

NOTES

ON THE

PRESENT CONDITION

OF

RAILWAY LEGISLATION.



LONDON:

JAMES BIGG AND SONS, 53, PARLIAMENT STREET.

APRIL, 1854.

PRICE SIXPENCE.

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BY THOMAS COATES.

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LONDON: PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET,
AND CHARING CROSS.

ADVERTISEMENT.

IT would have better suited my own hard-earned leisure, and the convenience of my readers, if I had condensed these Notes into that compendious form which it is the habit to adopt, and to endorse "Reasons," and so circulate among Members, before a division on a private Bill,—the characteristic of those Documents being that they shall assert boldly, assume largely, and denounce fiercely. But the subject-matter of these Notes is too grave to be so treated. Property of enormous value, on which more than 100,000 persons are directly employed, and on which probably ten times that number absolutely depend for their subsistence, is more or less at stake on this discussion; the publick faith is involved in it; and another step is taking towards founding that against which every man who values our institutions revolts as it were instinctively; and which we must borrow from our neighbours, who have fatal experience of it, a word to express—a Bureaucracy.

Not that I suppose the President of the Board of

Trade to desire the troublesome dominion which his Bill prepares for him—no sane man could desire it; but the result is inevitable if his Bill passes.

In truth, the Board of Trade has been hardly dealt with. The obnoxious Clauses which I shall have to discuss were suggested by them for insertion only (unfortunately their expression is “at least”) in Bills authorising fresh combinations of interest among Railway Companies. The Board are not to blame if these Clauses have been rashly forced into all Bills, and if the motive for their insertion has been indiscreetly revealed.

I would that this matter were in abler hands; but its importance will, I trust, ensure for these Notes the patience, and perhaps the indulgence, of the reader.

24, *Parliament Street*, 18th April, 1854.

N O T E S
ON THE PRESENT CONDITION
OF
RAILWAY LEGISLATION.

At the end of the year 1852 notice was given of the intention to introduce into Parliament Bills for uniting the interests of certain large Railway Companies, either by amalgamation or by purchase, or by some other means; and the question of public policy then arose whether the greater facilities which the internal intercourse of the country would avowedly derive from united instead of divided management, and identical instead of rival interests, would be more than counterbalanced by the risks which might attend the intrusting of that intercourse absolutely to a few vast Corporations.

To solve this problem, or, in the words of the Resolution (6th Dec. 1852) "to consider the principle of Amalgamation," "and to consider the principles which ought to guide the House in Railway Legislation," Mr. Cardwell's Committee (as it is called) was appointed; and they, at the end of the Session (8th July, 1853), made their final Report. They recommended that the amalgamation of Companies should not be sanctioned, excepting

Committee of
1853 on Rail-
way and Canal
Bills.

in minor and special cases; but "that every Railway Company should be compelled to afford to the Publick the full advantage of convenient interchange from one system to another; and to afford to every class of Traffick, including Postal Communication, just facilities." This Report has never been considered, or its recommendations adopted, in any manner by the House.

"General
Committee on
Railway and
Canal Bills,"
1854.

At the beginning of the present Session the "General Committee on Railway and Canals Bills" was nominated. It consists of forty Members, and was presided over *ex officio* by the Chairman of Ways and Means (Mr. Bouverie). The Committee issued, first, "Resolutions for the guidance of Sub-Committees;" among which was one determining in the negative the great question of amalgamations, and another directing (under what pretext it is difficult to say) the quantity of luggage to be allowed to passengers. They likewise issued a series of "Clauses to be inserted in all Bills."

Mode of issuing
Clauses and
Resolutions.

These Resolutions and Clauses were communicated to the Sub-Committees on Railway Bills, certainly not by any unanimous vote of the General Committee, or after mature deliberation, far less after taking the opinion of the House on them; but privately, almost surreptitiously, without any formal or authoritative notice of the intention to insert them, and with the view (frankly and publicly avowed by Mr. Bouverie, in the House of Commons) of beating Railway Companies in detail, and inflicting on them individually conditions and duties which it would be vain to attempt to impose on them by any

general law—an avowal, coming as it does from such a source, which is well worthy to be pondered now and henceforth by those who have invested more than three hundred millions of money—Heaven knows how unprofitably—in Railways; and not unworthy either of observation by those Members of the Legislature who attach some value to the method of making laws affecting vast interests in a free state.

