



ANNO SECUNDO

VICTORIÆ REGINÆ.

Cap. xxxix.

An Act to enable the *London and Birmingham Railway Company* to raise a further Sum of Money. [14th June 1839.]

WHEREAS an Act was passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from London to Birmingham*: And whereas another Act was passed in the Sixth Year of the Reign of His said late Majesty King *William* the Fourth, intituled *An Act to enable the London and Birmingham Railway Company to extend and alter the Line of such Railway, and for other Purposes relating thereto*: And whereas another Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act to amend the Acts relating to the London and Birmingham Railway*: And whereas by the said first-mentioned Act it was amongst other things enacted, that it should be lawful for the said Company to raise amongst themselves any Sum of Money for making and maintaining the Railway and other Works thereby authorized, not exceeding in the whole Two million five hundred thousand Pounds, the whole to be divided into Twenty-five thousand Shares of One hundred Pounds each: And whereas by the said second-mentioned Act it was amongst other things enacted, that in case the Money thereby and by the

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said recited Act of the Third Year of His late Majesty authorized to be raised by Subscription, as therein and in the said recited Act mentioned, should be found insufficient for the Purposes of that and the said recited Act, it should be lawful for the said Company from Time to Time, by an Order of any General or Special General Meeting of the said Company, to borrow and take up at Interest any further or additional Sum, not exceeding in the whole One million Pounds, on the Credit of the said Undertaking, by way of Mortgage, as therein particularly mentioned, in lieu of a Sum of Eight hundred and thirty-five thousand Pounds which by the said first-mentioned Act the said Company were authorized to borrow on Mortgage for the like Purpose: And whereas by the said third-mentioned Act it was amongst other things enacted, that it should be lawful for the said Company, by any Order or Orders from Time to Time of any General or Special General Meeting of the said Company, to borrow and take up at Interest, in addition to the Sums which by the said recited Acts they are authorized to raise and take up at Interest by way of Mortgage, any further or additional Sum of Money not exceeding in the whole the Sum of One million Pounds as to them should seem expedient for carrying into effect the Purposes of the said recited Acts and of that Act, and to secure the Repayment thereof, with Interest, by Bonds under the Common Seal of the said Company, as therein particularly mentioned: And whereas the said Railway has been opened to the Public, but many additional Buildings and other Conveniences for the Accommodation of the Public and Completion of the said Undertaking are required; but the Monies which the said Company are authorized to raise by the said recited Acts are insufficient fully to carry into effect the Purposes of the said recited Acts, and it is necessary that the said Company should be authorized to raise a further Sum of Money: And whereas the Object aforesaid cannot be carried into effect without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Authorities, Provisions, Regulations, Clauses, Matters, and Things contained in the said recited Acts (except such of them or such Parts thereof respectively as are by this Act repealed, altered, or otherwise provided for,) shall extend and be construed to extend to this Act, and to the Purposes and Things hereby authorized or required to be effected and done, and shall operate and be in force in respect to the Objects and Purposes of this Act, as fully and effectually, to all Intents and Purposes whatsoever, as if the same Powers, Authorities, Provisions, Regulations, Clauses, Matters, and Things were repeated and re-enacted in this Act, and made Part thereof.

Extending Powers of recited Acts to this Act.

Power to raise Money by the Creation of new Shares.

II. And be it further enacted, That 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 among 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,

pedient, not exceeding in the whole the Sum of One million Pounds; in addition to the several Monies authorized to be raised or borrowed by the said recited Acts, 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 and additional Capital Stock authorized to be raised under the Powers of the said Acts, or some of them, 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 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 as shall not be accepted as aforesaid, unto such Corporations or Persons as may be willing to become Purchasers thereof, for such Sum of Money as the said Company or Directors may be able to obtain for the same.

