

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

****

CAP. CXIX.

An Act to amend the Law relating to Railways.

[31st *July* 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:

Preliminary.

1. This Act may be cited as The Regulation of Railways Act, 1868. **Short Title.**

2. In this Act— **Interpretation of Terms.**

The Term "Railway" means the whole or any Portion of a Railway or Tramway, whether worked by Steam or otherwise:

The Term "Company" means a Company incorporated, either before or after the passing of this Act, for the Purpose of constructing, maintaining, or working a Railway in the United Kingdom (either alone or in conjunction with any other Purpose), and includes, except when otherwise expressed, any Individual or Individuals not incorporated who are Owners or Lessees of a Railway in the United Kingdom, or Parties to an Agreement for working a Railway in the United Kingdom:

The Term "Person" includes a Body Corporate.

I.—*Accounts, Audit, &c.*

Uniform Accounts, &c. to be kept.

3. Every incorporated Company, Seven Days at least before each ordinary half-yearly Meeting held after the Thirty-first Day of *December* One thousand eight hundred and sixty-eight, shall prepare and print, according to the Forms contained in the First Schedule to this Act, a Statement of Accounts and Balance Sheet for the last preceding Half Year, and the other Statements and Certificates required by the same Schedule, and an Estimate of the proposed Expenditure out of Capital for the next ensuing Half Year, and such Statement of Accounts and Balance Sheet shall be the Statement of Accounts and Balance Sheet which are submitted to the Auditors of the Company. Every Company which makes default in complying with this Section shall be liable to a Penalty not exceeding Five Pounds for every Day during which such Default continues. The Board of Trade, with the Consent of a Company, may alter the said Forms as regards such Company for the Purpose of adapting them to the Circumstances of such Company, or of better carrying into effect the Objects of this Section.

Accounts, &c. to be signed, and printed Copies distributed.

4. Every Statement of Accounts, Balance Sheet, and Estimate of Expenditure, prepared as required by this Act, shall be signed by the Chairman or Deputy Chairman of the Directors and by the Accountant or other Officer in charge of the Accounts of the Company, and shall be preserved at the Company's principal Office. A printed Copy thereof shall be forwarded to the Board of Trade, and at all Times after the Date at which it is required to be printed be given, on Application, to every Person who holds any Ordinary or Preference Share or Stock in the Company, or any Mortgage, Debenture, or Debenture Stock of the Company; and every such Person may at all reasonable Times, without Fee or Charge, peruse the Original in the Possession of the Company. Any Company which acts in contravention of this Section shall be liable for each Offence to a Penalty not exceeding Fifty Pounds.

Penalty for falsifying Accounts, &c.

5. If any Statement, Balance Sheet, Estimate, or Report which is required by this Act is false in any Particular to the Knowledge of any Person who signs the same, such Person shall be liable, on Conviction thereof on Indictment, to Fine and Imprisonment, or on summary Conviction thereof to a Penalty not exceeding Fifty Pounds.

Examination of Affairs by Inspectors.

6. The Board of Trade may appoint One or more competent Inspectors to examine into the Affairs of an incorporated Company and the Condition of its Undertaking, or any Part thereof, and to report

report thereon, upon any One of the Applications following; that is to say,

1. Upon Application made in pursuance of a Resolution passed at a Meeting of Directors:
2. Upon Application by the Holders of not less than Two Fifths Part of the aggregate Amount of the Ordinary Shares or Stock of the Company for the Time being issued:
3. Upon Application by the Holders of not less than One Half of the aggregate Amount of the Mortgages, Debentures, and Debenture Stock (if any) of the Company for the Time being issued:
4. Upon Application by the Holders of not less than Two Fifths of the aggregate Amount of the Guaranteed or Preference Shares or Stock of the Company for the Time being issued, provided that the Preference Capital issued amounts to not less than One Third of the whole Share Capital of the Company.

Application to be supported by Evidence.

7. The Application shall be made in Writing, signed by the Applicants, and shall be supported by such Evidence as the Board of Trade may require, for the Purpose of showing that the Applicants have good Reason for requiring such Examination to be made; the Board of Trade may also, before appointing any Inspector or Inspectors, require the Applicants to give Security for Payment of the Costs of the Inquiry.

Inspection of Company's Books and Property.

8. It shall be the Duty of the Directors, Officers, and Agents of the Company to produce, for the Examination of the Inspectors, all Books and Documents relating to the Affairs of the Company in their Custody or Power, and to afford to the Inspectors all reasonable Facilities for the Inspection of the Property and Undertaking of the Company. Any Inspector may examine upon Oath the Officers and Agents of the Company in relation to its Business, and may administer such Oath accordingly. Any Person who, when so examined on Oath, makes any false Statement, knowing the same to be false, shall be guilty of Perjury.

If any Director, Officer, or Agent refuses to produce any Book or Document hereby directed to be produced, or to afford the Facilities for Inspection hereby required to be afforded, or if any Officer or Agent refuses to answer any Question relating to the Affairs of the Company, he shall incur a Penalty of Five Pounds for every Day during which the Refusal continues.

Result of Examination, how dealt with.

9. Upon the Conclusion of the Examination the Inspectors shall report their Opinion to the Board of Trade and to the Company, and the Company shall print the same, and deliver a Copy thereof

thereof to the Board of Trade, and, on Application, to any Person who holds any Ordinary or Preference Share or Stock, or any Mortgage, Debenture, or Debenture Stock of the Company. All Expenses of and incidental to any such Examination as aforesaid shall be defrayed by the Persons upon whose Application the Inspectors were appointed, unless the Board of Trade shall direct the same or any Portion thereof to be paid by the Company, which they are hereby authorized to do.

Power of Company to appoint Inspectors.

