ANNO SEPTIMO

GULIELMI IV. REGIS.

****

Cap. XXV.

An Act to enlarge and amend the Powers and Provisions of an Act relating to the *Whitby* and *Pickering* Railway in the North Riding of the County of *York*. [5th *May* 1837.]

WHEREAS by an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act for making a Railway from* Whitby *to* Pickering *in the North Riding of the County of* York, the several Persons thereby incorporated by the Name and Style of "The *Whitby* and *Pickering* Railway Company" were authorized to make and maintain the said Railway and the other Works in such Act mentioned, and for the Purposes of such Act to raise by Subscription amongst themselves the Sum of Eighty thousand Pounds, and on Loan on the Credit of the said Undertaking a further Sum not exceeding Twenty-five thousand Pounds: And whereas the said Sum of Eighty thousand Pounds hath been duly subscribed for in Shares of One hundred Pounds each, and the Company have also, under the Powers of the said Act, borrowed and taken up at Interest the Sum of Twenty-five thousand Pounds, making together the Sum of One hundred and five thousand Pounds, the whole of which (with the Exception of a small Sum still due from defaulting Shareholders) has been expended in the Execution of the Purposes of the said Act: And whereas the said Railway and other Works have been opened to the Public since the Twenty-sixth Day of *May* last, but the same are not yet fully completed: And whereas the said Com-

3 W. 4. c. 35.

pany, in carrying the said recited Act into execution, have become liable to the Payment of the Sum of Sixteen thousand Pounds at the least, over and above the Money by the said recited Act authorized to be raised; and it is expedient that Power should be granted to the said Company for raising an additional Sum of Money for the Purpose of liquidating the said Debt, and for other Purposes connected with the said Railway: And whereas it is also expedient that some of the Powers and Provisions contained in the said Act should be altered, amended, explained, and enlarged, and that further Powers should be given to the said Company: And whereas the Purposes aforesaid cannot be accomplished without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That all the Powers, Authorities, Directions, Provisions, Penalties, Forfeitures, Regulations, Clauses, Matters, and Things whatsoever in the said recited Act of the Third Year of the Reign of His present Majesty contained shall (except so far as the same are by this Act varied or repealed) be good, valid, applicable, and effectual for carrying this Act into execution.

Powers of recited Act extended to this Act.

Power to raise Money by Creation of new Shares.

II. And be it further enacted, That for the Purpose of paying off and discharging the said Debt of Sixteen thousand Pounds which the said Company have so contracted as aforesaid, and of completing the said Railway and Works, and for the other Purposes of the said Undertaking, it shall be lawful for the said Company and they are hereby empowered from Time to Time, by an Order of any General or Special General Meeting of the said Company, to raise by Contribution amongst themselves, or by the Admission of other Persons as Subscribers to the said Undertaking, such Sum or Sums of Money as they shall from Time to Time think expedient, not exceeding in the whole the Sum of Thirty thousand Pounds, and for that Purpose to issue such and so many distinct and integral Shares of such Value and Amount as the said Company shall think convenient, and as will allow a proper Proportion thereof to be appropriated to the then Proprietors of Shares in the said Undertaking respectively according to their respective Interests in the Joint Stock of the said Company; and the same shall be offered to the then Proprietors of Shares in the said Undertaking in equal Proportions according to the Amount of original Capital Stock held by them respectively therein, and the same shall vest in and belong to such of the then Proprietors of Shares as shall accept the same and shall pay the Value and Amount thereof to the said Company at such Times and in such Manner as the same shall be called for by the Directors for the Time being of the said Company; and in case any of the Proprietors of Shares in the said Undertaking shall refuse or neglect for the Space of One Calendar Month next after an Offer of the same in Writing, signed by the Clerk or Clerks or Treasurer of the said Company, shall have been given or sent by the Post to them, or shall have been left at their last or usual known Places of Abode respectively, to signify their Acceptance of the Shares so to be appropriated to them, or their Consent to pay the full Value or Amount thereof respectively to the said Company when called for as aforesaid, then and in every such Case it shall be lawful for the said Company or for the Directors thereof, and they are hereby empowered, to sell and dispose of such Shares in manner herein-after mentioned.

