works or Lands in *England* the *London Gazette*, with respect to a Railway or Works or Lands in *Scotland* the *Edinburgh Gazette*, and with respect to a Railway or Works or Lands in *Ireland* the *Dublin Gazette*.

Power for Company to apply to Board of Trade for

3. Where it is desired that the Time limited for the Completion by a Company of a Railway, or Part of a Railway, or of a Work, or for the Purchase by them of Lands for the Purpose thereof, be extended, then, subject and according to the Provisions of this Act,

 within

Extension of Time.

within One Year after the passing of this Act, an Application for that Purpose may be made to the Board of Trade by or on behalf of the Company.

Application only with Assent of Shareholders.

4. An Application under this Act shall not be entertained by the Board of Trade unless it is made with the Assent of Three Fifths in Value of the Votes of the Holders of the Shares in the subscribed Capital of the Company, recorded at an Extraordinary Meeting of the Company convened for the Purpose.

Circular to Shareholders.

5. Where a Meeting is called for the Purposes of this Act the Secretary of the Company shall, Seven clear Days at least before the Day appointed for the Meeting, send by Post to each registered Shareholder, to his registered or known Address, a Circular, which shall be in the Form given in the Schedule to this Act, with such Variations as Circumstances require, and with such Modifications (if any) as the Board of Trade approve.

Mode of Signification of Assent or Dissent.

6. Each Shareholder may signify his Assent to or Dissent from the proposed Application in the Manner indicated in the Circular sent.

Meeting to elect Scrutineers.

7. At the Meeting the Shareholders personally present shall elect Three Shareholders to be Scrutineers.

Ascertainment of Assents or Dissents.

8. The Scrutineers shall ascertain and record the Proportion of Capital held by Shareholders assenting, and shall report it to the Chairman, who shall announce it to the Meeting, and state whether the proposed Application is assented to by the requisite Proportion or not.

What Shares only to be reckoned.

9. In the Computation of Assents a Share shall not be reckoned unless the Holder thereof is duly registered, and has paid on all Shares held by him all Calls due by him made Three Months or upwards before the Day of the Meeting or of the Presentation to the Directors of the Requisition (if any) on which the Meeting is held.

Adjournment on Application of Scrutineers.

10. For the Purpose of receiving the Report of the Scrutineers, the Chairman may, if he thinks fit, on the Application of any one of the Scrutineers, and shall, if required by more than One of them, adjourn the Meeting to a Day appointed by him, being not less than One or more than Seven clear Days from the Day of the Meeting.

Decision of Scrutineers final.

11. The Decision of the Scrutineers, or any Two of them, on any Matter to be decided by them under this Act, shall be final.

12. When

Notice of Application in Gazette, &c.

12. When an Application has been made to the Board of Trade in accordance with this Act, then, if it appears to them that there are sufficient Grounds for entertaining the Application, they shall direct Notice of the Fact that the Application has been made to be given, by or on behalf of the Company, by Advertisement (in a Form approved by the Board of Trade) once in the Gazette and once in each of Three successive Weeks in a Newspaper published or circulating in each of the Counties in which any Portion of the Railway, Part of a Railway, Works or Lands to which the Application relates is situate, and by Bills affixed, on Three successive *Sundays*, on the principal outer Door of the Church or Churches in every Parish in which any Portion of the Railway, Part of a Railway, Works or Lands is situate; and every such Notice shall state when and how any Person, Company, or Corporation objecting to the Application may bring his Objection before the Board of Trade.

Extension of Time by Warrant of Board of Trade.

13. The Board of Trade, on Proof to their Satisfaction that Notice has been duly given, and on the Expiration of the Time allowed for Objections, and after considering the Objections (if any), may, if they think fit, by Warrant (signed by their Secretary or One of their Assistant Secretaries), according to the Nature of the Application made to them, and on such Terms and Conditions (if any) as they think fit, extend the Time limited for the Completion of the Railway, or of any Part thereof, or of any Works, or may (with or without Extension of the Time aforesaid) extend the Time limited for the Purchase of any Lands for the Purpose of the Railway, or of any Part thereof, or of any Works, for such Time in each Case as they think fit, not exceeding in any Case Two Years from the Expiration of the respective Time limited; and every such Warrant shall have effect as if the Provisions thereof had been enacted by Parliament; provided that no such Warrant shall be granted unless the Board of Trade, having ascertained the State and Condition of the Company in the Manner provided in the Fourteenth Section of the Abandonment of Railways Act, 1850, see reason to believe that the Company will be able to complete the Railway, Part of a Railway, or Works within the extended Time named in the Warrant, for which Purpose the Board of Trade shall have all the Powers of that Section, and the Provisions of that Section shall extend and apply to the Case of Proceedings under this Act.

Notice of Warrant in Gazette.

14. Within One Month after the Warrant is issued by the Board of Trade they shall give Notice thereof in the Gazette.

Compensation for Extension of Time.

15. Justices, Arbitrators, Umpires, and Juries, in estimating the Compensation to be made by the Company to the Owners or Occupiers of or Persons interested in Lands, shall have regard to and make Compensation for the additional Damage (if any) sustained by

by those Owners, Occupiers, or Persons by reason of any Extension of Time under this Act.

Saving for Contracts and Notices before Act.

16. Where, before the passing of this Act, a Contract has been entered into by a Company for the taking of Lands for their Railway or Works, this Act shall not authorize, as regards those Lands, any Extension of te Time limited for the Purchase of Lands; and every such Contract shall continue to have effect as if this Act had not been passed.

THE SCHEDULE.

Form of Circular and of Assent or Dissent.

The Railways (Extension of Time) Act, 1868.

The Company.

An Extraordinary Meeting of the Shareholders of this Company will be held at on the Day of at o'Clock, for the Purpose of determining whether or not an Application shall be made to the Board of Trade, under the above-mentioned Act, for an Extension of the Time limited by [*state the Act or Acts limiting the Time proposed to be extended*] for [*state the Matter to which the Limitation relates*].

You are requested to signify your Assent to or Dissent from the proposed Application by writing in the Fourth Column of the following Table the Word *assenting* or *dissenting*, as the Case may be, and signing your Name thereunder, and by returning this Circular, so filled up and signed, to me, so that I shall receive the same on or before the Day next preceding the Day of the Meeting, but if your Assent or Dissent is not received at latest on the Day next preceding the Day of the Meeting it will not be computed.

Name of Railway.	Name of Shareholder.	Amount of Share Capital held by him.	Whether assenting or dissenting.
*	*	*	†
			(Signed) _____

* The Secretary will insert these Particulars.

† In this Column the Shareholder will write the Word *assenting* or *dissenting*, as the Case may be, and sign his Name thereunder.

(Signed)

Secretary.

LONDON:

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