



ANNO SEXTO

GULIELMI IV. REGIS.

Cap. lxxxi.

An Act for making a Railway from the City of *York* to and into the Township of *Altofts*, with various Branches of Railway, all in the West Riding of the County of *York* or County of the said City. [21st June 1836.]

WHEREAS the making a Railway from the City of *York* to and into the Township of *Altofts*, and the making of several Branches from the said Railway, all within the West Riding of the County of *York* or County of the same City, would be of public Advantage, by opening additional and expeditious Communications between the City of *York* and various Parts of the said West Riding, and also of the East Riding of the said County of *York*, and might also be the Means ultimately of effectuating or facilitating the Establishment of a general expeditious Line of Communication between the Northern Counties and the Midland and Western Parts of *England* and the Metropolis: And whereas the several Persons herein-after named are desirous of undertaking to make such Railway and Branches at their own Expence, on being incorporated and constituted a Company by 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 this present Parliament assembled, and by the Authority of the same, That *William Alexander, Peter Anderson,*

[*Local.*]

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Robert

Proprietors
incorporated.

Robert Abbott, Isaac Altham, Thomas Britton, John Bleckly, Thomas Backhouse, Thomas Barstow, George Brown, Hopper Banks, Rowland Jay Browne, John Bragg, Paul Bevan, Henry Barrett, Thomas Binyon, Amos Bigland, Robert Brown, Robert Barker, Thomas Barker, James Burrows, Hannah Brady, William Beedom, John Barstow, Christopher Brown, Amos Coates, John Clemesha, Michael Charlton, Benjamin Clough, John Catton, Roger Clough, Henry Cooper, John Coultas, George Champney, Benjamin Crosby, John Creaser, Thomas Calvert, Favill James Copsie, William Coates, William Cook, Daniel Curling, George Crawshay, John Crowther, John Charlton, George Cooper, John Cook, Robert Davies, George Dale, George Dodsworth, Benjamin Dodsworth, Edward Duncombe, Daniel Donovan, John Duncan, David Derry, Samuel Derry, Richard Evers, Thomas Ellis, Charles Heneage Elsley, Joseph Eaton, William Eales, Thomas Newmarch Fowler, Caleb Fletcher, John Ford, James Foster, Robert Folthorpe, Samuel Fowler, Abraham Franklin, Lewis Franklin, Selim Franklin, Richard Fry, Francis Fry, Joseph Fry, Robert Gell, Ann Gill, Robert Alexander Gray, Philip Gowan, George Graham, James Guest, Edmund Gamble, James Grayston, William Gatliff, Thomas Garbut, William Hewby, Richard Hornby, George Hudson, George Hopton, William Hotham, John Hopps, Joseph Horsley, John Hotham, William Hargrove, Thomas Hartley, James Hutchinson, John Holland, John Watson Hodge, Aubrey Alexander Houghton, John Holiday, William Hodgson, Robert Hudson, James Meyer Haarbleicher, Jonathan Rogerson Hopwood, Herbert Hardie, John Hamilton, Joseph Hadwen, William Hill, Smith Hall, William Houldsworth, Wells Hood, Sarah Hawkins, John Harrison, Robert Hartas, John Hawking, Edward Hornor, Henry Harper, John Ickeringill, Godfrey Jackson, Matthew Imeson, William Jackson, William Janson, Richard Jefferson, Joseph Ablett Jesse, John Jackson, John Jesse, William Jackson, Thomas Jennings, Thomas Kelly, Thomas Kay, Thomas Knight, William Knowlson, Samuel Kingston, Thomas Laycock, John Lyth, Joseph Lawrence, William Plumby Lasbury, Edward Leeds, Nathaniel Leak, John Lightfoot, James Meek, Thomas Mason, William Matterson, Henry Meek, Charles Mann, Thomas Moxon junior, Thomas Manning, John Mills, Charles Martin, William Marshall, Edward Mackenzie, Horatio Joseph Montefiore, Robert Moser, Daniel Mocattu, Thomas Maine, James Martin, Thomas Mason, William Henry Miller, Richard Nicholson, William Norman, William Noton, Charlotte Norcliffe, Thomas Outhett, William O'Kitt, John Ord, Thomas Price, Charles Samuel Palmer, Joseph Peart, John Pool, Jabez Punderson, David Priestman, Richard Price, Thomas Pape, John Peacock, Joshua Priestman junior, Joseph Priestman, Thomas Prince, William Prance, Joseph Rowntree, Charles Robinson, Joseph Robertson Raines, John Roskell, William Routh, Richard Richardson, Cornelius Randall, William Richardson, Rowland Roscow, Henry Ransom, John Rooke, Robert Robinson, William Ridgway, William Rowntree, Charlotte Rickaby, Thomas Richardson, Joseph Spence, John Simpner, William Steel, James Saville, Robert Saville, Eustatius Strickland, James Henry Saville, John Steel, Thomas Simley, John Singleton junior, John Steward, George Steward, James Ferguson Saunders, Henry Samson, William Thorpe Stevenson, Samuel Samson, John Saunders, Samuel Sampson, William Stoby, Samuel Stansfield, William Strickland,