III. And

Shares refused by Proprietors may be sold at reduced Prices.

III. And be it further enacted, That if any of the Proprietors of Shares in the said Undertaking shall refuse or neglect as aforesaid to accept the Shares so to be appropriated to them, it shall be lawful for the Directors for the Time being of the said Company, if they shall think it expedient so to do, to fix a Price, being not less than One Half of the nominal Value of the Shares to be from Time to Time created by virtue of this Act as aforesaid at which such Shares may be sold; and such Shares shall, in the first instance, be offered at the Price so to be fixed to such of the Proprietors of Shares in the said Undertaking (if any) as shall have accepted the Shares so to be appropriated to them as aforesaid, and shall have agreed to pay the full nominal Value or Amount thereof to the said Company as aforesaid, in proportion to the Number of Shares which they shall respectively hold in the said Undertaking at the Time of such Offer being made, or as near thereto as may be; and in case any of such Proprietors as last mentioned shall refuse or neglect for the Space of One Calendar Month next after an Offer in Writing of such Shares at such reduced Price, signed by the Clerk or Clerks or Treasurer of the said Company, shall have been given or sent by the Post to them, or shall have been left at their last or usual known Places of Abode respectively, to accept the Shares so offered to them at such reduced Price, it shall be lawful for the Directors for the Time being of the said Company to sell and dispose of such Shares as shall not be so accepted as last aforesaid unto such Parties as may be willing to become and shall become Subscribers to and Proprietors of the same, for such Sum of Money, not being less than One Half of the nominal Value of such Shares, as the said Directors may be able to obtain for the same.

New Shares to become Personal Estate.

IV. And be it further enacted, That every new Share in the said Undertaking which shall from Time to Time be created in pursuance of the Powers of this Act shall be deemed Personal Estate, and shall be deemed transmissible and transferrable as such; and all Persons who shall become entitled thereto, and the several and respective Successors, Executors, Administrators, and Assigns of such Persons respectively as aforesaid, shall be and they are hereby declared to be Owners and Proprietors of Shares in the said Undertaking to the Value and Amount of such Shares so by them possessed, as beneficially as the Proprietors of any other Shares in the said Undertaking, but in the Proportion nevertheless which the Value and Amount of the Shares so to be from Time to Time created as aforesaid may have and bear to the Value and Amount of the other Shares respectively by the said recited Act created, and under and subject to all the Powers, Provisions, Directions, Remedies, Penalties, Forfeitures, Matters, and Things contained in the said recited Act (except so far as the same are by this Act varied or altered) and in this Act relating to Shares in the said Undertaking, and all such Persons as aforesaid shall be deemed to be and are hereby declared to be thenceforth united to and incorporated with the said Company.

Directing how Proprietors of new Shares shall vote.

V. And be it further enacted, That every Person who shall by virtue of this Act have subscribed for and become entitled to Shares in the said Undertaking shall be allowed to vote in respect of such Shares, either in Person or by Proxy, at the several Meetings of the said Company, and shall have One Vote for every One hundred Pounds Capital Stock of the said Company which may be created by virtue of this Act for which he shall

shall have subscribed, and which may be held by him in the same Manner, and subject to the same Stipulations, Provisions, Restrictions, and Limitations, as is or are mentioned or contained in the said recited Act with respect to the Right of voting by the Proprietors of original Shares in the said Undertaking.

Certain Proprietors of new Shares to have Priority as to Dividends for 10 Years.

