



ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

Cap. xxxiii.

An Act for regulating legal Proceedings by or against the Committee of Railway Companies associated under the Railway Clearing System, and for other Purposes. [25th June 1850.]

WHEREAS for some Time past Arrangements have subsisted between several Railway Companies for the Transmission without Interruption of the through Traffic in Passengers, Animals, Minerals, and Goods passing over different Lines of Railway, for the Purpose of affording, in respect to such Passengers, Animals, Minerals, and Goods, the same or the like Facilities as if such Lines had belonged to One Company, which Arrangements are commonly known as and in this Act are designated as "the Clearing System," and which Arrangements are conducted under the Superintendence of a Committee appointed by the Boards of Directors of such several Railway Companies, which Committee is in this Act designated "the Committee," and the Business of such Committee has heretofore been and is now carried on at a Building appropriated for the Purpose in *Seymour Street*, adjoining the *Euston Station* of the *London and North-western Railway Company*: And whereas the Clearing System has been productive of great Convenience to the Public, and of a considerable Saving of Expense in the Transmission of Passengers, Animals, Minerals, and Goods over the Lines

[*Local.*]

5 F

of

The Railway Clearing Act, 1850.

of the several Railway Companies Parties to such Association; but considerable Difficulty has been experienced in carrying into effect the Objects of the Association, in consequence of the Committee not possessing the Power of prosecuting or defending Actions or Suits, or taking other legal Proceedings: And whereas *George Carr Glyn* Esquire is the present Chairman, and *Kenneth Morison* is the present Secretary of the Committee: And whereas the Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and 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 the several Companies which at the Time of the passing of this Act are Parties to the Clearing System, and every other Company which shall in manner hereafter mentioned become Party to the same, shall be subject to the Provisions of this Act.

Companies Parties to the Clearing System to be subject to the Provisions of this Act.

Other Companies may join, with Assent of Committee.

II. And be it enacted, That if any Company which may not be a Party to the Clearing System shall, by Writing sealed with the Common Seal of such Company, request the Committee to admit such Company to be a Party to the Clearing System, and the Committee shall assent to such Request, such Company shall from the Time of such Assent being given, or at such other Time as may be specified in the said Request, become a Party to the Clearing System.

Companies may retire, on giving Notice.

III. And be it enacted, That if any Company shall, by Writing sealed with the Common Seal of such Company, give Notice to the Committee of the Desire of such Company to cease to be a Party to the Clearing System, such Company shall, at the Expiration of One Calendar Month from the Time when such Notice shall be given, or if a more distant Time shall be stated in such Notice then at the Time so stated, cease to be a Party to the Clearing System.

Committee may give Company Notice to retire.

IV. And be it enacted, That if not less than Two Thirds of the Committee present at a Meeting specially summoned shall, by Writing signed by their Secretary, or by Two Members of the Committee, give Notice to any Company that such Company shall cease to be a Party to the Clearing System at a Time named in such Notice, not being less than One Calendar Month from the Time of giving such Notice, such Company shall at the Time so named cease to be a Party to the Clearing System.

Each Company to appoint a Member of the Committee.

V. And be it enacted, That each Company Party to the Clearing System shall at all Times be entitled to be represented on the Committee by One Delegate appointed by the Board of Directors of such Company from Time to Time, such Appointment to be certified in Writing by the Secretary or any Two Directors of such Company: Provided

The Railway Clearing Act, 1850.

Provided always, that, notwithstanding any Company may happen to be unrepresented by a Delegate at any Meeting, the Acts of the Committee shall be valid.

VI. And be it enacted, That the Committee shall meet at One of the Clock in the Afternoon of the Second *Wednesday* in the Months of *March, June, September, and December* in every Year, or so soon thereafter as a Quorum shall be assembled, and at any other Times whereof the Secretary shall, at the written Request of the Chairman for the Time being, or any Two Members of the Committee, give at least Ten Days Notice in Writing to every Company Party to the Clearing System, or the Secretary of every such Company; and every such Meeting may be adjourned from Time to Time and from Place to Place as the Committee shall think proper; and Meetings and adjourned Meetings of the Committee shall be held at the said Building in *Seymour Street*, except when the Committee shall have appointed some other Place, and then at such other Place; and in order to constitute a Meeting of the Committee there shall be present at least Ten Members; and, except where otherwise provided, all Questions at every Meeting shall be determined by the Majority of Votes of the Committee present, and in case of an equal Division of Votes the Chairman of the Meeting shall have a casting Vote, in addition to his Vote as One of the Committee; and Notice of the Business to be brought before any Meeting shall, at least Six Days before the Day of such Meeting, be given to every Company Party to the Clearing System, or the Secretary of every such Company.