Strickland, Sir John Simpson Knight, Richard William Scarr, Joseph Scott, James Shepherd, Samuel Tuke, Francis Taylor, Maria Tuke senior, John Tindell, Ann Thompson, William Taite, Robert Thompson, Jeremiah Taylor, Robert Stephen Thompson, Joseph Thompson, Francis Taylor, Ralph Todd, William Thompson, Thomas Thompson, Thomas Wood Wilson, Joseph Bilton Wilson, John Wilson, George Woodall, William Wiggins, Bartholomew Thomas Wilkinson, Thomas Winn, Christopher Ware, Francis Wolstenholme, Thomas Waterson, Christopher Watson, James Walton, George Wilson, Elizabeth Wilson, William Winspear, John Weaver, James Woodburn, Caleb Williams, John Worfolk, Richard Wilkinson, John Wright, Henry Watson, Edward Westhead, William Woodcock, Henry Waterhouse, Thomas Wilson, James Walker, Hannah Wilkinson, John Weddell, William Westlake, William Walker, and George Wolfe, and all and every other Persons and Person, and Corporations and Corporation, who have subscribed or shall hereafter subscribe towards the said Undertaking, and all and every such Persons and Person, and Corporations and Corporation, as shall or may from Time to Time, in such Manner as is herein-after mentioned, become Proprietors of Shares in such Undertaking, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for making and maintaining the Railway and Branch Railways and other Works by this Act authorized to be made, and for carrying this Act into execution, and shall be and are hereby declared to be One Body Corporate by the Name and Style of "The York and North Midland Railway Company," and by that Name shall have perpetual Succession and a Common Seal, with full Power and Authority to use the same, and by that Name shall and may sue and be sued, plead and be impleaded, at Law or in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment for any Felony, Misdemeanor, or Offence punishable by the Laws of this Realm, and shall have Power and Authority from Time to Time and at all Times to purchase, and to hold to them and their Successors and Assigns, any Lands, Tenements, and Hereditaments, for the Use and Benefit of the said Undertaking, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and to sell and convey any of the Lands, Tenements, or Hereditaments so purchased or held, and shall have and exercise all other Powers and Authorities which are herein-after given or mentioned.

II. And be it further enacted, That where in this Act any Word shall be used importing the Singular Number or the Masculine Gender only, such Word shall be understood to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males; and where the Word Lands shall be used the same shall be understood to include Tenements and Hereditaments; and where the Word Corporation shall be used the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; and where the Word Railway is used the same shall be understood to include the Branch Railways hereby authorized to be made; unless in any of the Cases aforesaid

Rules for
the Inter-
pretation of
this Act.

aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Proprietors
to raise Mo-
ney amongst
themselves
for the
Undertak-
ing, not
exceeding
370,000l.
to be divided
into Shares
of 50l. each.

III. And be it further enacted, That it shall be lawful for the said Company to raise amongst themselves any Sum of Money, by way of Capital or Joint Stock, for making and maintaining the said Railway and other Works by this Act authorized, not exceeding in the whole the Sum of Three hundred and seventy thousand Pounds, the whole to be divided into Shares of Fifty Pounds each, and such Shares shall be numbered, beginning with Number One, in regular or arithmetical Progression ascending, whereof the common Excess or Difference shall always be One, and every such Share shall be distinguished by the Number to be applied to the same; and the said Capital or Joint Stock shall be and is hereby vested in the several Parties so raising or contributing to the same, and their several and respective Successors, Executors, Administrators, and Assigns, to their proper Use and Benefit, proportionably to the Sum or Sums they severally shall subscribe for and contribute; and all Persons and Corporations, and every Person and Corporation, and their several and respective Successors, Executors, Administrators, and Assigns, who have subscribed or shall subscribe for One or more such Share or Shares, and who shall contribute and pay the same, or such Sum or Sums as shall be demanded in lieu thereof, for or towards the said Undertaking and other the Purposes of this Act, shall be entitled to and receive, at such Time and Times as the said Company shall direct and appoint, the entire and net Distribution of an equal and proportionable Part, according to the respective Sums so by them respectively paid, of the net Profits and Advantages of the said Undertaking, or which shall or may arise or accrue from or by the Rates, Tolls, and other Sums of Money to be received by the said Company under the Authority of this Act.

Application
of Money to
be raised.

IV. And be it further enacted, That the Money to be raised by the said Company by virtue of this Act shall be laid out and applied, in the first place, in paying and discharging all Costs and Expences incurred in applying for, obtaining, and passing this Act, and all other Expences preparatory or relating thereto, and the Remainder of such Money shall be applied in and towards purchasing Lands, and making and maintaining the said Railway and other Works, and in otherwise carrying this Act into execution.

Company
empowered
to make the
Railway.

V. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to make and maintain the Railway and Branch Railways herein-after mentioned, with all proper Works and Conveniences connected therewith, in the Line or Course and upon, across, under, or over the Lands delineated upon the Map or Plan and described in the Book of Reference deposited with the respective Clerks of the Peace for the West Riding of the County of *York* and for the City and County of the City of *York* and the Liberty of *Saint Peter* of *York*; (that is to say,) a Railway to commence at or near a certain Garden or Parcel of Land marked on the said Map or Plan, adjoining upon and lying to the North of a certain Street

