



ANNO SEXTO

# VICTORIÆ REGINÆ.

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## Cap. vii.

An Act to enable the “*Hull and Selby Railway Company*” to raise a further Sum of Money ; and to amend the Act relating to the said Railway.

[11th April 1843.]

**W**HEREAS an Act was passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from Kingston-upon-Hull to Selby*: And whereas the Railway by the said recited Act authorized to be made has been opened to the Public ; but it is found that, for the Purposes of perfecting the same in all respects, and enabling the *Hull and Selby Railway Company* by the said Act incorporated to work the same in such Manner as fully to meet the public Convenience, and for the Purpose of discharging certain Debts and Engagements which the said Company have incurred, a further Sum of Money beyond the Sum which the said Company were by the said recited Act authorized to raise is necessary: And whereas it is expedient that some of the Provisions of the said recited Act should be altered; extended, amended, and enlarged, or repealed; but the Objects aforesaid cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it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

[*Local.*] 6 & 7 W. 4. c. 80.

B b by



Powers of  
recited Act  
extended to  
this Act.

by the Authority of the same, That all the Provisions, Matters, and Things contained in the said recited Act (so far as the same are now unrepealed, and except such of them, or such Parts thereof, as are by this Act repealed, altered, or otherwise provided for,) shall extend to this Act, and to the several Purposes and Things hereby authorized to be done, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes and Things.

Power to  
raise addi-  
tional Sum of  
Money by  
Subscription.

II. And be it enacted, That it shall be lawful for the said Company to raise, by creating new Shares, in addition to the Sum of Money which they have raised or are authorized to raise by virtue of the said recited Act, any further Sum of Money not exceeding in the whole One hundred and seventeen thousand Pounds Sterling.

New Shares  
to be con-  
sidered the  
same as ori-  
ginal Shares.

III. And be it enacted, That the Money so to be raised by the Creation of new Shares shall be considered as Part of the general Capital, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or the Transfer of Shares, or otherwise, as if it had been Part of the original Capital, except as to the nominal Amount or Value of such Shares, and the proportionate Dividends thereof respectively, and except also as to any special Advantages in favour of or other Regulations in relation to such new Shares which may be resolved upon by any General or Special General Meeting of the Company, and except as to the Amount and Time of Payment of Calls on such new Shares, which the Directors of the Company shall fix from Time to Time as they think fit.

If old Shares  
at a Pre-  
mium, new  
Shares to be  
offered to  
original  
Shareholders.

IV. And be it enacted, That if at the Time of the Creation of such new Shares the then existing Shares of the Capital Stock of the Company be at a Premium, or of greater actual Value than the nominal Value thereof, then the Sum so to be raised shall be offered to the then Shareholders in proportion, as nearly as can be conveniently done, to the then existing Shares held by them respectively; and such Offer shall be made by Letter under the Hand of the Clerk or Secretary, given to or sent by Post to each Shareholder, or left at his usual or last Place of Abode, or addressed to his last Address appearing in the Register Book of Shareholders, of which Letter having been so given or sent the Certificate of such Clerk or Secretary shall be conclusive Evidence; and such new Shares shall vest in and belong to the Shareholders who shall accept the same, and pay to the Company the Price at which the same were allotted to them, at the Times and by the Instalments which shall be fixed by the Company; and if any Shareholder fail for One Month after such Offer of new Shares to accept the same, or to pay any of the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares to any Party willing to become the Purchaser thereof, for such Sum as the Company can obtain for the same, or otherwise as they think proper.

If not at a  
Premium, to  
be issued as  
Company  
think fit.

V. And be it enacted, That if at the Time of the Creation of such new Shares the existing Shares of the Capital Stock of the Company be not at a Premium, then such new Shares may be of such nominal



nominal Amount or Value, and may be issued in such Manner and at such Price, and with such Preference or Priority in the Payment of Dividends over the other Shares in the Company, or with such other Advantages as the Company shall think fit to direct, by the Resolution or Order of a General or Special General Meeting of the Company, for or in favour of which Resolution or Order the Votes of not less than Three Fourths of the Shareholders present, either personally or by Proxy, and entitled to vote according to the Provisions of the said recited Act, shall be given.