10. Any Company may, by Resolution at an Extraordinary Meeting, appoint Inspectors for the Purpose of examining into the Affairs of the Company and the Condition of the Company's Undertaking. The Inspectors so appointed shall have the same Powers and perform the same Duties as Inspectors appointed by the Board of Trade, and shall make their Report in such Manner and to such Persons as the Company in General Meeting directs; and the Directors, Officers, and Agents of the Company shall incur the same Penalties, in case of any Refusal to produce any Book or Document by this Act required to be produced to such Inspectors, or to afford the Facilities for Inspection by this Act required to be afforded, or to answer any Question, as they would have incurred if such Inspectors had been appointed by the Board of Trade.

Auditor not necessarily a Shareholder.

11. Whenever, after the passing of this Act, Section One hundred and two of the Companies Clauses Consolidation Act, 1845, is incorporated in a Certificate or Special Act relating to a Railway Company, it shall be construed as if the Words, "where no Qualification shall be prescribed by the Special Act every Auditor "shall have at least One Share in the Undertaking," were omitted therefrom; and so much of every Certificate and Special Act relating to a Railway Company, and in force at the passing of this Act, as incorporates that Portion of the said Section, and so much of any Special Act relating to a Railway Company, and so in force, as contains a like Provision, is hereby repealed.

Auditors of Company, and Appointment of Auditor by Board of Trade.

12. With respect to the Auditors of the Company the following Provisions shall have Effect:

(1.) The Board of Trade may, upon Application made in pursuance of a Resolution passed at a Meeting of the Directors or at a General Meeting of the Company, appoint an Auditor in addition to the Auditors of such Company, and it shall not be necessary for any such Auditor to be a Shareholder in the Company:

(2.) The Company shall pay to such Auditor appointed by the Board of Trade such reasonable Remuneration as the Board of Trade may prescribe:

(3.) The

(3.) The Auditor so appointed shall have the same Duties and Powers as the Auditors of the Company, and shall report to the Company:

(4.) Where, in consequence of such Appointment of an Auditor or otherwise, there are Three or more Auditors, the Company may declare a Dividend if the Majority of such Auditors certify in manner required by Section Thirty of the Railway Companies Act, 1867, and the Railway Companies (*Scotland*) Act, 1867, respectively:

(5.) Where there is a Difference of Opinion among such Auditors, the Auditor who so differs shall issue to the Shareholders, at the Cost of the Company, such Statement respecting the Grounds on which he differs from his Colleagues, and respecting the Financial Condition and Prospects of the Company, as he thinks material for the Information of the Shareholders.

Issue of Preferred and Deferred Ordinary Stock.

13. Any Company which in the Year immediately preceding has paid a Dividend on their Ordinary Stock of not less than Three Pounds *per Centum per Annum* may, pursuant to the Resolution of an Extraordinary General Meeting, divide their paid-up Ordinary Stock into Two Classes, to be and to be called the one Preferred Ordinary Stock, and the other Deferred Ordinary Stock, and issue the same subject and according to the following Provisions, and with the following Consequences; (that is to say,)

(1.) Preferred and Deferred Ordinary Stock shall be issued only in substitution for equal Amounts of paid-up Ordinary Stock, and by way of Division of Portions of Ordinary Stock into Two equal Parts:

(2.) Such Division may be made at any Time, on the Request in Writing of the Holder of paid-up Ordinary Stock, but not otherwise; and such Request may apply to the whole of the Ordinary Stock of such Holder, or to any Portion thereof divisible into Twentieth Parts:

(3.) Preferred Ordinary Stock and Deferred Ordinary Stock shall not be issued except in Sums of Ten Pounds or Multiples of Ten Pounds:

(4.) The Certificates for any Ordinary Stock divided into Preferred and Deferred Ordinary Stock shall before such Division be delivered up to the Company, and shall be cancelled by them, and Certificates for Preferred Ordinary Stock and Deferred Ordinary Stock shall be issued *gratis* in exchange by the Company:

(5.) If in any Case there is any Part of the Ordinary Stock held by a Stockholder comprised in One Certificate which he does not desire to be divided, or which is incapable of Division, under the Provisions of this Act, the Company shall issue to him *gratis* a Certificate for that Amount as Ordinary Stock:

(6.) As between Preferred Ordinary Stock and Deferred Ordinary Stock, Preferred Ordinary Stock shall bear a fixed maximum Dividend at the Rate of Six *per Centum per Annum:*

(7.) In respect of Dividend to the Extent of the Maximum aforesaid, Preferred Ordinary Stock shall at the Time of its Creation, and at all Times afterwards, have Priority over Deferred Ordinary Stock created or to be created, and shall rank *pari passu* with the undivided Ordinary Stock and the Ordinary Shares of the Company created or to be created; and in respect of Dividend, Preferred Ordinary Stock shall at all Times and to all Intents rank after all preference and guaranteed Stock and Shares of the Company created or to be created:

(8.) In each Year after all Holders of Preferred Ordinary Stock for the Time being issued have received in full the maximum Dividend aforesaid, all Holders of Deferred Ordinary Stock for the Time being issued shall, in respect of all Dividend exceeding that Maximum paid by the Company in that Year on Ordinary Stock and Shares, rank *pari passu* with the Holders of undivided Ordinary Stock and of Ordinary Shares of the Company for the Time being issued:

(9.) If, nevertheless, in any Year ending on the Thirty-first Day of *December* there are not Profits available for Payment to all the Holders of Preferred Ordinary Stock of the maximum Dividend aforesaid, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company:

(10.) Preferred Ordinary Stock and Deferred Ordinary Stock from Time to Time shall confer such Right of voting at Meetings of the Company, and shall confer and have all such other Rights, Qualifications, Privileges, Liabilities, and Incidents, as from Time to Time attach and are incident to undivided Ordinary Stock of the Company:

(11.) The Terms and Conditions on which any Preferred Ordinary Stock or Deferred Ordinary Stock is issued shall be stated on the Certificate thereof:

(12.) Pre-

(12.) Preferred Ordinary Stock and Deferred Ordinary Stock shall respectively be held on the same Trusts, and subject to the same Charges and Liabilities, as those on and subject to which the Ordinary Stock in substitution for which the same are issued was held immediately before the Substitution, and so as to give Effect to any testamentary or other Disposition of or affecting such Ordinary Stock.