Street in the City of *York* called *Tanner Row*, in the Parish of *Saint Martin-cum-Gregory* in the same City, and to terminate in, at, or near a certain Field, also marked on the said Map or Plan, in the Township of *Altofts* and Parish of *Normanton* in the West Riding of the County of *York*; and a Branch to commence or diverge from the said Railway at or near to a certain Close or Parcel of Land lying at the West of and adjoining to the *Leeds* and *Pontefract* Turnpike Road in the Township of *Whitwood* and Parish of *Featherstone* in the said West Riding of the County of *York*, and to terminate at or near to a certain Road or public Highway called *Watergate*, at or near the Junction of the same Highway with the said *Leeds* and *Pontefract* Turnpike Road, in the Township of *Methley* and in the Parish of *Methley* in the said West Riding of the County of *York*; also a Branch to commence or diverge from the said Railway at, in, or near to a certain Close or Parcel of Land, also marked on the said Map or Plan, in the Township of *Lumby*, otherwise *Huddlestone-cum-Lumby*, and in the Parishes of *Sherburn* and *Monk Fryston*, or One of them, in the said West Riding of the County of *York*, and to terminate at and form a Junction with the *Leeds* and *Selby* Railway at or near a certain Close or Parcel of Land in the Township of *Hambleton* and Parish of *Brayton* in the said West Riding of the County of *York*, and which Junction will be at or near a certain Point on the said *Leeds* and *Selby* Railway distant from the Termination of the same Railway at the Town of *Selby* Four Miles and Three Quarters, or thereabouts; also a Branch to commence or diverge from the said Railway at, in, or near to a certain Close or Parcel of Land, also marked on the said Map or Plan, in the Township of *Sherburn* and Parish of *Sherburn* in the said West Riding of the County of *York*, and to terminate at and form a Junction with the said *Leeds* and *Selby* Railway at or near a certain Close or Parcel of Land in the Township of *Hambleton* and Parish of *Brayton* in the said West Riding of the County of *York*, and which Junction will be at or near the said Point on the same Railway distant from the said Termination of the same Railway at the said Town of *Selby* Four Miles and Three Quarters, or thereabouts; also a Branch to commence or diverge from the said last-mentioned Branch at or near to a certain Close or Parcel of Land, also marked on the said Map or Plan, in the Township of *Sherburn* and Parish of *Sherburn* in the said West Riding of the County of *York*, and to terminate at and form a Junction with the said *Leeds* and *Selby* Railway at or near a Close or Parcel of Land situate in the Township of *South Milford* and Parish of *Sherburn* in the said West Riding of the County of *York* at or near to a certain Point on the same Railway distant Six Miles and a Quarter, or thereabouts, from the said Termination of the same Railway, at the said Town of *Selby*; and also a Branch to commence or diverge from the said Railway at or near to a certain Close or Parcel of Land belonging to the Mayor and Commonalty of the said City of *York*, in the Parish of *Saint Mary, Bishophill the younger* in the said City of *York* and County of the same City, and to terminate at or near a certain Close or Parcel of Land situate on the West Bank of the River *Ouse* near the Walls of the said City of *York* in the same last-mentioned Parish; and which said Railway and the said several Branches are intended to pass from, in, through, to, or into the several

[Local.]

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Parishes,

Parishes, Townships, and Places of *Holy Trinity Micklegate, All Saints North Street, Saint John Micklegate, Saint Martin-cum-Gregory, Saint Mary Bishophill the elder, and Saint Mary Bishophill the younger*, all in the said City of *York* and Suburbs thereof and County of the same City, or some of them; *Holy Trinity Micklegate, All Saints North Street, Saint John Micklegate, Saint Martin-cum-Gregory, Saint Mary Bishophill the elder, Saint Mary Bishophill the younger, Holdgate otherwise Holgate, Acomb, Knapton, Dringhouses, Askham Richard, Askham Bryan, Middlethorpe, Bishopthorpe, Copmanthorpe, Colton, Bilbrough, Oxton, Steeton, Acaster Malbis, Acaster Selby, Appleton Roebuck, Nun Appleton, Hornington, and Bolton Percy*, all in the Ainsty of the said City of *York* and County of the same City, or some of them; *Bolton Percy, Ryther, Ossendike, Ryther-cum-Ossendike, Kirby Wharfe, Grimston, Kirby-cum-Milford otherwise Milforth, North Milford otherwise North Milforth, Ulleskelf, Church Fenton, Little Fenton, South Fenton, Biggin, Lenerton, Cawood, Wistow, Selby, Brayton, Barlow, Gateforth, Hambleton, Thorpe Willoughby, Birkin, West Haddlesey, Saxton, Saxton-with-Scarthingwells, Towton, Sherburn, Barkston, Lumby, Huddlestone, Huddlestone-cum-Lumby, Lotherton, Aberford, Micklefield, Newthorpe, South Milford otherwise South Milforth, Monkfryston, Burton Salmon, Hillam, Brotherton, Byram, Byram-cum-Poole, Sutton, Ledsham, Fairburn, Ledstone, Kippax, Allerton Bywater, Great Preston, Little Preston, Methley, Woodrow, Rothwell, Woodlesford, Oulton otherwise Oulton-cum-Woodlesford, Water Frystone, Ferry Frystone, Pontefract, Pontefract Park, Blind Hardwick, East Hardwick, Monkhill, Castleford, Glass Houghton, Featherstone, Ackton, Whitwood, Normanton, Altofts, Snodgrass, Warmfield, Sharlston, Warmfield-cum-Heath, Wakefield, and Stanley-cum-Wrenthorpe*, all in the West Riding of the said County of *York*, or some of them; and also through or into the Liberty of *Saint Peter* in the said City of *York* and the County of the same City and the said West Riding of the County of *York*.

Plans and
Books of
Reference
to remain in
Custody of
Clerks of
the Peace.

VI. And whereas Maps or Plans and Sections, describing the Line of the said Railway, and the Lands upon or through which the said Railway and the Works connected therewith are intended to be carried or made, together with Books of Reference thereto, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited with the Clerks of the Peace for the West Riding of the County of *York* and for the City and County of the City of *York* and the Liberty of *Saint Peter* of *York*; be it therefore enacted, That the said Maps or Plans, Sections, and Books of Reference, so deposited, shall remain with and be kept by the said Clerks of the Peace respectively, and all Persons interested in any Manner in such Lands shall have Liberty, at all reasonable Times, to inspect and to make Extracts from or Copies of the said Maps or Plans, Sections, and Books of Reference respectively, paying to the Clerk of the Peace in whose Custody the Map or Plan, Section, or Book of Reference so inspected or referred to may be, for every Inspection the Sum of One Shilling, and for Copies of or Extracts from the said Books of Reference after the Rate of Sixpence for every One hundred Words; and the said Maps or Plans, Sections, and Books of Reference, or true Copies thereof, or of so much thereof respectively

respectively as shall relate to any Matter which may be in question, certified by the said Clerks of the Peace or one of them, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

VII. Provided always, and be it further enacted, That it shall be lawful for the said Company to make the said Railway and other Works in the Line or Course and upon, across, under, or over the Lands delineated on the said Maps or Plans, although such Lands, or any of them, or the Situation thereof respectively, or the Names of the Owners or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in the said Books of Reference or in the Schedule to this Act annexed, if it shall appear to any Two or more Justices of the Peace for the County, City, or Place wherein the Matter in question shall arise (in case of Dispute about the same), and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the respective Clerks of the Peace of the said Counties and Cities, as the Case may require.