VI. And be it further enacted, That it shall be lawful for the said Company, or for the Directors thereof for the Time being, if they shall think it expedient so to do, but not otherwise, to direct that the several Persons who shall become Proprietors of any of the Shares which shall from Time to Time be created by virtue of this Act, and who shall have actually paid to the said Company in respect thereof the full nominal Value or Amount of such Shares, and the several and respective Successors, Executors, Administrators, and Assigns of such Persons, shall, for any Space of Time not exceeding Ten Years from the Time of their Acceptance of such Shares, be entitled to receive and shall receive Dividends in respect of such Shares to such Extent, not exceeding Five Pounds *per Centum per Annum*, as the Funds of the said Company from Time to Time applicable to the Payment of Dividends will allow, before any of the Proprietors of any other Shares in the said Undertaking, whether created under the Authority of the said recited Act or of this Act, shall be entitled to receive or shall receive any Dividends in respect of such other Shares; and after the Proprietors of the Shares to be created by virtue of this Act who shall have so paid to the said Company the full nominal Value or Amount of such Shares shall, in pursuance of such Order of the said Company or of the said Directors, have received Dividends in respect of such Shares to the Extent of Five Pounds *per Centum per Annum*, Dividends shall be payable in respect of all the other Shares in the said Company at the same Rate, if or so far as the Funds of the said Company applicable to the Payment of Dividends will allow.

Power to raise Money by Mortgage.

VII. And whereas the said Company may deem it more desirable to raise the whole of the said Sum of Thirty thousand Pounds or some Part thereof on the Credit of the said Undertaking, be it therefore enacted, That it shall be lawful for the said Company and they are hereby authorized and empowered, by an Order of any General or Special General Meeting of the said Company, from Time to Time to borrow and take up at Interest on the Credit of the said Undertaking the whole of the said Sum of Thirty thousand Pounds or any Part thereof as they shall deem expedient; and the said Company or the Directors thereof, after an Order shall have been made for such Purpose in manner herein-before mentioned, are hereby empowered from Time to Time to assign the Property of the said Undertaking, and the Rates and Tolls arising or to arise therefrom by virtue of the said recited Act, under the Common Seal of the said Company, as a Security for any Money so to be borrowed, with Interest thereon at such legal Rate as may from Time to Time be agreed upon, to such Person or to his Trustee as shall advance the same respectively, in the like Manner and Form, and with, under, and subject to the like Provisions, Powers, Remedies, Directions, and Regulations as are in the said recited Act contained concerning the borrowing of Money, or securing or recovering the same, or the Interest thereof; and the several Persons to whom any Security shall be made under the Authority of this Act shall be equally entitled one with another to the Rates or Tolls and Property thereby

thereby assigned or to be assigned, in proportion to the Sum of Money for which such Security shall be executed, without any Preference by reason of the Priority in Date of any such Security, or otherwise howsoever: Provided always, that any Mortgage already made by the said Company in pursuance of the said recited Act, or any Assignment thereof, shall have Priority over and shall precede all other Mortgages or Securities granted or to be granted under the Provisions of this Act.

Power to borrow any Part of the Thirty thousand Pounds on Bond, subject and without Prejudice to existing Mortgages.

VIII. Provided always, and be it further enacted, That it shall be lawful for the said Company or for the Directors thereof, after an Order shall have been made for that Purpose by any General or Special General Meeting, and they are hereby authorized and empowered, from Time to Time to borrow and take up at Interest the whole of the said Sum of Thirty thousand Pounds or any Part thereof as they shall think proper, and to secure the Repayment thereof, with Interest at such legal Rate as may from Time to Time be agreed upon, by Bonds under the Common Seal of the said Company, payable at such Day or Days as the said Company and the several Persons lending the Money may mutually agree upon, subject and without Prejudice to any Mortgage made pursuant to the said recited Act; and the several Persons to whom such Bonds shall be executed shall proportionally according to the respective Amounts of the Monies secured by the said Bonds, and without Preference among them by reason of Priority of Date or otherwise, be entitled (but subject and without Prejudice as last aforesaid) to be paid out of the Rates, Tolls, and Duties or other Effects of the said Company, according to the respective Sums in such Bonds mentioned and thereby intended to be secured; and an Entry or Memorial of every such Bond, containing the Number and Date thereof, and the Name of the Person, with his proper Addition, to whom the same shall have been granted, and of the Sum thereby secured, together with the Rate of Interest to be paid thereon, shall, within Fourteen Days next after the Date thereof, be entered in a Book to be kept by the Clerk or Clerks of the said Company, which Book may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and every Person being the Obligee in any such Bond, and his Successors, Executors, Administrators, and Assigns, may from Time to Time transfer the same and the Principal Money thereby secured and remaining unpaid, and all Interest due and to accrue thereon, to any Persons whomsoever.