VI. Provided always, and be it enacted, That no Proprietor of any additional Capital hereby authorized to be created shall be entitled to vote at any Meeting of the Company in respect of a less nominal Amount of such Capital than Fifty Pounds, into whatever Number of Shares the same may be distributed; and that every such last-mentioned Amount of Fifty Pounds of the said new Capital, into whatever Number of Shares the same may be distributed, shall, for the Purpose of determining the Right of voting, or the Number of Votes to which the Holder thereof shall be entitled, be accounted as One original Share of the said Undertaking.

As to voting  
in respect of  
new Shares.

VII. And whereas by the said recited Act the said Company are authorized to raise in the whole the Sum of Four hundred thousand Pounds in Shares, and to borrow on the Credit of the said Undertaking the Sum of One hundred and thirty-three thousand three hundred and thirty-three Pounds; be it therefore enacted, That after One Half of the Capital by this Act and the said recited Act authorized to be raised by Shares shall have been paid up it shall be lawful for the Company to borrow on Mortgage or Bond such Sums of Money as shall from Time to Time be authorized to be borrowed, by an Order of a General or Special General Meeting of the Company, not exceeding in the whole the Sum of Thirty-nine thousand Pounds, in addition to the Sum by the said recited Act authorized to be borrowed by them, and to secure the Repayment of the Money so borrowed, with Interest, by Mortgage of the said Undertaking, as by the said recited Act authorized, or, if they think fit, by Mortgage of the future Calls upon the Shareholders, or by Bonds to be entered into in manner herein-after mentioned.

Power to  
borrow  
Money.

VIII. And be it enacted, That if, after having borrowed any Part of the Money authorized to be borrowed on Mortgage or Bond, the Company pay off the same, it shall be lawful for them again to borrow the Amount paid off, and so from Time to Time; but such Power of reborrowing shall not be exercised without the Authority of a General Meeting of the Company, unless the Money be so reborrowed in order to pay off any existing Mortgage or Bond.

Reborrow-  
ing.

IX. And be it enacted, That the Certificate of a Justice that One Half of the Capital by the said recited Act and this Act authorized to be raised by Shares has been paid up, together with a Copy of the Order of a General Meeting of the Company authorizing the borrowing of any Money, certified by One of the Directors, or the Clerk or Secretary of the Company, to be a true Copy, shall be sufficient Evidence of the Fact of the Capital required to be paid up

Evidence of  
Authority for  
borrowing.

having



having been so paid up, and of the Order for borrowing Money having been made; and upon Production to any Justice of such Evidence as he shall think sufficient such Justice shall grant the Certificate aforesaid.

Mortgages  
and Bonds.

X. And be it enacted, That every Mortgage and Bond for securing Money borrowed by the Company shall be under the Common Seal of the Company, and be duly stamped, and wherein the Consideration shall be truly stated; and every such Bond may be according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect; and every such Mortgage may be in the same Form, *mutatis mutandis*, as prescribed by the said recited Act with respect to Mortgages to be made under the Authority thereof.

Rights of  
Mortgagees.

XI. And be it enacted, That the respective Mortgagees shall be entitled, one with another, to their respective Proportions of the Tolls, Sums, and Premises, and to the future Calls payable by the Shareholders of the Company, which may be comprised in such Mortgages, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another, or above the Bond Creditors of the Company, by reason of Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized, or on any other Account whatsoever.

Rights of  
Bondholders.

XII. And be it enacted, That the respective Obligees in such Bonds shall proportionably, according to the Amount of the Monies secured thereby, be entitled to be paid, out of the Tolls or other Property or Effects of the Company, the respective Sums in such Bonds mentioned and thereby intended to be secured, without any Preference one above another, or above the Mortgagees of the Company, by reason of Priority of the Date of any such Bond, or of the Meeting at which the same was authorized, or on any other Account whatsoever.

Application  
of Calls notwithstanding  
Mortgage.