Uninten-
tional Errors
in Act or
Plans or
Books of Re-
ference not
to prevent
Execution
of the Act.

VIII. And be it further enacted, That for the Purposes and subject to the Provisions and Restrictions of this Act it shall be lawful for the said Company, their Agents and Workmen, and all other Persons by them authorized, and they are hereby empowered, to enter into and upon the Lands of any Person or Corporation whatsoever, and to survey and take Levels of the same or of any Part thereof, and to set out and appropriate for the Purposes of this Act such Parts thereof as the said Company shall deem necessary to be taken or used for the Purposes of this Act, and in or upon such Lands, or any Lands adjoining thereto, to bore, dig, cut, embank, and sough, and to remove or lay, and also to use, work, and manufacture, any Earth, Stone, Rubbish, Trees, Gravel, or Sand, or any other Materials or Things which may be dug or obtained therein or otherwise in the Execution of any of the Powers of this Act, and which may be proper or necessary for making, maintaining, altering, repairing, or using the said Railway and other Works by this Act authorized, or which may obstruct the making, maintaining, altering, repairing, or using the same respectively; and also, for the Purposes and according to the Provisions and Restrictions of this Act, to make or construct, in, upon, across, under, or over the said Railway or other Works, or in, upon, across, under, or over any Lands, Streets, Hills, Ramparts, Vallies, Roads, Railroads, or Tramroads, Rivers, Canals, Brooks, Streams, or other Waters, such Inclined Planes, Tunnels, Embankments, Aqueducts, Bridges, whether temporary or permanent, Roads, Ways, Passages, Culverts, Conduits, Drains, Piers, Arches, Cuttings, and Fences; and also to erect and construct such Houses, Wharfs, Warehouses, Toll Houses, Landing Places, Engines, and other Buildings, Machinery, Apparatus, and other Works and Conveniences, as the said Company shall think proper; and also to alter the Course of any Rivers, Canals, Brooks, Streams, or Watercourses during such Time as may be necessary for constructing and maintaining Tunnels, Bridges, whether temporary or permanent, or

Power to
take Lands,
&c.

Passages

Passages over or under the same; and also to divert or alter the Course of any Rivers or Streams of Water, Roads or Ways, or to raise or sink any such Rivers or Streams, Roads or Ways, in order the more conveniently to carry the same over or under or by the Side of the said Railway, and to make Drains or Conduits into, through, or under any Lands adjoining the said Railway, for the Purposes of conveying Water from or to the said Railway; and also from Time to Time to alter, repair, or discontinue the before-mentioned Works, or any of them, and to substitute others in their Stead, and to do and execute all other Matters and Things necessary or convenient for making, maintaining, altering, or repairing and using the said Railway and other Works by this Act authorized; they the said Company, their Agents and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and the said Company making full Satisfaction in manner herein-after mentioned to all Persons and Corporations interested in any Lands which shall be taken, used, or injured, for all Damages to be by them sustained in or by reason of the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company and all other Persons for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as are mentioned and contained in this Act.

Penalty on obstructing Persons employed in the Construction of the Railway.

IX. And be it further enacted, That if any Person shall obstruct or prevent any Person employed by the said Company in setting out the Line of the said Railway, or engaged in the Construction thereof or of any Part thereof, or shall pull up or remove any Stakes that may have been driven into the Ground for the Purpose of setting out the Line of the said Railway, he shall forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings for every such Offence.

Power to treat for the Purchase of Lands.

X. And be it further enacted, That it shall be lawful for the said Company to treat and agree for the Purchase of any Lands authorized to be taken and used by them as aforesaid, and of any subsisting Leases, Terms, Estates, and Interest therein and Charges thereon, or such of them or such Part thereof as the said Company shall think proper.

Persons under legal Disability empowered to sell and convey Lands.

XI. And be it further enacted, That after any Lands intended to be taken or used for the Purposes of this Act shall have been set out and ascertained it shall be lawful for all Corporations, Tenants in Tail or for Life, or any other partial or qualified Estate or Interest, Husbonds, Guardians, Trustees and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees, and all other Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of all Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated or not to be found, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and in the same Manner and to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have done by Law under the Powers

I, the Sum of _____ of _____ in consideration of Form of
to me [or, as the Case may Conveyance
be, into the Bank of *England*, in the Name and with the Privy of to the
the Accountant General of the Court of Exchequer, *ex parte* "The Company.
York and North Midland Railway Company;" or to *A. B.* of
and *C. D.* of _____ their Heirs
and Assigns, Two Trustees appointed to receive the same;] pur-
suant to the Act after mentioned paid by "The *York and North*
Midland [or the said] Company," established and incorporated by
an Act of Parliament passed in the Sixth Year of the Reign of His
Majesty King *William* the Fourth, intituled [here set forth the
Title of this Act], do hereby convey [or, in case of Copyhold or
Customary Lands requiring Surrender, do hereby agree to sur-
render] to the said Company, their Successors and Assigns, all
[describing the Premises to be conveyed or agreed to be sur-
rendered,] together with all Ways, Rights, and Appurtenances
thereunto belonging, and all such Estate, Right, Title, and Interest
in and to the same and every Part thereof as I am or shall become
seised or possessed of, or am by the said Act capacitated or em-
powered to convey or surrender, to hold the same Premises to the
said Company, their Successors and Assigns for ever, according
to the true Intent and Meaning of the said Act. In witness
whereof I have hereunto set my Hand and Seal the
Day of _____ in the Year of our Lord .'