Albeit, these Clauses, though expressly repudiated by some, and questioned by other, Sub-Committees, have been inserted in a number of Bills,* without any discussion being permitted on them. In one instance,† the Committee on the Bill having considered these Clauses and rejected them, Mr. Bouverie, to whom belonged the mechanical office, in such circumstances, of reporting the Bill to the House, stopped the progress of the Bill; and of his own mere discretion, without the authority of the House, and in spite of its Committee, insisted on the adoption of this new code for the government of 300 miles of railway and 12 millions of capital. The Bill, having been tossed for a fortnight to and fro in the House, just now happens to be without the Clauses. It is a strange thing for great interests to

* The following is a list of Companies against whom the Clauses are inserted:—Ambergate, Nottingham, and Boston and Eastern Junction; Blyth and Tyne; Eastern Union; East Lancashire; Eastern Counties; Hertford, Ware, and Welwyn Junction; London, Tilbury, and Southend; London, Brighton, and South Coast; Lancashire and Yorkshire; North London; Portsmouth; Whitehaven, Cleaton, and Egremont. The capital of these Companies exceeds forty-nine millions; their Railways exceed 1140 miles in extent.

† The South-Eastern (Lewisham to Bromley) Bill.

be so dealt with. It may be quite convenient that the Chairman of Ways and Means for the time being, at his pleasure, without hearing evidence or having the right to hear it, and without any but the most desultory discussion, should so exercise his absolute will on grave matters, much controverted, and still undecided, by that Body whose officer he is, but, so far as I understand the constitution of these realms, it has not yet intrusted such powers to that functionary.

As the opinion of the House of Commons will be taken on them upon the 27th inst., it deeply concerns Shareholders, and those whose duty it is to watch in Parliament over the interests of their constituencies, to consider what these Clauses enact.

Analysis of
Clauses.

The first Clause compels the Company, notwithstanding anything contained in their previous Acts, to make all such arrangements as may be necessary for receiving and forwarding all lawful traffick upon their Railway and Canal, and for the delivery of that traffick from their Railway, and for the return of carriages and trucks.

The second Clause requires the Company so to regulate the hours for the arriving and starting of their trains at any point of junction, or at any station *near to* which another Company has a station or wharf, "or at the point where transit is intended to be made from one means of communication to the other," as that the traffick may be duly forwarded, and the publick have all reasonable accommodation.

The third Clause constitutes the Board of Trade sole arbiter of the meaning of the word "near."

These clauses, if they were reciprocal, would perhaps be open to little objection; but the *fourth* Clause practically, and by an easy and well-devised process, transfers to the Board of Trade absolute dominion over any Railway which it may think fit to control, leaving to the Company nothing but the responsibility.

If any man recovers a judgment in any court, even the County Court, against the Company, with respect to its arrangements for receiving, forwarding, or delivering of traffick, or with respect to the times of starting, stopping, or arriving of trains, or to its charges, *or in any other respect*, the Board of Trade may, upon that man's application, either after inquiry (which may be secret or open, and at the expense of the Company), or without inquiry, make such order upon the Company as they think fit concerning arrangements of traffick, or the regulations for conducting the same, or for the "adjustment of tolls, rates, and charges;" and may direct all such matters to be done from time to time by the Company as the Board may think calculated to remedy the alleged grievance.

Then the last Clause enables the Board to inflict an *unlimited daily penalty* if the Company fails to give full effect to the order of the Board.

Thus, let the intention of the Clauses be what it may, their effect is this:—that at the instance of any

Summary of
the Clauses.

man who can convict a Railway Company of tripping in any of its minutest duties, the whole undertaking of that Company may be handed over to the Board of Trade. I am wrong; the whole undertaking is not handed over to the Board. True it is that they may prescribe the time of arriving and stopping of trains, may regulate the traffick, may "adjust" the tolls: but there will remain still some portion of their undertaking to the Shareholders:—outlay; anxiety; responsibility for accidents or omissions; litigation; fines.

Mr. Cardwell's
Bill.