III. And be it further enacted, That every new Share to be created in pursuance of the Powers of this Act shall be deemed Personal Estate, and shall be transmissible and transferrable as such, and shall not be of the Nature of Real Estate; and all such Corporations and Persons as shall become entitled thereto, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby declared to be Owners and Proprietors of Shares in the said Undertaking to the Amount or nominal Value of such Shares so by them possessed, as beneficially as the Proprietors of Shares of One hundred Pounds in the said Undertaking, but in the Proportion nevertheless which the Amount or nominal Value of such Shares respectively so to be created as aforesaid may bear to the Sum of One hundred Pounds, and shall be entitled to a Share of all the general Profits and Dividends of the said Company in the like Proportion; and all such Corporations and Persons aforesaid shall be deemed to be and are hereby declared to be thenceforth united to and incorporated with the said Company; and all such new Shares so to be created as aforesaid shall be considered as Part of the general Capital Stock of the said Company, and be under and subject to the same Provisions, Regulations, Directions, and Management, in all respects and to all Intents and Purposes, as if the same had

New Shares to be considered as Part of the general Capital.

had been Part of the original Capital Stock of the said Company, except as to the Times of making Calls for the said new Shares and the Amount of such Calls, which Calls the said Company is hereby empowered to appoint to be of such Amount and payable at such Times as they shall think fit: Provided always, that all the Regulations, Provisions, and Authorities contained in the said recited Acts or any of them for enforcing the Calls for the Capital Stock of the said Company, and for the Recovery thereof or of any Arrears thereof, and relating to the Forfeiture of any Sums advanced by reason of any Neglect or Refusal to comply with such Calls, shall be applicable to the Calls which shall be made for the said new Shares hereby authorized to be created as aforesaid, and to the Refusal or Neglect to comply with such last-mentioned Calls.

Directing
how Proprietors of
new Shares
shall vote.

IV. And be it further enacted, That every Person who shall by virtue of this Act have subscribed for and become entitled to such a Number of the new Shares so to be created as aforesaid as that the aggregate Sum of the Amounts or nominal Values of such new Shares shall be One hundred Pounds shall be allowed to vote in respect of such Number of Shares, either in Person or by Proxy, at the several Meetings of the said Company, in the same Manner, to the same Extent, and subject to the same Stipulations, Provisions, Restrictions, and Limitations as are mentioned or contained in the said recited Acts with respect to the Right of voting by the Proprietors of original Shares of One hundred Pounds.

Authorizing
Ecclesiastical
Persons to
hold Shares.

V. And be it further enacted and hereby declared, so as to operate retrospectively as well as prospectively, That any Clerk, Clergyman, or Ecclesiastical Person whatever is and has been and shall be legally competent to and can or may purchase, hold, or enjoy and dispose of any Share or Shares already or hereafter to be created in the said Company, or the Capital Stock and Profits thereof, in like Manner and subject to the same Conditions as any other Body or Person is by this or the said recited Acts authorized, and without being liable to any Penalty or Forfeiture or other Consequence by reason thereof; and the said Company may sue and be sued, and enjoy the same Privileges and Immunities as they are or would be entitled to if no such Clerk, Clergyman, or Ecclesiastical Person was or had been a Shareholder in the said Undertaking; any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

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

VI. And be it further enacted, That if at any Time after the said Company shall have entered upon any Lands which, under the Powers of the said recited Acts or any of them, shall be permanently required for the Purposes of the said Railway, any Person or Corporation shall appear to be entitled to any Estate, Right, or Interest in, to, or affecting such Lands, which Estate, Right, or Interest the said Company shall have failed or omitted duly to purchase, or to pay Satisfaction or Compensation for, by reason of the said Company not having had express Notice of the Existence thereof, or by reason of any other Accident or Mistake, and such Estate, Right, or Interest shall not have been vested in or barred or extinguished for the Benefit of the said Company by virtue of any of the Provisions in the said recited

recited Acts or this Act contained, then, notwithstanding such Estate, Right, or Interest, and whether the Period granted for the Purchase of Lands shall then have expired or not, the said Company shall remain in the undisturbed Possession of such Lands, provided the said Company shall, within Six Months after Notice of such Estate, Right, or Interest, in case the same shall not be disputed by the said Company, but in case the same shall be disputed, then within Two Months after such Estate, Right, or Interest shall have been established, purchase or pay Compensation or Satisfaction for the same; such Purchase Money, Compensation, or Satisfaction to be agreed on or awarded and paid in like Manner as, according to the Provisions in the said recited Acts contained, the same respectively would have been agreed on or awarded and paid in case the said Company had purchased such Estate, Right, or Interest before their Entry upon such Lands, or as near thereto as the Circumstances will admit.