Meetings of
the Com-
mittee,
Quorum, &c.

VII. And be it enacted, That until the First Meeting of the Committee which shall be held after the passing of this Act the said *George Carr Glyn*, or other the Chairman of the Committee for the Time being, shall continue in Office; and at the First Meeting of the Committee which shall be held after the passing of this Act, and in the Month of *March* in each succeeding Year, the Committee present at the Meeting shall, if they think fit, either continue in Office the Chairman for the Time being, or choose another Chairman; and a General Meeting of the Committee specially summoned shall have Power to remove any Chairman; and if any Chairman shall die, or resign, or be removed, the Committee shall have Power, as soon as may be, to choose some other Person to fill the Vacancy thereby occasioned; but every Chairman elected to supply a Vacancy other than at a General Meeting in the Month of *March* in any Year shall continue in Office so long only as the Person in whose Place he shall be so elected would have been entitled to continue if such Death, Resignation, or Removal had not happened: Provided always, that it shall not be necessary that the Person chosen as Chairman be a Delegate of any of the Companies Parties to the Clearing System; but

Appoint-
ment of the
Chairman.

The Railway Clearing Act, 1850.

but in case he shall not be a Delegate he shall not be entitled to vote on any Question, unless in the Case of an Equality of Votes, when he shall be entitled to give the casting Vote.

In the Absence of Chairman Committee to elect a Chairman.

VIII. And be it enacted, That if at any Meeting of the Committee the Chairman shall not be present the Committee present shall choose One of their Members to be Chairman of such Meeting.

Appointment of Secretary.

IX. And be it enacted, That the said *Kenneth Morison* shall be the Secretary to the Committee until he die, or resign, or be removed; and that the Committee shall have the Power to remove him and all future Secretaries; and that in the event of the Resignation, or Death, or such Removal as aforesaid of any Secretary, the Committee shall appoint a Secretary to the Committee.

Appointment of Treasurer.

X. And be it enacted, That the Committee may from Time to Time appoint a Treasurer, and remove such Treasurer from his Appointment, and prescribe and alter the Duties of the Office of Treasurer, and take from the Treasurer such Security as they shall think fit, which Security may be taken in the Name or Names of such Person or Persons as the Committee approve of.

As to Monies received by Committee.

XI. And be it enacted, That any Money which shall be received by the Committee shall be held by the Committee as Trustees for the Company or Companies to whom the Committee shall decide such Money to be payable; but no Member of the said Committee shall be answerable for any such Money as may be lost or withheld by reason of the Misconduct, Default, or Insolvency of the Treasurer, or of any Banker or Agent in whose Hands the same may be, or by reason of any Cause other than the personal Misconduct of such Member.

Accounts to be settled, and Balance ascertained and declared by the Committee.

XII. And be it enacted, That the Accounts of the Clearing System, and the Balances due to and from the several Companies Parties thereto, shall be settled and adjusted by the Secretary of the Committee for the Time being, which Secretary shall also settle and determine the Amount to be from Time to Time contributed to the Funds of the Clearing System by the Companies Parties thereto; and in case of any Difference respecting such Accounts the Decision of the Committee, to the Effect that any Balance or Sum is payable by any Company then or theretofore Party to the Clearing System, shall be final and conclusive, and such Sum or Balance shall be a Debt due to the said Committee.

Expenses to be paid out of the Funds of the Clearing System.

XIII. And be it enacted, That the Committee shall, out of the Funds of the Clearing System, pay all the Expenses of the Clearing System, and all Costs, Charges, Damages, and Expenses which the Members of the Committee, or any or either of them, shall as such
Members

The Railway Clearing Act, 1850.

Members or Member, or which the Secretary as nominal Plaintiff or Defendant, or other Party, on behalf of the Committee, bear, sustain, or be put to, and that the Members of the Committee and Secretary shall be completely indemnified and saved harmless out of the Funds of the Clearing System, and by the Companies Parties to the Clearing System, of, from, and against all Action and Actions, Suit and Suits, Proceeding and Proceedings, of any Sort, Costs, Charges, Damages, and Expenses, to which they or any or either of them may in any way be subjected, as Members or Member of the Committee, by reason of anything which they or he may *bonâ fide* do or omit to do, whether such Deed or Omission be within their Powers or not.