II.—*Obligations and Liability of Companies as Carriers.*

Liability of Company during Sea Transit.

14. Where a Company by Through Booking contracts to carry any Animals, Luggage, or Goods from Place to Place partly by Railway and partly by Sea, or partly by Canal and partly by Sea, a Condition exempting the Company from Liability for any Loss or Damage which may arise during the Carriage of such Animals, Luggage, or Goods by Sea from the Act of God, the King's Enemies, Fire, Accidents from Machinery, Boilers, and Steam, and all and every other Dangers and Accidents of the Seas, Rivers, and Navigation, of whatever Nature and Kind soever, shall, if published in a conspicuous Manner in the Office where such Through Booking is effected, and if printed in a legible Manner on the Receipt or Freight Note which the Company gives for such Animals, Luggage, or Goods, be valid as Part of the Contract between the Consignor of such Animals, Luggage, or Goods and the Company in the same Manner as if the Company had signed and delivered to the Consignor a Bill of Lading containing such Condition. For the Purposes of this Section the Word "Company" includes the Owners, Lessees, or Managers of any Canal or other Inland Navigation.

Fares to be posted in Stations.

15. On and after the First Day of *January* One thousand eight hundred and sixty-nine every Company shall cause to be exhibited in a conspicuous Place in the Booking Office of each Station on their Line a List or Lists painted, printed, or written in legible Characters, containing the Fares of Passengers by the Trains included in the Time Tables of the Company from that Station to every Place for which Passenger Tickets are there issued.

Provision for securing Equality of Treatment where Railway Company works Steam Vessels.

16. Where a Company is authorized to build, or buy, or hire, and to use, maintain, and work, or to enter into Arrangements for using, maintaining, or working, Steam Vessels for the Purpose of carrying on a Communication between any Towns or Ports, and to take Tolls in respect of such Steam Vessels, then and in every such Case Tolls shall be at all Times charged to all Persons equally and after the same Rate in respect of Passengers conveyed in a like Vessel passing between the same Places under like Circumstances; and no Reduction

tion or Advance in the Tolls shall be made in favour of or against any Person using the Steam Vessels in consequence of his having travelled or being about to travel on the whole or any Part of the Company's Railway, or not having travelled or not being about to travel on any Part thereof, or in favour of or against any Person using the Railway in consequence of his having used or being about to use, or his not having used or not being about to use, the Steam Vessels; and where an aggregate Sum is charged by the Company for Conveyance of a Passenger by a Steam Vessel and on the Railway, the Ticket shall have the Amount of Toll charged for Conveyance by the Steam Vessel distinguished from the Amount charged for Conveyance on the Railway.

The Provisions of the Railway and Canal Traffic Act, 1854, so far as the same are applicable, shall extend to the Steam Vessels and to the Traffic carried on thereby.

Company bound to furnish Particulars of Charges for Goods.

17. Where any Charge shall have been made by a Company in respect of the Conveyance of Goods over their Railway, on Application in Writing within One Week after Payment of the said Charge made to the Secretary of the Company by the Person by whom or on whose Account the same has been paid, the Company shall within Fourteen Days render an Account to the Person so applying for the same, distinguishing how much of the said Charge is for the Conveyance of the said Goods on the Railway, including therein Tolls for the Use of the Railway, for the Use of Carriages, and for locomotive Power, and how much of such Charge is for loading and unloading, covering, Collection, Delivery, and for other Expenses, but without particularizing the several Items of which the last-mentioned Portion of the Charge may consist.

Charge when Two Railways worked by One Company.

18. Where Two Railways are worked by One Company, then in the Calculation of Tolls and Charges for any Distances in respect of Traffic (whether Passengers, Animals, Goods, Carriages, or Vehicles) conveyed on both Railways, the Distances traversed shall be reckoned continuously on such Railways as if they were One Railway.

Proceedings in case of Non-consumption of Smoke.

19. Where Proceedings are taken against a Company using a Locomotive Steam Engine on a Railway on account of the same not consuming its own Smoke, then if it appears to the Justices before whom the Complaint is heard that the Engine is constructed on the Principle of consuming its own Smoke, but that it failed to consume its own Smoke, as far as practicable, at the Time charged in the Complaint through the Default of the Company,

pany, or of any Servant in the Employment of the Company, such Company shall be deemed guilty of an Offence under the Railways Clauses Consolidation Act, 1845, Section One hundred and fourteen.

Smoking Compartments for all Classes.

20. All Railway Companies, except the *Metropolitan* Railway Company, shall, from and after the First Day of *October* next, in every Passenger Train where there are more Carriages than One of each Class, provide Smoking Compartments for each Class of Passengers, unless exempted by the Board of Trade.

Railway Companies to be liable to Penalties in case they shall provide Trains for Prize Fights.

21. Any Railway Company that shall knowingly let for Hire or otherwise provide any Special Train for the Purpose of conveying Parties to or to be present at any Prize Fight, or who shall stop any ordinary Train to convenience or accommodate any Parties attending a Prize Fight at any Place not an ordinary Station on their Line, shall be liable to a Penalty, to be recovered in a summary Way before Two Justices of the County in which such Prize Fight shall be held or shall be attempted to be held, of such Sum not exceeding Five hundred Pounds, and not less than Two hundred Pounds, as such Justices shall determine, One Half of such Penalty to be paid to the Party at whose Suit the Summons shall be issued, and the other Half to be paid to the Treasurer of the County in which such Prize Fight shall be held or shall be attempted to be held in aid of the County Rate; and Service of the Summons under which the Penalty is sought to be enforced on the Secretary of the Company at his Office Ten Days before the Day of Hearing shall be sufficient to give the Justices before whom the Case shall come Jurisdiction to hear and determine the Case.