Meanwhile the attention of Railway Companies and of Members of Parliament was aroused not only to these enactments, but to what was deemed still more reprehensible, the method of introducing them; and on the 6th of April Mr. Cardwell, in compliance with the opinion very unequivocally expressed by the House, obtained leave to introduce a Bill affecting all Railway Companies, under the title of "Railway and Canal Traffick Regulation Bill." This Bill contains provisions similar to the Clauses in their object, but differing greatly in their machinery, and, so far as that difference goes, less objectionable than the Clauses. This, however, is certain,—that the Bill and the Clauses are incompatible; the Bill condemns the machinery prescribed by the Clauses; and to have one half of the Railways administered under the Clauses, whilst the other half is administered under the Bill, would lead to inextricable confusion. Leaving the interests of Railway Companies out of the question—for that seems the fashion—it is due to the Courts, who must administer the law; to the Board of Trade, who are

to rule the Courts; and to the Publick, who are to profit, as it seems, by this strange process; that, as a preliminary condition to all useful discussion, the Clauses should be expunged, on the 27th, from all Bills.

Mr. Cardwell's Bill was read a second time without debate on the 11th of April, *and it stands absolutely for discussion on the 1st of May.*

The Bill (Clauses II. and III.) enables Railway Companies to enter into working agreements with the consent of the Board of Trade; and deprives them of any power which they now possess of making those agreements without that consent. And, strangely enough, these Clauses practically enable the Board of Trade to authorise the permanent amalgamation of any Railway Companies; and although something is said about opponents bringing their objections before the Board, yet there is no provision for open discussion, or taking of evidence. Let this Bill pass, and six weeks afterwards the Board of Trade may, without consulting Parliament, and without discussion, authorise the very amalgamations which the Committee of 1853 reprobates.

The fourth Clause enables Courts of Justice to refer suits between Railway Companies to the Board of Trade at the instance of one party, and in spite of the other. The words of this Clause are so vague that they seem to involve any difference, whether founded on legal right or supposed publick convenience.

Then come the Clauses (V. to XII.) which are

justly deemed perilous to Railway property, mischievous as precedents in legislation, inoperative for any good, fraught with endless litigation, and incompatible with the rights guaranteed by the State to Railway Companies,—if indeed it be permitted now-a-days to Railway Companies ever to plead the rights so vested in them.

The fifth, sixth, and seventh Clauses of the Bill are identical with the three first of the Clauses for “Forwarding of Traffick,” and they have been already discussed. The eighth alters materially the machinery created by the Clauses for handing over to the Board of Trade the management of Railways and the fixing of their tolls; and it substitutes this marvellous process:—any man who complains (page 5, line 36) of a Railway Company with respect to the arrangements for the receiving, forwarding, or delivering of traffick; or with respect to the times of starting, stopping, or arriving of their trains; or with respect to the Tolls, Rates, or Charges exacted by such Company, or in any other respect (page 6, line 2), may petition the Court of Chancery to refer the case to the Board of Trade for their consideration and report. And neither here nor throughout the Clauses does it seem that the Court or the Board is to be restricted by the legal rights of the parties, or by any other tie than their notion of convenience for the time being. Then the Court (Clause 9) may order the Board to inquire into the case, and the Board, if it thinks fit, may report its opinion on the same, and upon any “arrangements as to the traffick, or any adjustment of the tolls, rates, and charges upon the Railway” (line 25), which appear to the Board “to

be just or reasonable :” and finally, the Court (Clause 10) may make such order upon that Report “as the Court thinks proper ;” “and so on *toties quoties*” (p. 6; line 43). Nay, more; the Court may order the petition to be served on any other Company (p. 7, line 10); “or may direct any other proceeding to be taken.” These are really the words of the Bill : —“And the Company so served shall thereupon be liable to be dealt with by the Court as a party to such suit.” Surely the lawyers may adopt the language of the owls in the Eastern apologue, and exclaim, “Long live Mr. Cardwell! while he reigns we shall never want Chancery suits!” What Shareholders may exclaim, if breath is left to them for ejaculation, is another matter.

The 13th Clause is by no means the least objectionable of the Bill—it enables any Railway Company, without the consent of its opponent, to refer to the Board of Trade any action or suit in which it is involved, and so substitutes that Board, absolutely and without appeal, for the legal tribunals of the country.

Lastly comes the 14th Clause, which, if it means anything—and grammatically it is nonsense—enables the Court to fix an unlimited daily penalty for any default by the Company in obedience to the order of the Court.