XIV. And be it enacted, That the Committee may, by Action of Debt in the Name of their Secretary, recover from any Company any Balance or Sum which such Committee shall decide to be payable by such Company, whether to any other Company or on account of the Clearing System, and whether such Company be still at the Time of such Decision or has then ceased to be a Party to the Clearing System, and whether such Sum or Balance shall or shall not have been previously ascertained by the Secretary to be payable.

Committee may sue for Balances or Sums due.

XV. And be it enacted, That the Declaration for the Recovery of such Sum or Balance may be in the Form or to the Effect of the Form given in the Schedule (A.) to this Act annexed, and that the Directions contained in the said Schedule for the Use of the same shall be taken as Part of this Act.

Form of Action for the Recovery of such Balances or Sums.

XVI. And be it enacted, That if the Defendants in such Action shall plead that they never were indebted, then, on Proof that the Committee decided the Sum in question to be payable by the Defendants, and that the Defendants were either at the Time of such Decision or at some previous Time a Party to the Clearing System, and in the latter Case upon further Proof that such Sum was decided to be payable in respect of some Transactions, Matters, or Expenses which happened or were sustained whilst the Defendants were Parties to the Clearing System, the Plaintiff shall be entitled to a Verdict on that Plea.

Evidence.

XVII. And be it enacted, That the Defendants in such Action may plead any Matter showing that they have since the Time of the Decision discharged the Sum or Balance so decided to be payable, and shall not plead any Plea with a Plea denying the Plaintiff to be Secretary.

Plea.

XVIII. And be it enacted, That the Committee shall cause Notes, Minutes, or Copies, as the Case may require, of all Appointments made or Contracts entered into by them, and of the Orders and Proceedings

Entries in Books.

[Local.]

5 G

ceedings

The Railway Clearing Act, 1850.

ceedings of all their Meetings, to be duly entered in Books to be kept by them for that Purpose; and every such Entry shall be signed by the Chairman of the Meeting at which such Appointments, Contracts, Orders, or Proceedings respectively took place, who shall add the Word "Chairman" to his Signature, and which Entries may be made and signed either at or after the Meetings to which they respectively relate; and every Entry purporting to be so signed shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such respective Meetings having been duly convened or held, or of the Persons making or entering such Orders or Proceedings being Members of the Committee, or of the Signature of such Chairman, or of the Fact of his having been Chairman, all which last-mentioned Matters shall be presumed, till the contrary be proved.

Books of the Committee to be *primâ facie* Evidence, and the Committee and Secretary to be competent Witnesses.

XIX. And be it enacted, That on the Trial of any such Action, after it is proved to the Satisfaction of the Court or Judge trying the Cause that such Company is or had once been such a Party, the Books kept by the Committee shall be *primâ facie* Evidence of the Truth of the Matters therein stated and contained; and the Secretary, although the nominal Plaintiff, and the Members of the Committee, shall be competent Witnesses, either for the Plaintiff or for the Defendants.

Committee may sue or be sued in the Name of their Secretary.

XX. And be it enacted, That the Committee may in all Cases sue and be sued in the Name of the Secretary to the Committee; and that in all Proceedings at Law and in Equity, and in Bankruptcy, or of any other Sort, whether civil or criminal, the Name of the Secretary may be used instead of the Names of the Members of the Committee; and Proofs, in Cases of Bankruptcy, Insolvency, or in Winding-up Affairs, may be made by the Secretary for the Committee.

In Criminal Proceedings Property of Committee to be deemed the Property of Secretary.

XXI. And be it enacted, That in any Indictment or Information for any Felony or Misdemeanor wherein it shall be necessary to state the Ownership of any Property whatsoever, whether Real or Personal, and the same shall either belong to the Committee or be in their Custody, or in the Custody or Possession of any Officer, Clerk, or Servant of the Committee, or of any Person employed for the Purpose or in the Capacity of Clerk or Servant by the Committee, or in or on any Building or Land used for the Purposes of the Clearing System, or shall be used or intended to be used for the Purposes of the Clearing System, it shall be sufficient to state such Property to belong to the Secretary of the Committee.