XII. Provided always, and be it further enacted, That if any Contract of Conveyance shall be made for or in respect of any Lands to be taken or used by virtue of Copy-holds.

of the Powers of this Act, which shall be of Copyhold or Customary Tenure, or in the Nature thereof, every such Contract shall be executed and completed by Surrender of such Lands in the Court of the Manor of which the same may be held or Parcel according to the Custom of such Manor, and which Surrender shall and may be made by all Persons and Corporations by this Act authorized and empowered to make Conveyances of other Lands, and shall have the like Force and Effect in respect of such Copyhold or Customary Estates and Interests as such Conveyance as aforesaid made by the same Person or Corporation would have had over the Lands comprised in such Surrender in case the same had been of Freehold Tenure in the same Person or Corporation, and such Lands shall continue subject to the same Fines, Rents, and Services as may be then due and payable and of Right accustomed, in the same Manner as if this Act had not been passed, until such Lands shall have been enfranchised by virtue of the Powers herein-after contained; but inasmuch as the vesting and continuing of such Copyhold or Customary Premises in the said Company as a Body Corporate would, if the same should not be enfranchised, prevent such Lord from receiving the same Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation, as he would have received in case such Copyhold or Customary Premises had continued to be the Property of Persons in their natural Capacities, the said Lord shall, at the Time of the Admission of the said Company, be paid by the said Company a reasonable Recompence and Satisfaction for the Loss which may arise to him in respect of such Fines, Heriots, and other Services the Receipt or Enjoyment of which shall be diminished or lost by the vesting or continuing of such Copyhold or Customary Premises in a Body Corporate; and such Recompence and Satisfaction, if not settled by Agreement between the Parties (and which Agreement all Lords of Manors and other Persons and Corporations by this Act authorized to enfranchise Copyhold or Customary Lands are hereby empowered to enter into), shall be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Lands to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof; and in all Cases where the Lord of any Manor whereof any Copyhold or Customary Lands purchased by the said Company for the Purposes of this Act shall be Parcel shall not have contracted to enfranchise the same, and shall have received from the said Company a Recompence or Satisfaction in respect of the Fines, Heriots, and other Services being diminished or lost by the vesting and continuing of such Copyhold or Customary Lands in a Body Corporate, then and in every such Case, if the same Lands or any Part thereof shall not be ultimately required for the Purposes of this Act, but shall be sold and disposed of by the said Company under the Authority to them by this Act given for that Purpose, the Copyhold or Customary Lands which shall be so sold and disposed of by the said Company shall remain in the Hands of the Purchaser thereof, and for ever thereafter continue free and discharged from the Fines, Heriots, and other Services in respect whereof such Recompence and Satisfaction shall have been made as aforesaid.

XIII. And

XIII. And be it further enacted, That it shall be lawful for the Lord for the Time being of any Manor whereof any Copyhold or Customary Lands required for the Purposes of this Act are holden or Parcel, and whether an Individual or a Corporation, and whether seised in his own Right or as a Trustee, and whether he be seised in Tail or for Life or other limited Estate, and in case of a Lady whether she be married or sole, and in case of an Infant, Lunatic, or other incapacitated Person being Lord of such Manor, then for his Guardian, Committee, or Trustee to contract for, and the several Persons and Corporations aforesaid are hereby empowered to contract for the Enfranchisement of and to enfranchise such Copyhold or Customary Lands by such or the like Form of Conveyance as by this Act is directed or authorized to be used in Cases of the Conveyances of Lands; and in case such Lord or other Person or Corporation hereby capacitated to enfranchise such Lands shall require the same, it shall be compulsory on the said Company to purchase the Enfranchisement of such Lands; and the Price to be paid by the said Company for the Purchase of the Enfranchisement of any such Lands shall, in case the Parties differ about the same, be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Lands to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof.

Lords of
Manors
under Dis-
ability, em-
powered to
enfranchise.

XIV. And be it further enacted, That the Appointment or Apportionment of the certain Copyhold or Customary Rents issuing out of any Copyhold or Customary Lands of which a Part only shall be taken for any of the Purposes of this Act, in case the same shall not be settled by Agreement between the Parties, shall be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Lands to be taken in pursuance of this Act is directed to be settled in case of a Dispute as to the Value thereof; and in case such Appointment or Apportionment shall be settled by Agreement between the Parties, such Agreement shall be made with, and shall not be valid without, the Consent and Approbation of the Lord of the Manor whereof the same Copyhold or Customary Lands are held or Parcel; and the Apportionment of such Copyhold or Customary Rents as aforesaid shall not in any Manner invalidate, prejudice, or destroy the Customs in other respects by or under which the Copyhold or Customary Lands not taken for the Purposes of this Act shall be held, or the Remedies for the Recovery of the Rent for the same after the Apportionment thereof.

Regulations
for the Ap-
portionment
of Rents of
Copyholds.

XV. And be it further enacted, That in all Cases wherein in the Execution of the Powers of this Act there shall be Occasion to take or use any Common or Waste Land, or any other Lands which shall be charged with or be subject or liable to the Exercise of any Right or Privilege of Common thereupon, of what Nature or Kind soever, the Conveyance of such Common or Waste Land or other Lands, by any Person or Corporation having such Estate or Interest in the Manor wherein such Common or Waste Land or other Lands shall be situate (or if the same shall not be the Waste of any Manor then having such Estate or Interest in the Soil of the said Lands) as the Persons and Corporations who are by this Act enabled to sell other

Waste Lands
may be con-
veyed by the
Lords of
Manors.