III.—*Provisions for Safety of Passengers.*

Communication between Passengers and the Company's Servants.

22. After the First Day of *April* One thousand eight hundred and sixty-nine every Company shall provide, and maintain in good Working Order, in every Train worked by it which carries Passengers, and travels more than Twenty Miles without stopping, such efficient Means of Communication between the Passengers and the Servants of the Company in charge of the Train as the Board of Trade may approve. If any Company makes default in complying with this Section it shall be liable to a Penalty not exceeding Ten Pounds for each Case of Default. Any Passenger who makes use of the said Means of Communication without reasonable and sufficient Cause shall be liable for each Offence to a Penalty not exceeding Five Pounds.

23. If

Penalty for Trespasses on Railways.

23. If any Person shall be or pass upon any Railway, except for the Purpose of crossing the same at any authorized Crossing, after having received Warning by the Company which works such Railway, or by any of their Agents or Servants, not to go or pass thereon, every Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Trees dangerous to Railways may be removed.

24. If any Tree standing near to a Railway shall be in Danger of falling on the Railway so as to obstruct the Traffic, it shall be lawful for any Two Justices on the Complaint of the Company which works such Railway to cause such Tree to be removed or otherwise dealt with as such Justices may order, and the Justices making such Order may award Compensation to be paid by the Company making such Complaint to the Owner of the Tree so ordered to be removed or otherwise dealt with as such Justices shall think proper, and the Amount of such Compensation shall be recoverable in like Manner as Compensation recoverable before Justices under "The Railways Clauses Consolidation Act, 1845."

IV.—*Compensation for Accidents.*

Arbitration of Damages.

25. Where a Person has been injured or killed by an Accident on a Railway, the Board of Trade, upon Application in Writing made jointly by the Company from whom Compensation is claimed and the Person if he is injured, or his Representatives if he is killed, may, if they think fit, appoint an Arbitrator, who shall determine the Compensation (if any) to be paid by the Company.

Examination by Medical Man.

26. Whenever any Person injured by an Accident on a Railway claims Compensation on account of the Injury, any Judge of the Court in which Proceedings to recover such Compensation are taken, or any Person who by the Consent of the Parties or otherwise has Power to fix the Amount of Compensation, may order that the Person injured be examined by some duly qualified Medical Practitioner named in the Order, and not being a Witness on either Side, and may make such Order with respect to the Costs of such Examination as he may think fit.

V.—*Light Railways.*

Order for Construction and working of Railway as a light Railway.

27. The Board of Trade may by Licence authorize a Company applying for it to construct and work or to work as a light Railway the whole or any Part of a Railway which the Company has Power to construct or work.

Before

Before granting the Licence the Board of Trade shall cause due Notice of the Application to be given, and shall consider all Objections and Representations received by them, and shall make such Inquiry as they think necessary.

Conditions and Regulations for light Railway.

28. A light Railway shall be constructed and worked subject to such Conditions and Regulations as the Board of Trade may from Time to Time impose or make: Provided, that (1.) the Regulations respecting the Weight of Locomotive Engines, Carriages, and Vehicles to be used on such Railway shall not authorize a greater Weight than Eight Tons to be brought upon the Rails by any One Pair of Wheels; (2.) the Regulations respecting the Speed of Trains shall not authorize a Rate of Speed exceeding at any Time Twenty-five Miles an Hour.

If the Company or any Person fails to comply with or acts in contravention of such Conditions and Regulations, or directs any one so to fail or act, such Company and Person shall respectively be liable to a Penalty for each Offence not exceeding Twenty Pounds, and to a like Penalty for every Day during which the Offence continues; and every such Person on Conviction on Indictment for any Offence relating to the Weight of Engines, Carriages, or Vehicles, or the Speed of Trains, shall be also liable to Imprisonment, with or without Hard Labour, for any Term not exceeding Two Years.

Publication of Regulations.

29. The Conditions and Regulations of the Board of Trade relating to light Railways shall be published and kept published by the Company in manner directed with respect to Byelaws by Section One hundred and ten of "The Railways Clauses Consolidation Act, 1845," and the Company shall be liable to a Penalty not exceeding Five Pounds for every Day during which such Conditions and Regulations are not so published.

VI.—*Arbitrations by Board of Trade.*

Arbitrator appointed by Board of Trade.

30. Whenever the Board of Trade are required to make any Award or to decide any Difference in any Case in which a Company is one of the Parties, they may appoint an Arbitrator to act for them, and his Award or Decision shall be deemed to be the Award or Decision of the Board of Trade.

If the Arbitrator dies, or in the Judgment of the Board of Trade becomes incapable or unfit, the Board of Trade may appoint another Arbitrator.

Remuneration of Arbitrator.

31. The Board of Trade may fix the Remuneration of any Arbitrator or Umpire appointed by them in pursuance of this or any other Act in any Case where a Company is one of the Parties, and

and may, if they think fit, frame a Scale of Remuneration for Arbitrators or Umpires so appointed by them, and no Arbitrator or Umpire so appointed by them shall be entitled to any larger Remuneration than the Amount fixed by the Board of Trade.

Cost, &c. of Arbitrations.

32. The Provisions of Sections Eighteen to Twenty-nine, both inclusive, of the Railway Companies Arbitration Act, 1859, shall, so far as is consistent with the Tenor thereof, apply to an Arbitrator appointed by the Board of Trade, and to his Arbitration and Award, notwithstanding that one of the Parties between whom he is appointed to arbitrate may not be a Railway Company; and in construing those Sections for the Purpose of this Act the Word "Companies" shall be construed to mean the Parties to the Arbitration.

Costs, Charges, &c. to be taxed and settled by Masters of the Court of Queen's Bench.