XIII. And be it enacted, That no Mortgage comprising future Calls on the Shareholders shall preclude the Company from making, receiving, and applying to the Purposes of the Undertaking any Calls to be made on the Shareholders, so long as the Principal Money due on such Mortgage does not exceed the Amount of all the Calls still remaining to be made.

Mortgages  
under former  
Act to have  
Priority.

XIV. Provided always, and be it enacted, That all Mortgages under the Powers heretofore granted to the said Company shall have Priority over the Securities by this Act authorized to be given.

Transfer of  
Mortgages  
and Bonds.

XV. And be it enacted, That from Time to Time any Party entitled to any such Mortgage or Bond may transfer his Right and Interest therein to any other Party, by Deed duly stamped, wherein the Consideration shall be truly stated; and every such Transfer of a Mortgage may be according to the Form prescribed for the like Purpose by the said recited Act, or to the like Effect; and every such



such Transfer of a Bond may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

XVI. And be it enacted, That the Interest on any such Bond or Mortgage shall not be transferrable except by Deed duly stamped. Transfers of Interest to be stamped.

XVII. And be it enacted, That the Memorial required by the said recited Act to be kept of all Mortgages made or transferred under the Authority thereof shall extend to and be made in respect of all Mortgages and Bonds made under the Authority of this Act, and the Transfers thereof. Register of Bonds.

XVIII. And be it enacted, That it shall be lawful for the Company, if they think fit, to raise the additional Sum hereby authorized to be borrowed, or any Part thereof, by creating new Shares of the Company, instead of borrowing the same; or, having borrowed the same, it shall be lawful for them, if they think fit, to pay off and discharge the Whole or any Part thereof by the Creation of new Shares, and to continue at Interest only a Part of such additional Sum; and it shall also be lawful for them, if they think fit, to pay off and discharge, by the Creation of new Shares, the Whole or any Part of the Money borrowed under the Authority of the said recited Act, and to continue at Interest a Part only of such Money; and it shall be lawful for the Company to create such new Shares of such Amount, and to dispose of them in such Manner and at such Price, as they shall from Time to Time think fit; but no such Augmentation of Capital as aforesaid shall take place without the Authority of an Order of a General Meeting of the Company previously obtained. Power to convert Loan into Capital.

XIX. And whereas by the said recited Act it is enacted, that an Annual General Meeting of the said Company shall be held in the Month of *February* every Year; and it is expedient that the said Company should, in lieu of such Annual General Meeting, be empowered to hold Two Half-yearly General Meetings, capable of exercising such and the like Powers as by the said Act are granted to and may be exercised by the Annual General Meetings of the said Company, subject only to the Restrictions herein-after mentioned; be it therefore enacted, That it shall be lawful for the Company and they are hereby empowered to hold a Half-yearly General Meeting of the Company in the Month of *February* in every Year, and also a Half-yearly General Meeting of the Company in the Month of *August* in every Year, at such Place as the Directors for the Time being shall fix; which said Half-yearly General Meetings shall be convened by such Notice, and may be adjourned in such Manner, as is directed by the said recited Act in reference to the Annual General Meetings of the said Company therein mentioned, and shall have and may exercise all such Powers and Authorities and transact such Business as the said Annual General Meeting has and may exercise or transact by virtue of the said recited Act: Provided always, that the Election and Removal of Directors shall be vested (as provided by the said recited Act) in the Half-yearly General Meeting of the said Company to be held in the Month of *February*. Company authorized to hold Half-yearly General Meetings.

[*Local.*]

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XX. And



So much of recited Act as provides that the Number of Directors shall be Fifteen, repealed.

XX. And be it enacted, That so much of the said recited Act as requires and provides that the Directors of the said Railway shall be Fifteen in Number, and that Five shall be competent to act, and also so much of the said Act as provides that at the Annual General Meeting every Year Five of the Directors shall go out of Office, and Five other Persons shall be elected to be Directors in their Stead, shall be and the same is hereby repealed.

The Number of Directors to be reduced to Nine.