Lands

Lands have in such Lands (and which Conveyance may be of the like Form as by this Act is directed to be used in the Case of Conveyances of other Lands), shall be a good and sufficient Conveyance to the said Company for the Purpose of vesting in them the Fee Simple and Inheritance of such Common or Waste Land or other Lands, free from all Rights of Common and other Rights, Estates, Titles, Charges, and Incumbrances whatsoever, as fully and effectually as if every Person having Right of Common upon such Common or Waste Land or other Lands were seised thereof in Fee Simple in Possession, and had joined in and executed such Conveyance; and the Compensation to be paid for the Extinguishment of any Right of Common upon any such Common or Waste Land or other Lands as aforesaid (and which shall be determined by a Jury, in case the Parties differ about the same, in like Manner as by this Act is directed in other Cases of the like Nature) shall be paid by the said Company to the Churchwardens for the Time being of the Parish wherein such Common or Waste Land or other Lands shall be situate, and shall be by such Churchwardens received, and applied for such general or public Purposes within the said Parish as a Vestry Meeting thereof, to be convened by such Churchwardens for that Purpose, shall direct: Provided always, that in all Cases wherein the said Churchwardens are empowered to receive such Compensation as aforesaid the Notices by this Act required to be served on the Owners or Occupiers of Land required for the Purposes of this Act may be served upon the said Churchwardens, who shall have Power to treat and agree with the said Company touching the Amount; and in all Cases in which any such Commonable or other Rights shall extend over and be exercised or enjoyed out of any other Lands than such Common or Waste Land, the Compensation for the Relinquishment thereof shall be paid to the Party having such Estate or Interest as aforesaid in the same Commonable or other Rights, or in any Lands whereunto the same shall be appendant or appurtenant, or otherwise (as the Case may require) and shall be deposited in the Bank of *England* in manner by this Act directed in Cases of other Lands taken by the said Company: Provided also, that in all Cases in which any such Manor is vested in the Freeholders or Inhabitants at large, or in any greater Number of Persons than Four, or where the Lord of such Manor (if any) does not usually hold some Court for the same, or where it is not known to what Lord such Manor belongs, or in what Manor such Common or Waste Lands or other Lands are situate, the Conveyance by Four at least of the Freeholders whose Lands (whether vested absolutely in them or for such Estate as would capacitate them to convey such Lands if wanted for the Purposes of this Act) shall entitle such Freeholders to Common Right in or over such Common or Waste Lands or other Lands, and whose said Lands in the Rate for the Relief of the Poor shall amount in yearly Value to Three Fifth Parts at least of the whole of the Lands which have such Common Right, shall also in like Manner be a good and sufficient Conveyance to the said Company, for the Purpose of vesting in them the Fee Simple and Inheritance of so much and such Part of such Common or Waste Lands or other Lands as they may from Time to Time require or take, free from all Rights of Common and other Rights, Estates, Titles, Charges, and Incumbrances whatsoever.

XVI. And

XVI. And be it further enacted, That in all Cases where the Parties entitled to any such Commonable or other Rights over any other Lands than such Common or Waste Lands as aforesaid shall exceed Twelve in Number it shall be lawful for the said Company to call a Meeting of such Parties by public Advertisement, to be inserted Twice at least in some Newspaper circulating in the County or respective Counties in which such Lands shall be situate, for the Purpose of appointing and which Meeting shall have Power to appoint a Committee, to be chosen from among the said Parties, and not exceeding Five in Number, to treat and agree with the said Company for the Compensation to be paid for the Extinguishment of such Commonable or other Rights, and at such Meeting the Decision of the Majority present shall bind the Minority and all absent Parties; and the Committee so to be chosen as aforesaid shall have full Power to treat and agree with the said Company for the Compensation to be paid for the Extinguishment of such Commonable or other Rights, and all Matters and Things relating thereto, for and on behalf of themselves and all other Parties interested therein (who shall be bound and concluded thereby), and to enter into and execute all necessary Agreements and Assurances for that Purpose, and for the Purpose of conveying the Lands in respect of which such Compensation shall be received to the said Company: Provided always, that no Meeting shall be effectual for the Purpose aforesaid unless Eight at least of the said Parties entitled shall attend the same; and if no such Meeting shall be held, or being held shall not appoint a Committee as herein-before directed, or if such Committee being appointed shall fail to agree with the said Company, the Amount of such Compensation as last herein-before mentioned shall be determined by the Verdict of a Jury in manner by this Act directed: Provided also, that in case the Amount of such Compensation as last mentioned shall be left to the Determination of a Jury, as hereby is authorized, the Notices required to be given for that Purpose may be served upon any Three of the Parties entitled to such Commonable or other Rights, or left at their last usual Places of Abode, or with any Occupier of the Lands over which such Commonable or other Rights shall extend, or in case the same shall be unoccupied then fixed upon some conspicuous Part of such Lands.

Where the Commoners exceed Twelve in Number, a Meeting to be called.

XVII. And be it further enacted, That where any Lands purchased or wanted or intended to be purchased by the said Company shall be subject solely, or jointly with other Lands not intended to be purchased, to or with any Rent Service, Rent Charge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the said Company to agree for the Release of the Lands so purchased or wanted or intended to be purchased from such Rent, Payment, or Incumbrance, and also (where necessary or convenient) for an Apportionment of such Rent, Payment, or Incumbrance for such gross Sum as shall be agreed upon between the said Company and the Party who under the Provisions of this Act shall agree to sell or apportion the same, and which Agreement may be entered into by all Persons and Corporations by this Act authorized and empowered to sell or convey Lands; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or

Power to purchase the Release of Lands wanted from Rents charged thereon.