Let me illustrate the process devised by the Bill ; and let the reader be well assured that the illustration will be one day verified if the Bill passes, still more if the Clauses are endured.

Of all inventions of modern times, since the ill-requited Colonel Palmer devised the system of Mail-Coaches, the Post-office owes most to Railways. To say that the Penny Postage could not, as in fact it could not, have been successfully introduced without the aid of Railways, is to indicate only one advantage, and not the greatest, which the Post-office has derived from those great monuments of private enterprise. But the Post-office, if not impatient under these benefits, is at least insensible to them. It is perpetually complaining; and, naturally enough, corresponding. It had a law made for itself in 1838 against Railway Companies; by the aid of which law (as I am told) it is perpetually deferring payment, and going to arbitration instead. Recently that benefactor of the human race, Mr. Rowland Hill, unluckily for him and his department, ventured on an attack of Railway Companies in the newspapers; and certainly he endured a most signal defeat. It appeared incontestably that his department was, in his own selected cases of grievance, always in the wrong. But the Bill passes, or—worse—the Clauses remain in the Lancashire and Yorkshire Railway Bill. Some day the Post-office recovers a judgment under the 12th section of the Act of 1838, “to provide for the Conveyance of Mails on Railways;” from that moment, at the instance of the Post-office, the Board of Trade under the Clauses, the Court of Chancery under the Bill, has absolute authority over the Lancashire and Yorkshire Railway; may regulate its traffick, may adjust its tolls; and that, not according to any known law, but as either the one or the other thinks just and reasonable.

What chance would any Company have against the united forces of these two Departments of the Government? Then surely the day so long desired in St. Martin's-le-Grand will have arrived, when Railway Companies shall be the handmaidens of the Postmaster-General, and dividends shall fade before "Postal communication."

Again, the great Carriers are rivals fully as much 2. Carriers. as they are agents of the great Railway Companies. If rumour may be trusted, the confidence between them is not cordial, or the connexion proof against varying interests. Substitute Messrs. Pickford for the Post-office; and in like manner the Railway will be administered by the Great Seal or by the Board of Trade.

Happy England! when all its towns shall be subjected to the vagaries of the plain-dealing Mr. Chadwick and his practical Board of Health; and 7500 miles of Railway, representing a property so large that to utter it conveys no definite idea, shall be administered by the much-loved Court of Chancery!

Nor let it be said that this machinery is merely subsidiary to the Bill; that it is a matter of detail, and may be corrected during the progress of the Bill through the House. On the contrary, it is the very essence of the whole measure. The ends to be attained were an adequate and unequivocal definition of the duties of Railway Companies, and a method of enforcing the performance of those duties. In the first

object the Bill absolutely fails; the definition is so vague, that, as we have seen, it may mean whatsoever the Court or the Board of Trade desires that it shall mean. The method of enforcing the duties is practically the handing over the administration of all Railways to the Court of Chancery, who are to be regulated by the Board of Trade.

And here we are compelled to consider, even at the risk of wounding personal vanity, what is this Board of Trade, which is looked upon as a solution of all those difficulties which are inherent in every large system, and are multiplied in proportion to the extent of the system and the number of persons by whom it works.

Board of
Trade.

Nothing can be more erroneous than the supposition that the Board of Trade is raised at all above the level of ordinary humanity. Like other sons of men it is sometimes rash, at others dilatory; not free from external influence; and not perhaps hedged in with that reverence on the part of those upon whom it is to operate which acknowledged impartiality and superiority of talent and knowledge ensure.

Of the successive Presidents of the Board of Trade for the last ten years it behoves me to speak in terms of grateful respect. I have found them always accessible, patient, anxious to learn the truth, tolerant of difference of opinion, and well capable of dealing with the great matters which, perhaps in the form of minute details, have been submitted for their opinion. But it is not the President who must

perform the functions which this new law creates; it would be mischievous that he should. He is undoubtedly not permanent in his tenure of office; so that he can never bring experience to the task. His duties in other respects are laborious and multifarious; leisure, therefore, and undivided attention are equally denied. The management of Railways will inevitably be delegated to inferior hands.