XXI. And in lieu thereof be it enacted, That at the Half-yearly General Meeting which shall be held in the Month of *February* next after the passing of this Act all the Fifteen Directors then in Office shall go out of Office and cease to be Directors of the Company, and Nine Proprietors of the said Railway (duly qualified as in the said recited Act mentioned), and of whom not fewer than Six shall be elected from among the then retiring Body of Directors, shall be elected by the Company to be Directors in their Stead, which Nine Persons so elected shall use and exercise all the Powers and Authorities vested in Directors by this and the said recited Act, and of such Nine Directors Four shall be competent to act; and the said Directors shall (unless any of them die, resign, or be removed or disqualified,) continue in Office until the then following Half-yearly General Meeting in the Month of *February*, and until others shall be elected in their Stead, in pursuance of the said recited Act or this Act; and at the Half-yearly General Meeting to be held in the Month of *February* One thousand eight hundred and forty-five Three of the said Nine Directors (to be determined by Lot among themselves) shall go out of Office and cease to be Directors, and Three other Persons (qualified as aforesaid) shall be elected by the Company to be Directors in their Stead; and at the Half-yearly General Meeting to be held in the Month of *February* One thousand eight hundred and forty-six Three of the Directors oldest in Office (to be determined by Lot among themselves) shall go out of Office and cease to be Directors, and their Places be supplied in like Manner; and at the Half-yearly General Meeting to be held in the Month of *February* One thousand eight hundred and forty-seven the remaining Three of the original Nine Directors shall go out of Office and cease to be Directors, and their Places be supplied in like Manner; and at the Half-yearly General Meeting to be held in the Month of *February* in every subsequent Year Three of the Directors who shall have been longest in Office shall go out of Office and cease to be Directors, and their Places be supplied in like Manner: Provided always, nevertheless, that any Director who shall so go out of Office on the said First Half-yearly General Meeting in the Month of *February* next after the passing of this Act, or at any subsequent Day of Election, may be immediately or at any future Time re-elected by the Proprietors a Director of the Company, and after such Re-election he shall, with reference to the going out by Rotation, be considered as a new Director.

For the Indemnity of Directors.

XXII. And be it enacted, That no Director, by being a Party to, or making, signing, or executing, in his Capacity of Director, any Contract or other Instrument on behalf of the Company, or otherwise lawfully executing any of the Powers given to the Directors, shall be subject to be sued or prosecuted, either collectively or individually,



individually, by any Person whomsoever ; and the Bodies or Goods or Lands of the Directors, or any of them, shall not be liable to Execution of any legal Process by reason of any Contract or other Instrument so entered into, executed, or signed by them or any of them, or by reason of any other lawful Act done by them or any of them in the Execution of any of their Powers as Directors ; and the Directors, their Heirs, Executors, and Administrators, shall be indemnified, out of the Funds and Capital of the Company, for all Payments made or Liabilities incurred in respect of any Acts lawfully done by them, and for all Losses, Costs, and Damages which they may incur in the Execution of the Powers granted to them ; and the Directors for the Time being of the Company shall apply the then existing or any future Funds and Assets of the Company for the Purpose of such Indemnity and Reimbursement, and shall, if necessary for that Purpose, make Calls of the Capital remaining unpaid.

XXIII. And be it enacted, That if at any Time after the Company shall have entered upon any Lands which under the Provisions of the said recited Act they were authorized to purchase, and which shall be permanently required for the Purposes of the Railway, any Corporation or Person shall appear to be entitled to any Estate, Right, or Interest in or Charge affecting such Lands which the Company shall have failed or omitted duly to purchase or to pay Satisfaction for, then (whether the Period granted for the Purchase of Lands shall have expired or not) the Company shall remain in the undisturbed Possession of such Lands, provided within Six Months after Notice to be given after the passing of this Act of such Estate, Right, Interest, or Charge, in case the same shall not be disputed by the Company, or in case the same shall be disputed then within Six Months after the Right thereto shall have been finally established by Law in favour of the Corporation or Person claiming the same, the Company shall purchase or pay Compensation for the same, and shall also pay to such Corporation or Person, or to any other Corporation or Person who may establish a Right thereto, full Compensation for the Mesne Profits or Interest which would have accrued to such Corporation or Person respectively in respect thereof during the Interval between the Entry of the Company thereon and the Time of the Payment of such Purchase Money or Compensation by the Company, so far as such Mesne Profits or Interest may be recoverable at Law or in Equity ; and such Purchase Money or Compensation shall be agreed on or awarded and paid in like Manner as according to the Provisions in the said recited Act contained the same respectively would have been agreed on or awarded and paid in case the Company had purchased such Estate, Right, Interest, or Charge before their entering upon such Lands, or as near thereto as the Circumstances will admit.