[Local.]

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respecting

respecting the Apportionment thereof, the same shall be determined by a Jury, in like Manner as the Price of Land is by this Act directed to be settled in case of Dispute as to the Value thereof; which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Lands purchased or wanted or intended to be purchased, and shall also (where necessary) apportion the Rent, Payment, or Incumbrance affecting the Lands jointly subject to Rent, Payment, or Incumbrance as herein-before mentioned, according to the respective Values of the Lands purchased or wanted or intended to be purchased, and of the Lands not purchased or wanted or intended to be purchased by the said Company; and all Contracts, Conveyances, and Assurances which shall be made by and between or to the said Company and any such Party as aforesaid respecting such Release (and which may be of the like Forms or to the like Effect, *mutatis mutandis*, as by this Act are directed to be used in case of Conveyance of Lands) shall be valid and effectual in the Law, and shall extinguish the Whole or a proportionate Part of such Rent, Payment, or Incumbrance (as the Case may be): Provided always, that when any of the Lands purchased by the said Company shall be released from any Rent, Payment, or Incumbrance affecting the same jointly with other Lands not purchased by the said Company, such last-mentioned Lands shall be charged only with the Remainder of such Rent, Payment, or Incumbrance, and such Apportionment shall not prejudice the Title to the remaining Rent, or the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Lands not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released it shall be lawful for the said Company, on Tender for that Purpose of any Deed or Instrument creating or transferring such Rent, Payment, or Incumbrance, to affix their Common Seal to a Memorandum indorsed on such Deed or Instrument, declaring what Part of the Lands originally subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrance which shall continue payable; and such Memorandum shall be Evidence in all Courts of the Facts therein stated, but shall not exclude any other Evidence of the same Facts.

Compensation for Corn Rents in lieu of Tithes to be made by Payment of a Sum in gross.

XVIII. And be it further enacted, That in all Cases where a Composition in lieu of Tithes shall have been made under an Act of Parliament by the Grant of a perpetual annual Sum of Money or Corn Rent, and any of the Lands chargeable with such Sum of Money or Corn Rent, or any Part of the same, shall be taken by the said Company under the Authority of this Act, Compensation shall be made by the said Company for the Value of the said annual Sum of Money or Corn Rent, or the Proportion of the said annual Sum of Money or Corn Rent chargeable upon the Lands so taken, by the Payment of a Sum in gross, such Sum being equal in Amount to Twenty-five Years Value of the annual Amount of the said annual Sum of Money or Corn Rent payable at the Time of the passing of this Act, or the said Proportion of the said annual Sum of Money or Corn Rent; and the

the said Company are hereby required to pay such Sum of Money into the Bank of *England* in manner by this Act provided in Cases where any Monies are to be paid to incapacitated Persons, before entering into the Possession of the said Lands, and from and after the Payment of such Sum the Lands so taken shall be for ever discharged of and from the said perpetual annual Sum of Money or Corn Rent, or from the proportionate Part of the said annual Sum of Money or Corn Rent, as the Case may be: Provided always, that in case Part only of any Lands and Grounds liable to the Payment of any such annual Sum or Corn Rent as aforesaid shall be purchased or taken by the said Company, nothing in this Act contained shall extend or be construed to extend to discharge the Remainder of the said Lands or Grounds from the Payment of the Remainder of the annual Sums or Corn Rents which would have been payable in respect of such Lands and Grounds, after deducting therefrom the proportionate Part of the said annual Sum or Corn Rent chargeable in respect of the Lands or Grounds so purchased or taken, but that the Remainder of such Lands and Grounds shall remain and be liable to such proportionate Part or Share of the said annual Sum or Corn Rent as the same would have been assessed at or would have been payable in respect of the same in case they had been assessed alone, under the Authority of the Act under which the said Composition for Tithes has taken place; and the Rector, Vicar, or other Person or Persons entitled to the said annual Sum or Corn Rent shall have the same Remedies for the Recovery of the said last-mentioned proportionate Part of the said annual Sum or Corn Rent, by Suit or Action, or by Distress, Entry, or Perception of Rents and Profits, in, upon, or over the said last-mentioned Lands and Grounds, or otherwise, as he or they had or were entitled to in respect of the whole of the said annual Sum or Corn Rent.

XIX. And be it further enacted, That all Persons and Corporations, having any Mortgage on any Lands to be taken or used for the Purposes of this Act, (and whether entitled thereto in their own Right or in Trust for any other Person or Party, and whether in Possession under such Mortgage or not,) shall, on Tender by the said Company, or by any Person by them authorized, of the Principal Money and Interest due thereon, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal Money, immediately alien, release, assign, and transfer such mortgaged Premises to the said Company, or to such Person and in such Manner as they shall appoint, and which Alienation, Release, Assignment, and Transfer may be of the like Form as the Conveyances by this Act directed to be used in Cases of Conveyance of Lands, or as near thereto as the Circumstances of the Case will permit, or in any other Form; or in case such Mortgagees shall have Notice in Writing from the said Company that they will pay off the Principal Money and Interest which shall be due on the said Mortgage at the End of Six Calendar Months (to be computed from the Day of giving such Notice), then, at the End of such Six Calendar Months, on the Payment of the Principal Money and Interest so due, together with any just Costs then due, such Mortgagees shall alien, release, assign, and transfer their respective Interests in the mortgaged

Mortgagees
to convey to
Company.

gaged Premises to the said Company, or as they shall direct; and in case any such Mortgagee shall refuse to alien, release, assign, or transfer as aforesaid on such Tender or Payment, then all Interest on every such mortgaged Debt shall from thenceforth cease and determine: Provided always, that in case any such Mortgagee shall neglect or refuse to alien, release, assign, or transfer as aforesaid, then, upon Payment of the Principal Money and Interest, and the Costs (if any) due on any such Mortgage as aforesaid, into the Bank of *England*, at or at any Time after the End of Six Calendar Months from the Day of giving such Notice as aforesaid, or in lieu of such Notice, and in addition to the said other Monies, of Six Calendar Months Interest in advance, for the Use of such Mortgagee, the Cashier of the said Bank shall give a Receipt for the said Money, in like Manner as by this Act is directed in Cases of other Payments into the said Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him, shall vest in the said Company, and the said Company shall be deemed to be in the actual legal and equitable Possession of the Premises and Estate comprised in such Mortgage, to all Intents and Purposes whatsoever.