Now the Board of Trade cannot afford, in all its departments, to purchase a high order of talent. Successful lawyers, for instance, will rarely be found to abandon their prospects of honour and emolument for the sake of any office which the Board of Trade can offer to them. Hence, those whose fate it is to deal with this class of its functionaries run the risk of finding a servile adherence to mere words, and an impatience of contradiction, mingled with a tenacity of authority, which would make one contemplate with the liveliest apprehension the handing over to that Board of the grave legal duties which the Bill proposes to confide to it.

There is a formula which is so compendious and so often repeated, that it stands (like an adage among the vulgar) in the stead of reflection, and it is used as an apology for imposing upon Railway Companies whatever new conditions the caprice of the day may dictate, or depriving them of whatever rights may for the moment be found inconvenient. It is this,—that the Legislature has a right to impose new conditions upon Railway Companies, when these seek a

Apology for
disturbing
rights.

boon at the hands of Parliament. Boons from Parliament! I deny altogether this doctrine of boons. What is it that Railway Companies seek by their Private Bills? Usually leave to invest further capital for the perfecting of an undertaking already, perhaps, but little profitable; leave to increase stations for the publick convenience, or to make a branch to serve some new district, with little hope of adequate remuneration; but in all cases for purposes which Parliament itself declares to be conducive to the publick convenience.

I have been always at a loss to understand why an application to Parliament for such purposes should be deemed a pretext for interference with the rights solemnly and deliberately conceded to Railway Companies, or for altering the conditions upon which proprietors have invested the Capital already expended by them.

When indeed a Company comes voluntarily to Parliament for leave to alter the conditions of its original constitution—for instance, by amalgamating itself with some other Company, or absorbing some other undertaking within itself—then I readily concede that Parliament has a right to prescribe its own conditions, however new, nay, however arbitrary. But none of the Bills which I have enumerated, and in which the Clauses have been inserted, are within this category.

No doubt inconvenience, perhaps injustice, sometimes results from the present management of Rail-

ways. Rivalry produces hostility; then come alliances, open or concealed, sometimes to forward the interests of the allies—oftentimes, and reprehensibly, to injure competitors. But much of this evil is inherent in that which Parliament has for the last fifteen years recognised as a principle of legislation for Railways, namely, that they shall contend with one another in the arduous struggle for subsistence; that they shall be rivals, competitors—each striving, by whatever means the law allows, to earn its own dividend; and for that purpose to attract within its own sphere whatever traffick it can convey. Competition.

And this competition is, after all, at the root of the whole question. Undoubtedly, by permitting competition, in spite of the warning of those who held that what they called well-regulated monopoly should be secured to existing Railway Companies, the publick have derived great advantages: lines constructed in districts quite incapable from their own resources either of paying the cost of construction, or even interest upon the cost; fares so cheap as to be scarcely remunerative; incredible swiftness of trains, and such frequency of trains as to suit not only every demand of business, but every call of caprice. But, having obtained these advantages for the publick by competition, and still maintaining that competition, with all its evil results upon the finances of Railway Companies (so far as the determination of Mr. Cardwell's Committee is to rule future legislation), it would be a monstrous injustice for Parliament to pass a new Law, the short abstract of which is that the Court of Chancery and the Board of Trade may devise between themselves, and

may enforce, whatever means they may "think just and reasonable" for giving to the Publick the advantages which might be supposed to flow from the union of all Companies into one body with united management and identical interests.

But even this end cannot be attained by such machinery as the Bill devises. From that machinery nothing can result but unending litigation of the most costly kind; perpetual solicitations to the Board of Trade, whom dexterously to handle will be a profitable art; an unsettling of the present Law, which has been found not inoperative as between Railway Companies and the Publick; and a substitution for that Law of undefined duties, and equally indefinite sanctions.

Are, then, matters to remain in their present condition? Is the Cheshire Salt not to be conveyed to Newcastle without being first shipped at Hull? Is the Aberdeen man to be compelled to travel by the Caledonian Railway when he prefers the eastern route? No doubt, admitting all these things to be so, they are abuses. Of many grievances of this kind, which form the stock in trade of certain Companies, and which are repeated Session after Session, in spite of constant refutation, with unflinching pertinacity, I know the groundlessness. But I repeat, assuming the evils to be as great as alleged, they are not so great as the handing over all Railways to the mingled mercies of the Board of Trade and the Court of Chancery; not so great as the un-

settling of the present Law, which defines the duties of Companies, and the remedy for a breach of those duties; not, above all, so great as the intrusting to a Department of the Executive Government the power to define, "from time to time," and to enforce, what it thinks just and reasonable with respect to the property of the subject.