Company  
empowered  
to purchase  
Interests in  
Lands the  
Purchase  
whereof may  
have been  
omitted by  
Mistake.

XXIV. And be it enacted, That in estimating any Compensation to be given for any such last-mentioned Lands, or any Estate or Interest in the same, or for any Mesne Profits thereon, the Jury shall assess the same at such Price as they shall find to be the Value of such Lands, Estate, or Interest and Profits, without regard to any Improvement or Works made in the said Lands by the Company, and as though the Railway had not been constructed.

How Value  
of such  
Lands to be  
estimated.

XXV. And



Company to  
pay the Costs  
of Litigation  
as to such  
Lands.

XXV. And be it enacted, That in addition to the said last-mentioned Purchase Money, Compensation, or Satisfaction, and before the Company shall become absolutely entitled to any such Estate, Interest, or Charge, or to have the same merged or extinguished for their Benefit, they shall, when the Right to any such Estate, Interest, or Charge shall be disputed by the Company, pay the full Costs and Expences of any Proceedings at Law or in Equity for the Recovery of the same to the Corporation or Person with whom any such Litigation in respect thereof shall have taken place, and such Costs and Expences shall, in case the same shall be disputed, be settled by the proper Officer of the Court in which such Litigation took place.

Penalty for  
breaking  
down Fences,  
&c.

XXVI. And be it enacted, That if any Person shall wilfully injure, break, throw down, or destroy any of the Gates, Doors, Watchboxes, Windows, Bridges, Culverts, Drains, Fences, Hedges, Stiles, Posts, or Rails of or belonging to the Railway, or at the Approaches thereof, or at any of the Crossings of the same, every Person so offending shall forfeit any Sum not exceeding Five Pounds for every such Offence, over and above the Amount of the Damage done by any such Offender.

Penalty on  
Passengers  
fraudulently  
travelling  
without  
duly paying  
the Fare, &c.

XXVII. And for preventing Frauds on the Company and other Carriers on the Railway, be it enacted, That if any Person travel in any Carriage of the Company, or of any other Company or Person using the Railway, without having previously paid his Fare, and with Intent to avoid Payment thereof; or if any Person, having paid his Fare for a certain Distance, knowingly and wilfully proceed in any Carriage of the Company, or of any other Company or Person using the Railway, beyond such Distance, without previously paying the additional Fare for the additional Distance, and with Intent to avoid Payment thereof; or if any Person knowingly or wilfully refuse or neglect, on arriving at the Point to which he has paid his Fare, to quit the Carriage of the Company, or of any other Company or Party using the Railway, or to deliver up his Ticket when required so to do, every such Person shall for every such Offence forfeit a Sum not exceeding Forty Shillings.

Penalty on  
Persons  
smoking on  
the Railway,  
or otherwise  
misbehaving.

XXVIII. And be it enacted, That if any Person shall smoke Tobacco upon the Railway or the Company's Premises, or in any Carriage thereon, or shall make a Disturbance on such Railway or in such Carriage, or shall cut or damage any such Carriage or the Lining or Cushions thereof, or shall break the Windows thereof, or shall obstruct or resist any Officer or Servant of the Company in the Exercise of his Duty, every Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds, over and above the Amount of the Damage done by him.

Repealing  
Provision in  
recited Act  
as to Close of  
Transfer  
Books.