VII. And be it further enacted, That if any Proceeding shall at any Time be had or taken against the said Company, or any Person claiming under them, for the Recovery of the Possession of any Land which may have been purchased or taken by the said Company for the Purposes of this or the said recited Acts, and for which they shall have *bonâ fide* and without Collusion paid, deposited, or tendered, according to the Provisions of the said recited Acts, the Purchase Money, Compensation, or Satisfaction agreed or awarded to be paid in respect of the same, then, within Two Calendar Months after final Judgment shall be obtained by any Person for the Recovery of the Possession of any such Lands, or the final Determination of any Writ of Error or Appeal from such Judgment, or the final Taxation of the Costs of such Proceedings, there shall be paid or tendered, in lieu of such Lands, to the Person so obtaining such Judgment, or into the Court in which such Proceeding shall be pending, his full Costs, Charges, and Expences of any Proceedings for the obtaining such Judgment, together with such Sum of Money as the Jury shall in the Manner herein-after mentioned find to be the Value of the said Lands at the Time when the same were purchased and conveyed for the Purposes of the said Acts, or when Possession thereof was taken as aforesaid by the said Company, together with such a Sum of Money as the said Jury shall at the Time find to be the Value or an Equivalent for such mesne Rents and Profits of the said Lands, in case the same had not been taken or used for the said Railway, as the Party obtaining such Judgment would have been entitled to; or in case the Person obtaining such Judgment shall be entitled to any partial or less Interest in the said Lands than the absolute Fee Simple thereof in Possession, free from Incumbrances, then the Value of the said Lands, to be ascertained as after mentioned, shall be paid into the Bank of *England*, with the Privity of the Accountant General of the Court of Exchequer, or in such other Manner as directed by the said first-recited Act with respect to Lands purchased from such Parties; and upon Payment or Tender of such Sum or Sums of Money as herein-before mentioned the Interest of such Person or Persons in the said Land shall be and remain absolutely vested in the said Company, their Successors and Assigns.

Providing
Remedy in
case of Pro-
ceedings for
Recovery of
Land pur-
chased by the
Company.

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VIII. And

The Jury who shall try such Proceedings shall ascertain the Value to be paid in lieu of the Land.

VIII. And be it further enacted, That the Jury who shall try any Proceedings brought for the Recovery of the Possession of such Lands as aforesaid shall at the same Time ascertain the Value thereof at the Time when they were purchased and conveyed for the Purposes of this and the said recited Acts, or when Possession was taken thereof by the said Company, or in default thereof such Value may be settled and ascertained by a Jury to be summoned and returned as and in manner directed by the said recited Acts; and the Value so found shall be certified by the presiding Judge under his Hand, and such Certificate shall be delivered to the Person seeking to recover Possession of the same Lands; and such Value shall be the Amount to be paid in lieu of the said Lands, and shall be paid and applied in manner directed by this and the said recited Acts.

Company to exercise the Powers for providing locomotive Engines, and carrying, without Partiality.

IX. And be it further enacted, That the said Railway Company shall and they are hereby required to exercise the Powers given to them by the said recited Acts for providing locomotive Engines or other Power, Waggon, and Carriages for drawing or propelling and conveying of any Goods which shall be offered to them for that Purpose upon or along the said Railway, or any Part thereof, without Preference to any particular Person, Partnership, or Company.

Rates and Tolls to be chargeable equally to all Persons.

X. Provided always, and be it further enacted, That the Rates and Tolls to be taken for the Carriage of Passengers and Goods upon the said Railway by virtue of the said recited Acts or of this Act shall at all Times be charged equally and after the same Rate *per* Passenger, and after the same Rate *per* Ton *per* Mile for the same Portion of the said Railway.

Company to convey all Goods at an equal Rate *per* Ton, and indifferently.