33. All disputed Questions as to any Costs, Charges, and Expenses of and incident to any Arbitration or Award made under the Provisions of "The Lands Clauses Consolidation Act, 1845," or of any Special Act of Parliament incorporating the same, whether the Question in dispute arise as to Compensation to be made for Lands required to be purchased and actually taken by any Railway Company, or in respect of the injurious affecting of other Lands not taken, or otherwise in relation thereto, shall, if either Party so requires, be taxed and settled as between the Parties by One of the Masters of the Court of Queen's Bench; and it shall be lawful for such Master to receive and take in respect of each Folio in Length of every Bill of Costs so settled a Fee of One Shilling and no more, and such Fee shall be taken in Money and not in Stamps, and may be retained by the said Master for his own Use and Benefit.

VII.—*Miscellaneous.*

Printed Copies of Shareholders Address Book.

34. Every incorporated Company shall print correct Copies of the Shareholders Address Book of the Company corrected up to the First Day of *December* in every Year, and affix an Asterisk against the Names of those qualified to act as Directors.

After the Expiration of One Fortnight from the aforesaid Date the Company shall, on Application, supply such printed Copies at a Price not exceeding Five Shillings for each Copy to every Person who holds any Ordinary or Preference Shares or Stock in the Company, or any Mortgage Debenture or Debenture Stock of the Company.

Any Company which acts in contravention of this Section shall be liable for each Offence to a Penalty not exceeding Twenty Pounds.

Meeting preliminary to Appli-

35. When a Bill is introduced into either House of Parliament conferring on an incorporated Company additional Powers, or when an

an incorporated Company applies to the Board of Trade for a Certificate conferring on it additional Powers, the following Provisions shall have Effect; namely, cation for Act or Certificate.

1st. Before the Bill is read a Second Time in the House of Parliament into which it is first introduced, or before the Application is made to the Board of Trade (as the Case may be), the Bill or Draft Certificate (as the Case may be) shall be submitted to a Meeting of the Proprietors of such Company at a Meeting held specially for that Purpose:

2d. Such Meeting shall be called by Advertisement inserted once in each of Two consecutive Weeks in a Morning Newspaper published in *London*, *Edinburgh*, or *Dublin*, as the Case may be, and in a Newspaper of the County or Counties in which the principal Office or Offices of the Company is or are situate, and also by a Circular addressed to each Proprietor at his registered or last known or usual Address, and sent by Post or delivered at such Address not less than Ten Days before the holding of such Meeting, enclosing a Blank Form of Proxy, with proper Instructions for the Use of the same; and the same Form of Proxy and the same Instructions shall be sent to every such Proprietor, and shall be addressed to each Proprietor on the Back of the Form of Proxy; but no such Form of Proxy shall be stamped before it is sent out, nor shall the Funds of the Company be used for the stamping of any Proxies, nor shall any Intimation be sent as to any Person to whom the Proxy may be given or addressed; and no other Circular or Form of Proxy relating to such Meeting shall be sent to any Proprietor from the Office of the Company, or by any Director or Officer of the Company so describing himself:

3d. Such Meeting shall be held on a Day not earlier than Seven Days after the last Insertion of such Advertisement, and may be held on the same Day as an ordinary General Meeting of the Company:

4th. At such Meeting the Bill or Draft Certificate shall be submitted to the Proprietors, and shall not be proceeded with unless approved of by Proprietors present in Person or by proxy, holding at least Three Fourths of the paid-up Capital of the Company represented at such Meeting, such Proprietors being qualified to vote at all ordinary Meetings of the Company in right of such Capital; the Votes of Proprietors of any paid-up Shares or Stock, other than Debenture Stock, not qualified to vote at ordinary Meetings, whose Interests may be affected

by the proposed Act or Certificate, if tendered at the Meeting, shall be recorded separately:

5th. There shall be laid before Parliament or the Board of Trade (as the Case may require) a Statement of the Number of Votes if a Poll was taken, and the Number of Votes recorded separately.

Special Trains exclusively for Post Office.

36. Whenever in pursuance of any Notice under the Act of the Session of the First and Second Years of the Reign of Her present Majesty, Chapter Ninety-eight, "to provide for the Conveyance of "Mails by Railways," or otherwise, the Mails or Post Letter Bags are conveyed and forwarded by a Company on their Railway by a Special Train, the Postmaster General may by the same or any other Notice in Writing require that the whole of such Special Train shall be appropriated to the Service of the Post Office exclusively of all other Traffic except such as he may sanction, and the Remuneration to be paid for such Service shall be settled as prescribed by the Sixth Section of that Act.

Service of Requisitions, &c. by Postmaster General.

37. All Requisitions, Notices, and Documents which relate to a Company, if purporting to be signed by the Postmaster General or some Secretary or Assistant Secretary to the Post Office, or by some Officer appointed for the Purpose by the Postmaster General, shall, until the contrary is proved, be deemed to have been so signed, and to have been given or made by the Postmaster General, and the Provisions of the Act of the Session of the First and Second Years of the Reign of Her present Majesty, Chapter Ninety-eight, "to "provide for the Conveyance of Mails by Railways," requiring any Notice, Requisition, or Document to be under the Hand of the Postmaster General, are hereby repealed.

Extension of Scope of Railway Companies Powers Act, 1864.

38. The Railway Companies Powers Act, 1864, shall take effect and apply in the following Cases in the same Manner as if they were specified in Section Three of that Act; (that is to say,)

Where a Company desire to make new Provisions, or to alter any of the Provisions of their Special Act, or of the "Companies Clauses Consolidation Act, 1845," so far as it is incorporated therewith, with respect to all or any of the Matters following; namely,

(a.) The General Meetings of the Company, and the Exercise of the Right of voting by the Shareholders:

(b.) The Appointment, Number, and Rotation of Directors:

(c.) The Powers of Directors:

(d.) The Proceedings and Liabilities of Directors:

(e.) The Appointment and Duties of Auditors.

39. All

Service of Requisitions, &c.