XXIX. And whereas it is by the said recited Act enacted, that it shall be lawful for the said Company and they are hereby authorized to close the Books kept for entering Memorials of Transfers of Shares for a Period not exceeding Five Days before each Annual General Meeting of the said Company, and to fix a Day for that Purpose, during which Time the said Company shall not be bound to take notice



of any Transfer which shall not have been registered previously to the Day fixed for closing the Books, but all such Transfers shall, as between the Party claiming under the same and the said Company, but not otherwise, be considered as made subsequently to such Annual General Meeting: Provided always, that Fourteen Days previous Notice at the least of the Day on which the Transfer Books shall be closed shall be given in some Two or more Newspapers usually circulated in the said Town of *Hull*: And whereas it is expedient that the said Enactment should be repealed; be it therefore enacted, That the said Enactment shall be and the same is hereby declared to be repealed.

XXX. And be it enacted, That it shall be lawful for the Directors of the Company and they are hereby authorized to close the Books kept for entering Memorials of Transfers of Shares for a Period not exceeding Five Days before each Half-yearly General Meeting, and for a Period not exceeding Fourteen Days before the Day to be appointed for the Payment of any Dividend on the Capital Stock or Shares of the Company, and to fix a Day for the closing of such Books accordingly, during which Time the Company shall not be bound to take notice of any Transfer which shall not have been registered previously to the Day fixed for closing the Books; but all such Transfers shall, as between the Party claiming under the same and the Company, but not otherwise, be considered as made subsequently to such Day fixed for closing the Books: Provided always, that Seven Days previous Notice at the least of the Day on which the Transfer Books shall be closed shall be given in some Two or more Newspapers usually circulated in the said Town of *Hull*.

Power to  
close Trans-  
fer Books.

XXXI. And be it enacted, That it shall be lawful for the Directors or the Clerk of the Company, if they or he shall think fit so to do, to call for and require the Production to them or him of any Mortgage or Bond, or of the Certificate of any Share (whether created and issued under the Powers and Authorities of the said recited Act or of this Act), at the Time of registering the Memorial of the Transfer of any such Mortgage, Bond, or Share in the Books of the Company.

Production  
of Mortgage,  
Bond, or  
Certificates of  
Shares may  
be required  
on registering  
Memorials of  
Transfers.

XXXII. And for the Purpose of providing for the proper rating of the Railway to the Relief of the Poor, be it enacted, That from and after the First Day of *July* next the Company shall keep an Account of the whole Tolls and other Profits (if any) received by them, and rateable for the Relief of the Poor, showing the gross Amount of the monthly Receipts in respect of such Tolls and Profits received in every Year, and the Amount and Particulars of the Expenditure in every such Year on account of any Expences, the probable annual average Cost of which is to be taken into account in ascertaining the net annual Value of the Railway for the Purpose of rating the same for the Relief of the Poor; and if the Company carry for their own Benefit any Passengers, Cattle or other Animals, Goods or other Matters, they shall keep a separate Account showing the Amount of Tolls and other rateable Profits, if any, which would have been received by the Company in every such

Accounts of  
Tolls rateable  
to the Poor  
to be kept.

[*Local.*]

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Year,



Year, for the Use of the Railway, in respect of such Passengers, Cattle, Goods, or other Matters, if the same had been carried by any other Party, and the Amount of Tolls and other rateable Profits (if any) which shall have been actually received by the Company for the Carriage of the same.

Power to  
Overseers of  
Poor to in-  
spect Ac-  
counts.

XXXIII. And be it enacted, That at any Time during the first Fourteen Days in the Months of *March* and *September* in each Year it shall be lawful for the Overseers of the Poor of the several Parishes through which the Railway shall pass to inspect such Accounts; and if the Company fail to keep such Accounts, or to permit such Inspection thereof, they shall forfeit to each Overseer who shall demand the said Accounts, or who shall be refused the Inspection of such Accounts or either of them, for every such Failure to keep such Accounts, Thirty Pounds, and for every Day during which the Refusal to permit such Inspection may continue the Sum of Ten Pounds *per Day*; and such Penalties shall be recoverable by Action of Debt or on the Case in any of the Superior Courts, and shall be applied for the Benefit of the Poor of the Parish within which such Failure may occur.