XI. And be it further enacted, That the said Railway Company shall and they are hereby required to convey along the Railway all Goods which may be offered to them for that Purpose at a Rate of Charge *per* Ton to be charged equally, without Distinction, to every Person, Partnership, or Company offering such Goods for Carriage, and that no Priority or Preference in point of Time of Conveyance shall at any Time be given to any Person or Persons whomsoever, but that such Goods shall be conveyed by the said Railway Company in the Order of Time in which such Goods shall be brought to the respective Stations of the said Railway Company; and such Order of Time shall be denoted by Tickets specifying the Time of Arrival on the Premises of the said Company, to be delivered to the Parties bringing such Goods at the Entrance Gates of the respective Stations of the said Company.

Penalties for refusing to carry Goods or Merchandize, or for giving undue Preference, or for Delay.

XII. And be it further enacted, That if the said Company, or any of their Officers or Servants, shall wilfully refuse, neglect, or omit to convey any Goods or Merchandize which may be tendered to them for Conveyance on the said Railway at the Rates by the said Acts and by this Act authorized to be taken for such Conveyance, according to the Means of Conveyance which shall from Time to Time be used or employed by the said Company, or if the said Company, or any of their Officers or Servants, shall wilfully give to any Person or Persons any Preference or Priority in the Conveyance of such Goods
or

or Merchandize, unless in special Circumstances for Goods requiring immediate Expedition, the Proof of the Necessity of such Exception to rest with the Company, other than the Priority of Time at which such Goods or Merchandize shall be tendered for Conveyance at any of the Stations on the said Railway, then and in any of such Cases the said Company shall forfeit and pay for every such Offence a Penalty not exceeding Ten Pounds, to be recoverable by Summons before any One of Her Majesty's Justices of the Peace for the County or Place in which such Offence shall be committed, in such Manner as other Penalties not exceeding Ten Pounds are by the said recited Acts, or some of them, directed to be levied, recovered, and applied.

XIII. And be it further enacted, That the said Railway Company shall not be answerable for or compellable to make Satisfaction for any Loss or Damage that shall or may arise or occur to any Goods or Merchandize whatsoever which shall or may be brought to and conveyed upon the said Railway, other than and except for such Loss or Damage as may actually be sustained by such Goods from or by any Omission or Negligence by or on the Part of the said Company.

Company not to be answerable for any Loss or Damage, except from Omission or Negligence.

XIV. And be it further enacted, That in case the said Company shall not stop the Train or Trains of any Carriages travelling under their Direction upon the said Railway at the Station or Stations to which any Passenger or Passengers may have paid his or their Fare, the said Company shall forfeit and pay a Penalty not exceeding Five Pounds to the Passenger or Passengers who may be prejudiced by such Train or Trains not stopping at the Station or Stations aforesaid.

Penalty on Company for not stopping the Train at the Station to which any Passenger shall have paid his Fare.

XV. And be it further enacted, That if any Person who has (personally or by some other Party) at any Time taken a Place or Seat, or paid the Fare, or been booked, for the Purpose of being carried in, upon, or by any of the Coaches or Carriages of the said Company, or any other Company or Person using the said Railway from one Place to another Place, shall knowingly and wilfully refuse or neglect to quit such Coach or Carriage on arriving at the Point to which he has paid his Fare, or been booked, or taken his Place or Seat; or shall knowingly and wilfully ride and proceed or attempt to ride or proceed in the same or in any other Coach or Carriage to a Place more distant than that to which he or she shall have so taken a Place or Seat, or paid the Fare, or been booked, without previously paying to the said Company, or other Company or Person as aforesaid, the additional Fare or Price of Carriage to such more distant Place; or if any Person or Persons shall at any Time hereafter knowingly and wilfully ride and be in any of the said Company's Coaches or Carriages, or in any Coaches or Carriages belonging to any other Company or Person using the said Railway, without having previously paid to the said Company, or other Company or Person aforesaid, his Fare, or the Charge for his Carriage; every such Person shall forfeit and pay any Sum not exceeding Forty Shillings, with Costs, to be recovered and applied in the same Way as any other Penalty or Forfeiture under the said recited Acts, unless the Person or Persons so offending shall forthwith pay the Amount of the Fare legally due from him, or otherwise

For preventing Frauds on the Carriers on the Railways.

otherwise deposit a Security for the Time to the full Amount of the said Fare; and in default thereof it shall be lawful for all Officers and Servants and other Persons on behalf of the said Company, or other Company or Person as aforesaid, and for all Constables, Gaolers, and Peace Officers, to apprehend and detain every such Person until he, she, or they can be conveniently taken before some Justice of the Peace, or until he, she, or they be otherwise discharged by due Course of Law.