It has been determined that the greater part of those secret agreements, out of which the mischief which this Bill seeks to cure has sprung, are illegal; all of them are of limited duration; publick opinion is adverse to them; when they are brought, as sooner or later they are brought, by the parties affected, under the purview of Parliament, they recoil always, and disastrously, upon the confederates. New combinations will arise; larger views of their own interests will be taken by Railway Companies; and they will learn by experience, as from year to year they have been learning, that those interests cannot be advanced permanently in a manner incompatible with the publick convenience.

Even if a permanent tribunal could be created, informed by varied experience, conversant with the management of Railways, and the difficulties of that management; learned in the Law, and well versed in judicial investigations; dignified by well-earned publick reputation; far removed, by its rank and independence, from all external influence, and absolutely devoted to this onerous task; it would still be unsafe to intrust to such a body unlimited powers of defining the duties of Railway Companies towards the publick and towards each other, and of en-

forcing those duties by arbitrary means. But the Board of Trade is not such a tribunal, nor is the Court of Chancery—far less is a combination of both.

Wherefore it seems to me, who am not without peculiar means of knowing what grievances afflict certain Railway Companies, and through them the Publick, what oppression is imputed to others, and what defence the supposed oppressors urge, that, if fresh legislation is wanted, Mr. Cardwell's Bill does not solve the problems which he himself propounds.

Surely a review of the treatment of Railway Companies by the State is a sad retrospect. Compelled to acquire their original powers at an outlay so costly as to be almost incredible, and to incur an outlay scarcely less large whensoever they apply to Parliament for fresh powers;* driven to purchase their land at a price which it would be mild to call excessive,† although they were opening in their course new sources of wealth for every district which they traversed; subject to a taxation which no reasoning can justify, and which has been acknowledged by successive Governments as a grievance

* The law-charges for the Great Western Railway are returned as exceeding 82,000*l.* The parliamentary expenses for obtaining the Worcester and Hereford Railway Act are stated to have exceeded the estimated cost for constructing the Railway.

† The land for the Great Northern Railway exceeded, on an average, 900*l.* an acre.

from which they ought to be relieved; harassed by perpetual threats of changes in the Law with a view to coerce them; hearing it as an admitted dogma that every improvement in their undertaking which they seek from Parliament leave to make, may be a ground for abolishing their dearly-bought rights and altering all their relations; never receiving those "equivalents" which ten years ago were promised to them for concessions which they then made; now told that competition must be the condition of their subsistence, then denounced because they resort to those means which the contest they would fain have avoided renders in their eyes justifiable if not requisite: that they should still maintain their vigour and serve the publick with the success they have attained would have been hopeless in any other country than this.

They who travel with almost undeviating punctuality from the Metropolis to the Northern Capital, between the sunrise and sunset of a day in Spring, little think what thousand minute arrangements, what forethought, and what vigilance must be exercised by a multitude of persons to enable the traveller to accomplish that journey; still less do they dream of all the commercial conditions without which the great system by which they are profiting could not be maintained: how the operations of neighbours, perhaps rivals, must be brought into harmony; how the industry of particular towns must be directed to this or that channel of conveyance; how frequently arise legal questions which for their solution require all the skill and experience of those able men to whom Railway Companies habitually resort; what

physical difficulties even the varying conditions of our climate produce to tax the ingenuity of Engineers whose reputation and whose works are spreading over the civilized world.

I protest that, when I reflect upon the duties fulfilled by the Boards of Directors of our great Railways, I shrink with alarm from the prospect of handing over these noble enterprises to the accidents of some office at Whitehall.

CLAUSES OF MR. CARDWELL'S BILL.