Annual  
Account to  
be made up,  
and a Copy  
transmitted  
to the Clerk  
of the Peace.

XXXIV. And be it enacted, That the Company shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied by virtue of the said recited Act and this Act, for the Year ending on the Thirty-first Day of *December* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited, and certified by the Directors, or some of them, and shall transmit a Copy of the said Account, free of Charge, to the Clerks of the Peace of the East Riding of the County of *York* and of the County of the Town of *Kingston-upon-Hull* respectively, on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the Company shall omit to prepare or transmit such Account as aforesaid they shall forfeit for every such Omission the Sum of Twenty Pounds.

Repeal of  
Clause,  
“ Limitation  
of Actions.”

XXXV. And whereas it is in the said recited Act enacted, “ that no Action, Suit, or Information, nor any other Proceeding, of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or any of the Orders made or given in or under this Act, unless Twenty Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding, to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Six Calendar Months next after the Act committed, or in case there shall be a Continuation of Damage, then within Six Calendar Months next after the doing or committing such Damage shall have ceased, nor unless such Action, Suit, or Information shall be laid and brought in the County, Riding, or Place within which the



the Matter in dispute or Cause of Action shall arise; and the Defendant in such Action, Suit, Information, or other Proceeding may plead the General Issue, and give this Act and the Special Matter in Evidence, in any Trial to be had thereupon, and that the Acts were done or omitted to be done in pursuance of or by the Authority of this Act; and if they shall appear to have been so done, or to have been so omitted to be done, or if it shall appear that such Action, Suit, Information, or other Proceeding shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant; upon which Verdict, or if the Plaintiff shall become nonsuited, or shall suffer a Discontinuance of his Action, Suit, Information, or other Proceeding after the Defendant shall have appeared thereto, or if a Verdict shall pass against the Plaintiff therein, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall have his Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in other Cases:" And whereas it is expedient that the said Enactment should be repealed; be it therefore enacted, That the said Enactment shall be and the same is hereby declared to be repealed.

XXXVI. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by the said recited Act authorized to be made from the Provisions of any general Act relating to Railways which may be passed during the present or any future Session.

Nothing herein to exempt the Railway from Provisions of any general Railway Act.

XXXVII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpretation of Act.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Word "Month" shall mean Calendar Month:

The Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Expression "the Company" shall mean the Company incorporated by the said recited Act:

The Expression "the Directors" shall mean the Directors of such Company.

XXXVIII. And be it enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, or in any way incident thereto, shall be defrayed and paid by the Company out of the Money already raised and received, or out of the first Money to be raised and 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 whatsoever.

As to the Payment of the Expences of this Act.

XXXIX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

Public Act.

The



The SCHEDULES to which the foregoing Act refers.

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### SCHEDULE (A.)

#### *Form of Bond.*

The Hull and Selby Railway Company.

Number

£

By virtue of an Act passed, &c., intituled, &c., we, "The Hull and Selby Railway Company," in consideration of the Sum of Pounds to us in hand paid by *A.B.* of do bind ourselves and our Successors unto the said *A.B.*, his Executors, Administrators, and Assigns, in the penal Sum of Pounds.

The Condition of the above Obligation is such, that if the said Company shall pay to the said *A.B.*, his Executors, Administrators, or Assigns, on the Day of which will be in the Year the Principal Sum of Pounds, together with Interest for the same at the Rate of Pounds per Centum per Annum, payable half-yearly on the Day of and the Day of then the above written Obligation is to become void, otherwise to remain in full Force.

Given under our Common Seal, this Day of .  
One thousand eight hundred and .

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### SCHEDULE (B.)

#### *Form of Transfer of Bond.*

I *A.B.* of in consideration of the Sum of Pounds paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Bond, Number made by "The Hull and Selby Railway Company," to bearing Date the Day of for securing the Sum of and Interest, and also my Right, Estate, and Interest in and to the Money thereby secured. In witness whereof I have hereunto set my Hand and Seal, this Day of .  
One thousand eight hundred and .

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