Form of Bond.

IX. And be it further enacted, That every Bond issued under the Authority of this Act shall or may be in the Words or to the Effect following; (that is to say,)

‘ *Whitby* and *Pickering* Railway.

‘ Number Bond Pounds.

‘ BY virtue of an Act passed in the Year of the Reign of
‘ King *William* the Fourth, intituled [*here set forth the Title of this*
‘ *Act*], we, the Company of Proprietors of “ The *Whitby* and *Pickering*
‘ Railway,” in consideration of the Sum of to us paid,
‘ do assign unto the Holder hereof, his Executors,
‘ Administrators, and Assigns, all and singular the Rates, Tolls, and
‘ Duties arising by virtue of the several Acts relating to the said Railway,

'and all the Estate, Right, Title, and Interest of the said Company in 'and to the same, to hold for the Term of Years from the 'Day of the Date hereof [*or* until the said Sum of 'shall have been fully paid and satisfied], together with Interest for the 'same after the Rate of *per Centum per Annum*, payable half-'yearly, (that is to say,) on the Day of and the 'Day of in each Year. Given under the Common Seal of 'the said Company this Day of in the Year of our 'Lord .'

Form of Transfer of Bond.

X. And be it further enacted, That every Transfer of any such Bond shall be by Deed duly stamped, in which the Consideration for such Transfer shall be duly stated and specified, and may be in the Words or to the Effect following; (that is to say,)

'I [*or* We] of in consideration of 'the Sum of paid by of 'do hereby transfer unto of a certain 'Bond, numbered under the Common Seal of "The *Whitby* and '*Pickering* Railway Company," bearing Date the Day of 'for securing the Sum of with Interest thereon after 'the Rate of *per Centum per Annum*, and all my [*or* our] 'Right, Interest, and Property therein, to the said 'his [*or* her *or* their] Executors, Administrators [*or* Successors], and 'Assigns. Dated the Day of in the Year of 'our Lord .'

And every such Transfer shall, within Twenty-eight Days after the Date thereof if executed in *England*, or otherwise within Twenty-eight Days after the Arrival thereof in *England*, be produced to the Clerk or Clerks of the said Company, who shall cause an Entry or Memorial thereof to be made in the same Manner as of the original Bond, and also, if required, indorse a Certificate of such Entry on such Transfer, for which Entry and Certificate the said Clerk or Clerks shall be paid the Sum of Two Shillings and Sixpence, and no more; and after every such Entry made every Transfer shall entitle such Assignee, and his Executors, Administrators, and Assigns, to the full Benefit thereof, and to sue the said Company for Payment thereof in his own Name; and it shall not be in the Power of any Person who shall have made such Transfer to make void or release any Bond so by him transferred, or any Sum of Money thereon due or thereby secured, or any Part thereof.

Bondholders not to be deemed Proprietors.

XI. Provided always, and be it further enacted, That no Person to whom any such Bond shall be granted or assigned shall be deemed a Proprietor of any Share, or be rendered capable of voting as such at any Meeting of the said Company, by reason or on account of his having advanced any Money on such Bond or any Transfer thereof.

Power to pay Bonds.

XII. Provided always, and be it further enacted, That, without Prejudice to any Mortgage made or to be made pursuant to the said recited Act or to this Act, it shall be lawful for the said Company and they are hereby empowered from Time to Time to pay off and discharge all or any of the said Bonds before the Days respectively appointed for Payment thereof, upon giving Six Calendar Months Notice by Insertion thereof in

the *London Gazette* and in Two Newspapers usually circulated in *Whitby* and *Pickering*, to the Holders of such Bonds respectively so intended to be paid and satisfied, of their Intention to do so.

After Monies borrowed shall be paid off the Company may borrow again to the same Extent.