“ VIII. It shall be lawful for any Company or Person who shall have recovered Judgment or obtained a Decree against any Railway Company or Railway and Canal Company in any Action or Suit in One of Her Majesty's Superior Courts at Westminster or Dublin, or in the Court of Session in Scotland, for Breach of any Duty imposed upon such Company by this Act or any Act for the Time being in force relating to such Company, or otherwise imposed by Law upon such Company, or who otherwise complains of any such Company, with respect to the Arrangements for the receiving, forwarding, or delivering of the Traffick on or from their Railway or Canal, or in providing for the Return of Carriages or Trucks, or with respect to the Times of starting, stopping, or arriving of any of their Trains, or with respect to any undue Preference or Advantage given by such Company to or in favour of any particular Persons or Company, or any particular Description of Passengers or Goods, with respect to the Tolls, Rates, or Charges exacted by such Company on any Portion of their Railway or Canal, or in any other respect, to apply by Petition in a summary way, either to the Court in which such Judgment was recovered, or to the High Court of Chan-

Complaints a
to the defec-
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Railway Com-
pany, after
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referred to the
Board of
Trade.

cery in England or Ireland, if the Railway or Canal to which the Complaint relates is situate in England or Ireland, praying the Court to which such Application is made to order that the Case be referred to the Board of Trade for their Consideration and Report.

Upon refer-
ence the Board
of Trade to
report on the
arrangements
necessary to
remedy the
grievance.

“IX. Upon the Hearing of any such Petition, if it appear to the Court that the Case is one which, with a view to devising a more complete Remedy for the Grievance complained of, or preventing the Recurrence thereof, may usefully be referred to the Board of Trade, it shall be lawful for the Court, if it think fit so to do, to direct the Petitioners to apply to the Board of Trade with respect to the Matters complained of, or any of them, or any Questions arising thereon, on which it appears to the Court that the Opinion of the said Board would be useful to the said Court in making the proper Order on such Application, and to give such Directions as it thinks fit as to the Attendance of any other Parties on the said Board; and it shall be lawful for the said Board, if they think fit, to inquire into and consider the Matter of such Application, or any Question so submitted to them, and, after considering what is alleged by the opposing Parties, to report to the said Court their Opinion upon the same, and upon *any Arrangements as to the Traffick*, or any Regulations for conducting the same, or *any adjustment of the Tolls, Rates, and Charges* upon the Railway or Railways of such Company or Companies, which appear to the said Board fitted to remedy the Grievance complained of, or to be just or reasonable, under the special Circumstances of the Case; and it

shall be lawful for the Board of Trade, upon such Reference being made to them, to institute and prosecute, *in such Mode and by such Officers as they think fit*, all such Inquiries as they consider necessary for enabling them to form a just Opinion upon the Matters referred to them; and the Costs incurred by the Board of Trade in such Inquiries shall in the first instance be paid by the Petitioners, and shall, as between them and the other Parties to the Inquiry, be deemed to be part of the Costs in the Matter of such Petition.

“ X. Upon the Report of the Board of Trade being made under any such Reference, it shall be lawful for the said Court either *to make such Order*, founded wholly or partially on the Report of the said Board, *as the Court thinks proper*, or again to refer the Case, and any Questions arising thereon, to the Board of Trade, for their further Consideration and Report, and so on toties quoties, and after any such further Report *to make such Order* in the Premises *as the Court thinks fit*, and *to direct all such Acts, Matters, and Things to be done* and performed from Time to Time by the Company or Companies complained of, as well as by the Complainants, for giving full Effect to any such Order, and for remedying the Default or Mischief or preventing the Recurrence of the Inconvenience complained of, *as such Court sees fit*; and it shall be lawful for the Court to make such Order with respect to the further Proceedings in any such Action or Suit as it thinks fit, and also, if it think fit, to order the Petition to be served on any other Company whose Presence as a Party is necessary for a complete

Upon report of the Board of Trade the Court to make orders necessary for giving complete redress.

Adjudication of the Matter, or to direct any other Proceeding to be taken; and the Company so served shall thereupon be liable to be dealt with by the Court as a Party to such Action or Suit; and it shall be lawful for the Court to make such Order as it thinks fit respecting the Costs of any such Action, Suit, or Petition as aforesaid."

ON

RAILWAY ELECTRIC

SIGNALLING.

Please address all communications to

MR. G. E. PREECE,

16, Abingdon-Street,

WESTMINSTER, *S. W.*

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PRINTED BY TRUSCOTT, SON, & SIMMONS,
SUFFOLK LANE, CITY.

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1865.

Adjudication of the Matter, or to direct any other Proceeding to be taken; and the Company so served shall thereupon be liable to be dealt with by the Court as a Party to such Action or Suit; and it shall be lawful for the Court to make such Order as it thinks fit respecting the Costs of any such Action, Suit, or Petition as aforesaid."