Criminal Proceedings to be pro-

XXII. And be it enacted, That in any Indictment for Embezzlement, wherein it shall be necessary to state the Party charged with the

The Railway Clearing Act, 1850.

the Embezzlement to have been the Clerk or Servant of some Master or Masters, or to have been employed for the Purpose or in the Capacity of Clerk or Servant by some Master or Masters, and such Masters shall have been the Committee, it shall be sufficient in such Indictment to name the Secretary of the Committee in every Place in such Indictment where the Names of the Members of the Committee would but for this Enactment be required to be inserted.

secuted in
Name of
Secretary.

XXIII. And be it enacted, That every Notice or Requisition on the Business of the Clearing System, or given pursuant to this Act, shall be sufficient if it be in Writing signed by the Secretary of the Committee, or Secretary or other Officer of the Company giving the same, and if it be sent by the General Post addressed to the Secretary of the Company for whom the same is intended, in case such Notice or Requisition be intended for any Company, or to the Secretary at the principal Office of the Clearing System, in case such Notice or Requisition be intended for the Committee; and Proof of such Notice or Requisition being deposited in any public Letter Box or Receiving House for Letters, intended to be forwarded by the General Post, shall be deemed Proof of the due Service of such Notice or Requisition; and Notices or Requisitions for each Member of the Committee shall be sufficient if sent in manner aforesaid, addressed to him at the principal Office of the Company whom he represents.

Service of
Notices.

XXIV. And be it enacted, That in all Pleadings or Proceedings, civil or criminal, when it shall be required to mention all the Companies Parties to the Clearing System, or the Committee, it shall be sufficient to mention the Companies by the Description of "The Companies Parties to the Clearing System mentioned in the Railway Clearing Act, 1850," and to describe the Committee by the Description of "The Clearing Committee mentioned in the Railway Clearing Act, 1850," without stating the Names of the individual Companies and Members.

Mode in
which the
Companies
and Com-
mittee are to
be described
in legal Pro-
ceedings.

XXV. And be it enacted, That in all Cases where the Name of the Secretary to the Committee shall be used under the Authority of this Act it shall be sufficient to name and describe him, and to state the Authority for using his Name, as in the Form of Declaration in Schedule (A.)

Description
of the Secre-
tary in legal
Proceedings.

XXVI. And be it enacted, That upon the Death or Removal of any Secretary no Action or Suit or other Proceeding pending in his Name, as Plaintiff or Defendant or otherwise, either on behalf of or against the Committee, shall abate or be stayed, but as soon as another Secretary shall be appointed the Name of such new Secretary shall be therein-after used; and in an Action at Law such Name shall, whether

Actions, &c.
not to abate
on Death or
Removal of
Secretary.

it

The Railway Clearing Act, 1850.

it be before or after Judgment, be introduced by Suggestion, to which no Plea or Demurrer shall be allowed; and the Omission to make such Suggestion, and an erroneous Suggestion, shall be mere Irregularities, and shall, on the Application of the Committee or of the Party opposed to the Committee, be rectified, but shall not otherwise be taken advantage of.

Expenses of
Act.

XXVII. And be it enacted, That all the Costs, Charges, and Expenses of obtaining and passing this Act or incident thereto shall be paid by the said Committee out of the first Monies which shall come to their Hands after the passing of this Act.

Short Title
and Public
Act.

XXVIII. And be it enacted, That this Act may be called "The Railway Clearing Act, 1850," and shall be deemed to be a Public Act, and as such shall be judicially noticed.

SCHEDULE A.

to wit. } *A.B.*, Secretary to the Clearing Committee, and now named
} by virtue of the Railway Clearing Act, 1850, by *C.D.* his
Attorney, complains of *X.Y.*, who have been summoned to answer the
said *A.B.* in an Action of Debt, for that the Clearing Committee have
decided that the Sum of *100l.* is payable by the Defendants, as
Parties to the Clearing System, by means whereof an Action has
accrued to the said Committee to demand in the Name of their
Secretary the said Sum of *100l.*, yet the Defendants have not paid
the same, to the Damage of the said Committee of *10l.*, and there-
upon the Plaintiff, by virtue of the said Act, brings Suit.

Directions for using the above Form.

Substitute for A.B. the Name of the Secretary, and for C.D. the Name of his Attorney, and for X.Y. the Name of the Company Defendant, and for the Sums such Sums as the Case may require, and add the Venue. Several Counts may be inserted on the above Model where several Sums are sought to be recovered.

LONDON :

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1850.