XIII. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the said Sum of Thirty thousand Pounds by Mortgage, Assignment, or Bond as aforesaid, and shall afterwards pay off all or any Part of the Principal Sum thereby secured, it shall be lawful for the said Company immediately or at any Time thereafter again to raise, either by Mortgage, Assignment, or Bond, as they shall think proper, in lieu of the Principal Money so paid off by them, such Sum of Money as they shall have from Time to Time paid off, or any Part thereof, and so from Time to Time as often as the same shall happen; but so nevertheless that the said Company shall not in any Event borrow upon Mortgage, Assignment, or Bond as aforesaid in such Manner or to such Extent as that more than the Sum of Fifty-five thousand Pounds in the whole, including the Sum of Twenty-five thousand Pounds by the said recited Act authorized to be borrowed, shall be owing at any One Time on Mortgage, Assignment, or Bond, as a Charge upon the said Undertaking.

Interest of Money borrowed to be paid in preference to Dividends, except the Dividends on the new Shares.

XIV. And be it further enacted, That the Interest of the Money which shall be raised by Mortgage, Assignment, or Bond as aforesaid shall be paid half-yearly to the several Parties entitled thereto, in preference to any Dividends payable to the Proprietors of the said Company under the Provisions of the said recited Act, but not in preference to the Dividend of Five Pounds *per Centum* upon the Shares which may be created under this Act, if the said Company shall, under the Provisions herein-before in that Behalf contained, direct that any such Preference in respect of Dividends shall be given to the Proprietors of such Shares or any of them; and in case such Interest or any Part thereof shall be unpaid for the Space of Thirty Days next after the same shall have become payable as aforesaid, and the same shall not be paid within Ten Days next after Demand thereof in Writing shall have been made to the said Company, it shall be lawful for any Two or more Justices of the Peace having Jurisdiction and not being interested in the Matter in question, and they are hereby required, on Request to them made by or on behalf of any Obligee, or his Successors, Executors, Administrators, or Assigns, whose Interest shall be so in arrear, by an Order under their Hands to appoint some Person to receive the Whole or any Part of the Rates, Tolls, and Duties arising or to arise by virtue of the said recited Act and of this Act, or either of them, until all Interest remaining unpaid as aforesaid, together with the Costs and Charges of recovering and receiving the Rates, shall be fully satisfied and paid; and the Money so to be received by such Person is hereby declared to be so much Money received by or to the Use of the Party to whom such Interest shall be then due; and after such Interest and Costs shall have been paid and satisfied the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine; or otherwise the said Interest so remaining unpaid as aforesaid may be sued for and recovered from the said Company, with Costs, by an Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

XV. And

Power to hold Half-yearly Meetings in October.

XV. And whereas it is by the said recited Act enacted that there shall be an Annual General Meeting of the said Company on the First *Tuesday* in the Month of *May* in each and every Year, or within the Space of Fourteen Days next thereafter, and it is expedient that in addition to such Annual General Meeting there should also be an Annual General Meeting of the said Company in the Month of *October* in each and every Year; be it therefore enacted, That from and after the next Annual General Meeting of the said Company to be held under the Authority of the said recited Act there shall (in addition to the Annual General Meeting by the said Act directed to be held in the Month of *May* in each Year) be a General Meeting of the said Company on the Second *Tuesday* in the Month of *October* in each and every Year, or within the Space of Fourteen Days next thereafter, such Meeting to be convened in like Manner and to be subject to the same Regulations as are directed and contained in the said recited Act with respect to the Annual General Meeting to be held in the Month of *May*.

For correcting a clerical Error in the former Act.

XVI. And whereas by the Forty-sixth Clause of the said recited Act the said Company are empowered to purchase Fifteen Acres of Land for additional Stations, Yards, Wharfs, Waiting, Loading, and Unloading Places, Warehouses, and other Buildings and Conveniences for the Purposes therein expressed; but in the One hundred and seventy-first Clause of the said Act, whereby it was intended to exempt the said Fifteen Acres from the Operation of the Power restraining the Company from purchasing Land after the Expiration of the Term of Three Years from the passing of the said Act, the Quantity of Fifty Acres is mentioned instead of Fifteen Acres; be it therefore enacted, for the Purpose of removing all Doubt in the Premises, That it shall be lawful for the said Company and they are hereby empowered to contract with any Person or Corporation who may be willing to sell the same for and to purchase the said Quantity of Fifteen Acres of Land, or so much thereof as may not have been already purchased, at any Time or Times hereafter, upon the Conditions nevertheless in the said recited Act expressed and contained in reference thereto, and the said therein mentioned Quantity of Fifty Acres.