Bye Laws to be approved by Judges or Magistrates in Quarter Sessions.

XVI. And whereas by the said first-recited Act the said Company are empowered to make Bye Laws, and to impose Penalties for the Nonobservance thereof, and it is expedient that such Power should be altered or amended; be it therefore enacted, That no Bye Law already made by the said Company shall continue in force for a longer Space of Time than Six Calendar Months next after the passing of this Act, unless the same shall, previously to the Expiration of that Period, have been submitted to and approved by One of the Judges of Her Majesty's Courts of Record at *Westminster*; and that no Bye Law which shall be made by the said Company after the passing of this Act shall have any Operation or Effect until the same shall have been in like Manner approved by such Judge; and every such Bye Law, when approved as aforesaid, and published in manner directed by the said recited Acts, shall be binding and conclusive upon all Persons or Parties whomsoever; and any Justice of the Peace before whom any Person offending against any such Bye Law may be brought or summoned shall have the Power of convicting for the Whole or for any Part of the Penalty imposed by such Bye Law, as the said Justice may in his Discretion think proper; any thing in the said first-recited Act or in such Bye Law to the contrary thereof notwithstanding: Provided always, that the said Bye Laws shall be published in the *London Gazette*, and in some Two Newspapers printed and circulated in each County through which the said Railway passes, at least One Calendar Month before the same shall be submitted to such Judge for his Approval, and that the said Bye Laws, when approved by such Judge, shall be laid before the House of Commons within One Month after the Commencement of the next ensuing Session of Parliament.

Annual Account to be made up, and Copy transmitted to the several Clerks of the Peace.

XVII. And be it further enacted, That the said Company shall and they are hereby required in each and every Year to cause an annual Account in abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied under or by virtue of this or the said recited Acts for the Year ending on the Thirtieth Day of *June*, 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 Secretary or Clerk for the Time being of the said Company, and shall transmit a Copy of the said Account, free of Charge, to the Clerks of the Peace for the several Counties through which the said Railway will pass, on or before the First Day of *January* then next; which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit or neglect

neglect to prepare and transmit or cause to be prepared and transmitted, such Account as aforesaid, they shall forfeit and pay for every such Omission or Neglect the Sum of Twenty Pounds.

XVIII. And whereas it is by the said recited Act enacted, that in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon the said Company, personal Service thereof upon the Clerk or Secretary of the said Company, or leaving the same at any Office of the said Company or of such Clerk or Secretary, or delivering the same to some Inmate at such Office of the said Company, or at the last or usual Place of Abode of such Clerk or Secretary, or in case the same respectively shall not be found or known, then personal Service thereof upon any other Agent or Officer employed by the said Company, or on any One Director of the said Company, or delivering the same to some Inmate of the last or usual Place of Abode of such Agent or Officer or Director, shall be deemed good and sufficient Service of the same respectively on the said Company: And whereas it is expedient that such Provision should be repealed; be it therefore enacted, That the same shall be and is hereby repealed; and in lieu thereof be it further enacted; that in all Cases in which it may be necessary to give or serve any Summons or Demand, Writ, or other Proceeding at Law or in Equity, or otherwise howsoever, upon the said Company, the same shall be given to or served upon or left at the usual Place of Abode of the Clerk or Secretary of the said Company, or in case there shall be no such Clerk or Secretary, then the same shall be given to or served upon or left at the usual Place of Abode of some One of the Directors of the said Company, and such Service shall be deemed good and sufficient Service on the said Company.

Service of
Notices upon
the Company.

XIX. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice or anywise affect or be construed to prejudice or affect any Agreement or Agreements entered into by the said Company respecting any Lands affected or purchased under the Powers of the said Acts or any of them, or any of the Terms, Conditions, and Stipulations therein respectively contained, nor any Estate, Title, Interest, Right, or Remedy of any Person claiming in, under, or through any such Agreement or Agreements.

Act not to
prejudice
Agreements
entered into
by the Com-
pany respect-
ing Lands.