39. All Requisitions, Orders, Regulations, Appointments, Certificates, Licences, Notices, and Documents which relate to a Company, if purporting to be signed by some Secretary or Assistant Secretary of or by some Officer appointed for the Purpose by the Board of Trade, shall, until the contrary is proved, be deemed to have been so signed, and to have been given or made by the Board of Trade. They may be served by the Board of Trade on any Company in the Manner in which Notices may be served under the Companies Clauses Consolidation Act, 1845; and all Notices, Returns, and other Documents required to be made, delivered, or sent by a Company to the Board of Trade shall be left at the Office of, or transmitted through the Post addressed to, the Board of Trade.

Recovery, &c. of Penalties.

40. Every Penalty imposed by this Act shall be recovered and applied in the same Manner as Penalties imposed by the Railways Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation (*Scotland*) Act, 1845, (as the Case may require,) are for the Time being recoverable and applicable.

Company may apply to Common Law Judge at Westminster to hear Cases of Compensation under 8 & 9 Vict. c. 18.

41. Whenever, in the Case of any Lands purchased or taken otherwise than by Agreement for the Purposes of any public Railway, any Question of Compensation in respect thereof, or any Question of Compensation in respect of Lands injuriously affected by the Execution of the Works of any public Railway, is under the Provisions of "The Lands Clauses Consolidation Act, 1845," to be settled by the Verdict of a Jury empannelled and summoned as in that Act mentioned, the Company or the Party entitled to the Compensation may, at any Time before the issuing by the Company to the Sheriff as by that Act directed, apply to a Judge of any One of the Superior Courts of Common Law at *Westminster*, who shall, if he think fit, make an Order for Trial of the Question in One of the Superior Courts upon such Terms and in such Manner as to him shall seem fit; and the Question between the Parties shall be stated in an Issue to be settled in case of Difference by the Judge, or as he shall direct, and such Issue may be entered for Trial and tried accordingly in the same Manner as any Issue joined in an ordinary Action at such Place as the Judge shall direct; and the Proceedings in respect of such Issue shall be under and subject to the Control and Jurisdiction of the Court as in ordinary Actions therein, but so nevertheless that the Jury shall, where the Issue relates to the Value of Lands to be purchased, and also to Compensation claimed for Injury done or to be done to Lands held therewith, deliver their Verdict separately in manner provided by the Forty-ninth Section of "The Lands Clauses Consolidation Act, 1845."

42. When-

Company may obtain Judge's Order instead of issuing Warrant.

42. Whenever a Company is called upon or liable under the Provisions of "The Lands Clauses Consolidation Act, 1845," to issue their Warrant to the Sheriff in the Case of any disputed Compensation, and the Company shall obtain a Judge's Order as in the last preceding Section mentioned, the obtaining of such an Order and Notice thereof to the opposite Party shall be a Satisfaction of the Company's Duty in respect of the Issue of the Warrant.

Power of Verdict of Jury and Judgment of the Court.

43. The Verdict of the Jury and Judgment of the Court upon any Issue authorized by this Act shall, as regards Costs and every other Matter incident to or consequent thereon, have the same Operation and be entitled to the same Effect as if that Verdict and Judgment had been the Verdict of a Jury and Judgment of a Sheriff upon an Inquiry conducted upon a Warrant to the Sheriff issued by the Company under "The Lands Clauses Consolidation Act, 1845."

Interpretation of certain Expressions.

44. In so far as any Expression used in any of the three preceding Sections of this Act has any special Meaning assigned to it by "The Lands Clauses Consolidation Act, 1845," each such Expression shall in this Act have the Meaning so assigned to it.

Fees to Masters for determining Questions of disputed Compensation.

45. Wherever under the Provisions of the Lands Clauses Consolidation Act, 1845, or of any Act incorporating, altering, or amending the same, the Costs of any Proceedings for determining a Question of disputed Compensation are settled by One of the Masters of the Court of Queen's Bench in *England* or *Ireland*, it shall be lawful for such Masters to receive and take in respect of each Folio in Length of every Bill of Costs so settled a Fee of One Shilling and no more; and such Fee shall be taken in Money and not in Stamps, and may be retained by the said Masters for their own Use and Benefit.

Extension of Time.

46. Where Notice in Writing of a proposed Application under "The Railways (Extension of Time) Act, 1868," for Extension of the Time limited for any of the Purposes mentioned in that Act, is received by the Board of Trade before the Expiration of such Time, or if the Time has expired during the present Session of Parliament before the First Day of *September* One thousand eight hundred and sixty-eight, and the Application is duly made within the Period prescribed by the said Act, then a Warrant of the Board of Trade extending the Time, although issued after the Expiration thereof, shall have Effect from the Date of such Expiration as if it had been previously issued.

47. The

47. The Enactments described in the Second Schedule to this Act are hereby repealed. As to Repeal of Enactments in Second Schedule.

But this Repeal shall not affect—

(1.) The Validity or Invalidity of anything duly done or suffered under any Enactment repealed by this Section:

(2.) Any Right acquired or accrued or Liability incurred, or any Remedy in respect thereof.

SCHEDULES.

FIRST SCHEDULE.

FORMS OF ACCOUNT referred to in Sec. 3. of this Act.

_____ RAILWAY. HALF YEAR ENDING _____ 18 .

[No. 1.] STATEMENT OF CAPITAL AUTHORIZED, AND CREATED BY THE COMPANY.

ACTS OF PARLIAMENT, or Certificates of the Board of Trade.	CAPITAL AUTHORIZED.			CAPITAL CREATED OR SANCTIONED.			BALANCE.		
	Stock and Shares.	Loans.	Total.	Stock and Shares.	Loans.	Total.	Stock and Shares.	Loans.	Total.
	£	£	£	£	£	£	£	£	£
1. 2. 3. 4. 5. &c. [*Except where Capital Powers are comprised in a Consolidation Act, each Act or Certificate authorizing Capital to be stated here separately in order of Date.*]									
TOTAL									

[No. 2.] STATEMENT OF STOCK AND SHARE CAPITAL CREATED, SHOWING THE PROPORTION RECEIVED.