Power to have Constables appointed on the Line.

XVII. And be it further enacted, That it shall be lawful for any Justice of the Peace for the said North Riding of the County of *York* and he is hereby empowered from Time to Time to appoint all such fit and proper Persons, whether Officers or Servants of the said Company or not, as may be nominated to him by the said Company, or by the Clerk or Clerks or Treasurer for the Time being of the said Company for that Purpose, to be Special Constables upon and within the Railway, Works, and Premises of the said Company, and every or any Part thereof; and every Person so appointed shall take an Oath (to be administered by the same or by any other Justice within his Jurisdiction) duly to execute the Office of such Constable; and every Person so appointed and sworn as aforesaid shall have, use, and exercise all such Powers and Authorities, and shall have and enjoy all such Immunities and Privileges, and may do all such Acts, Matters, and Things, as other Constables duly appointed have, use, exercise, and enjoy, or may do by the Laws of this Kingdom for the Time being; and it shall be lawful for the said Company (by their Clerk or Clerks or Treasurer) to dismiss and remove any such Constable from

from his Office; and upon every such Dismissal or Removal all Powers, Authorities, Immunities, and Privileges by virtue of such Appointment as aforesaid vested in or granted to such Person so dismissed or removed shall wholly cease.

Power for removing Obstructions on the Railway extended to public Roads crossing the Railway.

XVIII. And be it further enacted, That all the Powers, Provisions, Penalties, Forfeitures, Rules, Remedies, and Directions contained in the said recited Act relating to preventing and removing Obstructions to the Passage of the said Railway shall be valid and effectual as to all Persons, Cattle, Waggons, and other Carriages crossing such Railway in the Line of any public or private Road, as well as to Waggons, Carts, and other Carriages passing along the said Railway, so far as the same are respectively applicable.

Clerk of the Company may grant Releases to Witnesses.

XIX. And be it further enacted, That all the Powers and Provisions in the said recited Act contained relating to the granting of Releases to Witnesses in Actions, Suits, or Proceedings in which the said Company shall be a Party shall be extended to and shall and may be exercised by the Clerk or Clerks of the said Company or one of them, as well as by any Two of the Directors of the said Company; any thing in the said recited Act contained to the contrary notwithstanding.

Officers and Servants of the Company not disqualified from being Witnesses.

XX. And be it further enacted, That in case any Hearing, Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Rates or Tolls, or respecting any Matter or Thing relating to the said Railway or Undertaking, no Person acting under the Authority of the said Company or in their Service shall for that Reason alone be in any Manner disqualified or incapacitated from giving Evidence in, upon, and respecting such Hearing, Dispute, Suit, or Litigation.

As to Proof of Debts in Cases of Bankruptcy of Debtors to the Company.

XXI. And be it further enacted, That in case any Person against whom the said Company may have any Claim or Demand shall become bankrupt or insolvent, the Clerk or Clerks or the Treasurer for the Time being of the said Company may do all the same Acts, and have and exercise all the same Powers and Provisions, as to the Establishment or Proof of Debts, voting in Choice of Assignees, signing Certificates, and other Matters and Things in respect of or relating to the Claim or Demand of the said Company, as any Person being a Creditor of such Bankrupt or Insolvent, or a Claimant against his Estate, could have or exercise in respect of his Debt or Claim.

Directors not personally answerable for Acts legally done as Directors.