XX. And whereas it was enacted by the said first-recited Act, that no Action, Suit, Information, nor any other Proceedings, of what Nature soever; should be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance of that Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under that Act, unless Ten Days previous Notice in Writing should be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding, should be brought or commenced within Six Calendar Months next after the Act committed, or in case there should be a Continuation of Damage, then within Six Calendar Months next after the doing or committing such Damage should have ceased, nor unless such Action, Suit, or Information should be laid

Repealing
Clause as to
Limitation
of Actions.

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and brought in the County or Place where the Matter in dispute or Cause of Action should arise; and the Defendant in such Action, Suit, Information, or other Proceeding might plead the General Issue, and give that Act and the special Matter in Evidence, at 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 that Act; and if they should appear to have been so done, or to have been so omitted to be done, or if it should appear that such Action, Suit, Information, or other Proceeding should have been brought otherwise than as thereinbefore directed, then and in every such Case the Jury should find for the Defendant; upon which Verdict, or if the Plaintiff should become nonsuited, or should suffer a Discontinuance of his Action, Suit, Information, or other Proceeding after the Defendant should have appeared thereto, or if a Verdict should pass against the Plaintiff therein, or if upon Demurrer or otherwise Judgment should be given against the Plaintiff, the Defendant should have his Costs, and should have such Remedy for recovering the same as Defendants have for recovering Costs of Suits by Law in other Cases: And whereas it is expedient that such Enactment should be repealed; be it therefore enacted, That the same shall be and is hereby repealed: Provided always, that nothing in this Act contained shall prejudice or affect any Action, Suit, Information, or other Proceeding now existing or depending between the said *London and Birmingham* Railway Company and any other Company or Person or Persons whomsoever, or shall revive any Right which under the Provisions lastly hereby repealed may have been barred prior to the passing of this Act.

Metropolis Roads Commissioners may make such Alterations in the Works authorized to be done by the Company, connected with the Metropolis Roads, as may be mutually agreed upon between the said Commissioners and the Company.

XXI. And whereas in and by the said firstly and secondly recited Act certain Provisions are made as to the Mode of carrying the said Railway under the *London and Edgware* Road at *Kilburn*, the *London and Harrow* Road at *Kensal Green*, and the *London and Harrow* Road at *Wembley Green*, the *Hampstead* Road near *Mornington Place, Camden Town*, and the Road called *Park Street* leading from the *Regent's Park* to *Camden Town*, all in the County of *Middlesex*, and therein called Metropolis Roads, and it is provided that all the Works connected therewith shall be done under the immediate Superintendence and to the Satisfaction of the Surveyor General of the Metropolis Roads: And whereas in executing the said Works it has been found desirable to make certain Alterations in and Variations from the Works prescribed by the said recited Acts for crossing the said Metropolis Roads, all of which have been submitted to and fully approved by the Commissioners and their Surveyor General, but Doubts are entertained whether they have the Power to dispense with any Part of the Provisions contained in the said recited Acts relating to the said Roads; be it therefore enacted, That, notwithstanding any thing in the said recited Acts or either of them contained, it shall be lawful for the Commissioners of the Metropolis Roads, and they are hereby authorized, to make any Alterations that they may think fit in the Works by the said recited Acts required to be done by the said Company connected with the crossing of the said Roads or any of them, or to dispense with any Part of such Works; and the Certificate of the Surveyor General for the Time being of the said Commissioners that such Works have been

executed to his Satisfaction shall at all Times be taken as conclusive Evidence that all the Requisitions contained in the said recited Acts and this Act with respect to the Metropolis Roads have been complied with.

XXII. 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 "Corporation" shall be understood to include a Body or Bodies Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; 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.

Rules for the Interpretation of this Act.

XXIII. 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 Acts and of this Act, or any of them, in preference to any other Payment.

Expences of Act how to be paid.

XXIV. And be it further enacted, That nothing herein contained shall be deemed or construed to exempt the said Railway by this and the said recited Acts authorized to be made and completed from the Provisions of any General Act relating to Railways which may pass during the present or any future Session of Parliament.

Railway not to be exempt from Provisions of any General Act of Parliament.

XXV. 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.

Public Act.

