



Regulation of Railways Act 1868

1868 CHAPTER 119

VII.—Miscellaneous

34 Printed Copies of Shareholders Address Book.

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 Tear, 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.

35 Meeting preliminary to Application for Act or Certificate.

When a Bill is introduced into either House of Parliament conferring on an incorporated Company additional Powers, or when an incorporated Company applies to the Board of Trade for a Certificate conferring on it additional Powers, the following Provisions shall have Effect; namely,

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

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

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.

36 Special Trains exclusively for Post Office.

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.

37 Service of Requisitions, &c. by Postmaster General.

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.

38 Extension of Scope of Railway Companies Powers Act, 1864.

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

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

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 Service of Requisitions, &c.

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.

40 Recovery, &c. of Penalties.

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.

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

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

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

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

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.

43 Power of Verdict of Jury and Judgment of the Court.

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."

44 Interpretation of certain Expressions.

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.

45 Fees to Masters for determining Questions of disputed Compensation.

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 Pee 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.

46 Extension of Time.

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.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

47 As to Repeal of Enactments in Second Schedule.

The Enactments described in the Second Schedule to this Act are hereby repealed. 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.