XXII. And be it further enacted, That no Director of the said Company shall, by reason or means or on account of his being Party to, or making, signing, or executing, in his Capacity of Director of the said Company, any Contract, Agreement, or other Instrument for or on behalf of the said Company, or otherwise lawfully executing any of the Powers and Authorities given to the said Directors by the said recited Act or by this Act, be subject or liable to be sued, prosecuted, or impleaded by any Person whomsoever in any Court of Law or Equity or elsewhere; nor shall the Body, Goods, Chattels, or Lands of any Director of the said Company, by reason, on account, or in consequence of any such Contract or other Instrument so entered into or made, signed or executed, by him, or by

reason or in consequence of any other lawful Act which shall be done by him in the Execution of any of the Powers and Authorities given to the said Directors by the said recited Act or this Act, be liable to be arrested, seized, detained, or taken in execution; but that in every such Case any Person making any Claim or Demand upon the said Company or upon any Director thereof under or by virtue of any such Contract or Instrument, or of any other lawful Act, may sue and implead the said Company in like Manner as if such Contract, Instrument, or other Act had been entered into and executed and done under the Common Seal of the said Company.

For the Indemnity of Directors.

XXIII. And be it further enacted, That the said Directors, their Heirs, Executors, and Administrators, shall be indemnified and saved harmless from and against all Payments made or Liability incurred, and all Acts, Deeds, Matters, and Things executed, done, or ordered, and all Sums of Money, Losses, Costs, Charges, and Damages which they shall incur in the Execution of the Powers and Authorities hereby granted to them; and they shall be so indemnified out of the Assets for the Time being of the said Company, and the Directors for the Time being of the said Company shall apply the then existing Funds and Assets of the said Company for the Purpose of such Indemnity and Reimbursement.

Packages containing Goods of a dangerous Quality to be marked.

XXIV. And for the better preventing Accidents or Injury which might arise on the said Railway and Works from the unsafe and improper Carriage of certain Goods and Merchandize upon the same, be it further enacted, That every Person who shall send or cause to be sent by the said Railway any Aquafortis, Oil of Vitriol, Gunpowder, or other Goods of a dangerous Quality, shall distinctly mark or state the Nature of such Goods on the Outside of the Package containing the same, or shall otherwise give Notice in Writing to the Book-keeper or other Servant of the said Company with whom the same shall be left at the Time of so sending or causing the said Goods to be sent, on pain of forfeiting for every Default herein the Sum of Ten Pounds: Provided always, that the said Company shall not be compelled or compellable to carry upon the said Railway any Gunpowder or other Goods which in the Judgment of the said Company shall be of a dangerous Character; and it shall be lawful also for the said Company to restrain and prevent any other Persons from carrying thereon Gunpowder or such other Goods as aforesaid.

Punishment of Persons in the Service of the Company for Drunkenness.

XXV. And whereas it is expedient for the further Security of Passengers and Property, and the better Conduct of the Business on the said Railway, that Punishment beyond that which is now by Law provided should be inflicted upon any Person in the Service of the said Company who may be found in a State of Drunkenness on any Part of the said Railway, or in any of the Stations, Warehouses, or other Works connected therewith; be it therefore enacted, That if any Person in the Service for the Time being of the said Company shall be found on any Part of the said Railway, or within any of the Stations, Warehouses, or other Premises connected therewith, to be in a State of Drunkenness, every such Person shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds nor less than Twenty Shillings.

XXVI. And

Rules for the Interpretation of this Act.

XXVI. And be it further enacted, That whenever in this Act any Word or Words is or are used importing the Singular Number only, the same shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person; and the Word "Person" and also the Word "Corporation" shall respectively be understood to include a Body or Bodies Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole, as well as an Individual or Individuals; and any Word or Words importing the Masculine Gender only shall be understood to include Females as well as Males; and the Word "Lands" shall be understood to include Messuages, Tenements, and Hereditaments, as well as Lands; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

As to the Payment of the Expences of this Act.

XXVII. And be it further enacted, That all the Costs, Charges, and Expences of and incident to the obtaining and passing of this Act, and of carrying the same into effect, shall be defrayed and paid by the said Company out of the Monies received or to be received by them under the Authority of the said recited Act and of this Act, or either of them, in preference to any other Payment.

Public Act.

XXVIII. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially noticed as such by all Judges, Justices, and others.

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