DESCRIPTION.	Amount created.	Amount received.	Calls in arrear.	Amount uncalled.	Amount unissued.
	£	£	£	£	£
[*State each Class of Stock or Shares in order of Date of Creation, showing the Premium or Discount, if any, at which it was issued, the Preferential or fixed Dividends, if any, to which it is entitled, and any other Conditions attached to it.*]					
TOTAL					

[No. 3.] CAPITAL RAISED BY LOANS AND DEBENTURE STOCK.

—	RAISED BY LOANS.									RAISED BY ISSUE OF DEBENTURE STOCKS.			Total raised by Loans and by Debenture Stocks.
	At per Cent.	At per Cent.	At per Cent.	At per Cent.	At per Cent.	At per Cent.	At per Cent.	At per Cent.	Total Loans.	At per Cent.	At per Cent.	Total Debenture Stocks.	
	£	£	£	£	£	£	£	£	£	£	£	£	£ s. d.
Existing at													
Ditto at													
Increase													
Decrease													

Total Amount authorized to be raised by Loans and by Debenture Stocks in respect of Capital created, as per Statement No. 1. .. ..

Total Amount raised by Loans and by Debenture Stock as above .. ..

Balance being available Borrowing Powers at 186 .. .. ..

[No. 4.] *Dr.* RECEIPTS AND EXPENDITURE ON CAPITAL ACCOUNT. *Cr.*

	Amount Expended to	Amount Expended during Half Year	Total.		Amount Received to	Amount Received during Half Year	Total.
	£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.
To Expenditure—				By Receipts—			
On Lines open for Traffic (No. 5.)				Shares and Stock, per Account No. 2.			
On Lines in course of Construction (No. 5.) .				Loans, per Account No. 3.			
Working Stock (No. 5.) .				Debenture Stock, per Account No. 3. ..			
Subscriptions to other Railways (No. 5.) ..				Sundries (in detail) ..			
Docks, Steamboats, and other special Items (No. 5.)							
„ Balance							

[No. 5.] DETAILS OF CAPITAL EXPENDITURE FOR HALF YEAR ENDING 186 .

Lines open for Traffic— Particulars—	[*Showing, under separate Heads, Amount paid for Land (Purchase and Compensation), Construction of Way and Stations, including Rails, Chairs, Sleepers, &c., engineering and surveying, Law Charges, Parliamentary Expenses, Interest, Commission, &c.*]		
Lines in course of Construction— Particulars—			
Working Stock— Particulars—*Showing each Description of Stock*			
Subscriptions to other Railways— Particulars—*Stating Lines*			
Docks, Steamboats, and other special Items— Particulars			
TOTAL Expenditure for Half Year, as per Account No. 4			

[No. 6.] RETURN OF WORKING STOCK.

	LOCO-MOTIVE.		COACHING.								MERCHANDISE AND MINERAL.							
	Engines.	Tenders.	First Class.	Second Class.	Third Class.						Goods Waggons.	Goods Waggons covered.	Coke Trucks.	Cattle Trucks.	Timber Trucks.			
Stock on the 18																		
Ditto on the 18																		
Increase during the Half Year																		
Decrease ditto ditto																		

[No. 7.] ESTIMATE OF FURTHER EXPENDITURE ON CAPITAL ACCOUNT.

	FURTHER EXPENDITURE		
	During the Half Year ending .	In subsequent Half Years.	Total.
Lines open for Traffic .. .. (*Particulars, showing principal Items.*)			
Lines in course of Construction .. .. (*Details of each Line.*)			
Working Stock .. .. (*Particulars.*)			
Subscription to other Railways .. .. (*Specifying Lines.*)			
Docks, Steamboats, and other special Items .. .. (*Particulars.*)			
Works not yet commenced and in abeyance (*in detail*)			
Other Items (*in detail*)			
Total estimated further Expenditure of Capital ..			

[No. 8.] CAPITAL POWERS and other ASSETS available to meet further EXPENDITURE, as per No. 7.

Share and Loan Capital authorized or created but not yet received		
Any other Assets (*in detail*)		
Total		

[No. 9.] *Dr.* REVENUE ACCOUNT. *Cr.*

Half Year ended	EXPENDITURE.	£ s. d.	Half Year ended	RECEIPTS.	£ s. d.	£ s. d.
	To Maintenance of Way, Works, and Stations .. } see Abstract A.			By Passengers		
	„ Locomotive Power .. do. B.			„ Parcels, Horses, Carriages, &c.		
	„ Carriage and Waggon Repairs .. .. .. } do. C.			„ Mails		
	„ Traffic Expenses .. .. do. D.			„ Merchandise		
	„ General Charges .. .. do. E.			„ Live Stock		
	„ Law Charges			„ Minerals		
	„ Parliamentary Expenses			„ Special and Miscellaneous Receipts— *Such as Navigations, Steamboats, Rents, Transfer Fees, &c.* *Details.*		
	„ Compensation (Accidents and Losses) ..					
	„ Rates and Taxes					
	„ Government Duty					
	„ Special and Miscellaneous Expenses (if any)					
	„ Balance carried to Net Revenue Account					
	£			£		

[No. 10.] *Dr.* NET REVENUE ACCOUNT. *Cr.*

Half Year ended		£ s. d.	Half Year ended		£ s. d.
	To Interest on Mortgage and Debenture Loans			By Balance brought from last Half Year's Account	
	„ Interest on Debenture Stock			„ Ditto Revenue Account, No. 9.	
	„ Interest on Calls in Advance			„ Dividends on Shares in other Companies	
	„ Interest on Temporary Loans			„ Bankers and General Interest Account (if in Credit)	
	„ Interest on Lloyd's Bonds			„ Special and Miscellaneous Receipts (if any)	
	„ Interest on Banking Balances			(*Detail to be given.*)	
	„ General Interest Account (if in Debit) ..				
	„ Rents of Leased Lines, Guarantees, &c... Details				
	„ Special and Miscellaneous Payments (if any) .. .. *Details.*				
	„ Balance, being Payment available for Dividend .. .. [*See No.* 13.]				
	£			£	

[No. 11.] PROPOSED APPROPRIATION OF BALANCE AVAILABLE FOR DIVIDEND.

Half Year ended		
	Balance available for Dividend, as per Account No. 10. .. .. £	
	Preference Stock } Ditto } Ditto } to be stated in order of Creation, with Rate of Dividend.	£
	Ordinary Stock (being at the Rate of per cent.)	
	Balance to next Half Year .. .. .. £	

[No. 12.] ABSTRACTS.

A. MAINTENANCE OF WAY, WORKS, &c.

Half Year ended		£ s. d.	£ s. d.
	Salaries, Office Expenses, and General Superintendence ..		
	Maintenance and Renewal of Permanent Way		
	Wages		
	Materials		
	Repairs of Roads, Bridges, Signals, and Works		
	Repairs of Stations and Buildings		
	Special Expenditure (if any) ..		
	MILES MAINTAINED ..		
	Double		
	Single		
	Total		
	Total ..		

B. LOCOMOTIVE POWER.

Half Year ended		£ s. d.	£ s. d.
	Salaries, Office Expenses, and General Superintendence ..		
	RUNNING EXPENSES:—		
	Wages connected with the working of Locomotive Engines		
	Coal and Coke		
	Water		
	Oil, Tallow, and other Stores		
	REPAIRS AND RENEWALS:—		
	Wages		
	Materials		
	Special Expenditure		
	.. .. £		

C. REPAIRS AND RENEWALS OF CARRIAGES AND WAGGONS.

Half Year ended		£ s. d.	£ s. d.
	CARRIAGES:—		
	Salaries, Office Expenses, and General Superintendence .		
	Wages		
	Materials		
	WAGGONS:—		
	Salaries, Office Expenses, and General Superintendence .		
	Wages		
	Materials		
	TOTAL		

D. TRAFFIC EXPENSES.

Half Year ended		£ s. d.
	Salaries and Wages, &c...	
	Fuel, Lighting, Water, and General Stores..	
	Clothing	
	Printing, Stationery, and Tickets	
	Horses, Harness, Vans, Provender, &c. ..	
	Wagon Covers, Ropes, &c.	
	Joint Station Expenses	
	Miscellaneous Expenses	
	Special Expenditure (if any)	

E. GENERAL CHARGES.

Half Year ended		£ s. d.
	Directors	
	Auditors and Public Accountants (if any) ..	
	Salaries of Secretary, General Manager, Accountant, and Clerks	
	Office Expenses ditto ditto	
	Advertising..	
	Fire Insurance	
	Electric Telegraph Expenses	
	Railway Clearing House Expenses	
	Special Expenditure (if any)	

[No. 13.] *Dr.* GENERAL BALANCE SHEET. *Cr.*

To	£ s. d.	By	£ s. d.
Capital Account, Balance at Credit thereof, as per Account No. 4.		Cash at Bankers—Current Account	
„ Net Revenue Account, Balance at Credit thereof, as per Account No. 10.		„ Cash on Deposit at Interest	
„ Unpaid Dividends and Interest		„ Cash invested in Consols and Government Securities	
„ Guaranteed Dividends and Interest payable or accruing and provided for		„ Cash invested in Shares of other Railway Companies not charged as Capital Expenditure	
„ Temporary Loans		„ General Stores—Stock of Materials on hand ..	
„ Lloyd's Bonds and other Obligations not included in Loan Capital Statement, No. 3...		„ Traffic Accounts due to the Company	
„ Balance due to Bankers		„ Amounts due by other Companies	
„ Debts due to other Companies		„ Do. do. Clearing House..	
„ Amount due to Clearing House		„ Do. do. Post Office	
„ Sundry Outstanding Accounts		„ Sundry Outstanding Accounts	
„ Fire Insurance Fund on Stations, Works, and Buildings		„ Suspense Accounts (if any) *to be enumerated* .	
„ Insurance Fund on Steamboats		„ Special Items	
„ Special Items..			
£		£	

[No. 14.] MILEAGE STATEMENT.

Half Year ended		Miles authorized.	Miles constructed.	Miles constructing or to be constructed.	Miles worked by Engines.
	Lines owned by Company				
	Do. partly owned				
	Do. leased or rented				
	TOTAL				
	Do. worked				
	Foreign Lines worked over..				
	TOTAL				

[No. 15.] STATEMENT OF TRAIN MILEAGE.

Half Year ended		
	Passenger Trains	
	Goods and Mineral Trains	
	TOTAL	

(Signed)_____ *Chairman or Deputy Chairman of Company.*

_____ *Secretary or Accountant of Company.*

CERTIFICATE RESPECTING THE PERMANENT WAY, &c.

I hereby certify that the whole of the Company's Permanent Way, Stations, Buildings, Canals, and other Works have during the past Half Year been maintained in good working Condition and Repair.

Engineer.

Date _____ 18 .

CERTIFICATE RESPECTING THE ROLLING STOCK.

I hereby certify that the whole of the Company's Plant, Engines, Tenders, Carriages, Waggons, Machinery, and Tools, also the Marine Engines of the Steam Vessels, have during the past Half Year been maintained in good working Order and Repair.

Chief Engineer, or
Locomotive Superintendent.

Date _____ 18 .

AUDITOR'S CERTIFICATE.

As prescribed by Act 30 *and* 31 *Victoria, Cap.* 37, *to follow.*

SECOND SCHEDULE.

Date and Chapter of Act.	Title of Act.	
3 & 4 Vict. c. 97. (in part.)	An Act for regulating Railways Section Twenty.	in part; namely,—
5 & 6 Vict. c. 55. (in part.)	An Act for the better Regulation of Railways, and for the Conveyance of Troops Section Nineteen.	in part; namely,—
7 & 8 Vict. c. 85. (in part.)	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 Section Twenty-three.	in part; namely,—

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1868.