Directing in what Manner Disputes between the Company, and certain Mortgagees shall be settled.

XX. And be it further enacted, That in all Cases in which any Lands subject to any Mortgage shall be required for the Purposes of this Act, which Lands shall be of less Value than the Principal Monies, Interest, and Costs secured thereon, or in which a Part only of any Lands subject to any Mortgage shall be required for the Purposes of this Act, and the Mortgagee thereof shall not consider the remaining Part of such Lands to be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due or to become due thereon, and all Costs, the Value of such Lands, or (as the Case may be) of such Part of the said Lands as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done, shall be settled and agreed upon by and between such Mortgagee and the Person entitled to the Equity of Redemption of such Lands on the one Part, and the said Company of the other Part; and in case of any Difference between them then such Value and Compensation shall be determined by the Verdict of a Jury in the same Manner as in other Cases of Difference; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee in satisfaction of his Claim, so far as the same will extend, and such Mortgagee shall thereupon alien, release, assign, and transfer all his Interest in such mortgaged Lands the Value whereof shall so have been agreed upon or determined as aforesaid; or in case of his neglecting or refusing to alien, release, assign, or transfer as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *England* to the Credit of such Mortgagee, as by this Act is provided in Cases of a like Nature; and such Payment to the Mortgagee, or into the Bank, as last aforesaid, shall be and be accepted in satisfaction of the Claim of such Mortgagee, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Premises

as

as shall be so taken or used from all Principal and Interest, Costs, and other Money due or secured thereon, and thereupon such mortgaged Lands shall become absolutely vested in the said Company, and the said Company shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever: Provided nevertheless, that all Mortgagees shall have the same Powers or Remedies for recovering or compelling Payment of their Mortgage Money, or the Residue thereof, (as the Case may be,) or the Interest thereof respectively, upon and out of the Residue of the mortgaged Lands not required for the Purposes aforesaid, as they would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage; provided also, that when a Part only of any Lands subject to any Mortgage shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Lands so taken shall, on the Assignment thereof to the said Company, have been paid to the Mortgagee thereof in part Satisfaction of his mortgaged Debt, a Memorandum of the Amount which shall have been so paid shall be indorsed on the Deed creating such Mortgage at the Time of executing such Assignment to the said Company, and shall be signed by such Mortgagee, and a Copy of such Memorandum shall at the same Time, if required, be furnished by the said Company, at their Expence, to the Person entitled to the Equity of Redemption of the Lands comprised in such Mortgage Deed.

XXI. And be it further enacted, That all Persons and Corporations by this Act capacitated to sell and convey any Lands, or to enfranchise Lands of Copyhold or Customary Tenure, or to release Lands from Rents and other Incumbrances charged thereon, and the respective Owners and Occupiers of any Lands through or upon which the said Railway or other Works hereby authorized are intended to be made, may agree to accept and receive, and may, subject to such Restrictions as in this Act contained as to the Payment thereof, accept and receive Satisfaction or Recompence for the Value of such Lands, or of the Interest therein by them conveyed, and also Compensation for any Damage by them sustained by reason of the Execution of any of the Works by this Act authorized, and also by reason of the severing or dividing such Lands, and also for and on account of any Damage, Loss, or Inconvenience which may be sustained by such Persons and Corporations by reason of the Execution of any of the Powers of this Act, in such gross Sums as shall be agreed upon between the said Owners (including Persons hereby capacitated as aforesaid) and Occupiers respectively and the said Company; and in case the said Company and such Parties respectively shall not agree as to the Amount or Value of such Purchase Money, Satisfaction, Recompence, or Compensation, the same respectively, or either of them, concerning which they do not so agree, shall be ascertained and settled, if required, by the Verdict of a Jury, as herein-after is directed.

Satisfaction to be made for Lands taken for Railway.

XXII. And for settling all Differences which may arise between the said Company and the several Owners and Occupiers of or Persons interested in any Lands which shall or may be taken, used,

In case the Parties refuse or are incapable to

[*Local.*]

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damaged,

treat the
Value of
Land and of
Damages to
be settled by
a Jury.

damaged, or injuriously affected by the Execution of any of the Powers hereby granted, be it further enacted, That if any Person, Corporation, or Trustee so interested or entitled, and capacitated to sell, agree, convey, or release as aforesaid, shall not agree with the said Company as to the Amount of such Purchase Money, or Satisfaction, Recompence, or other Compensation as aforesaid, or if any of the Parties entitled to receive such Purchase Money, Satisfaction, Recompence, or other Compensation as aforesaid shall refuse to accept such Purchase Money, Satisfaction, Recompence, or other Compensation as aforesaid as shall be offered by the said Company, and shall give Notice thereof in Writing to the said Company within Twenty-one Days next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter in dispute may be submitted to the Determination of a Jury, or if any of such Parties as aforesaid shall for the Space of Twenty-one Days next after Notice in Writing shall have been given to the Clerk, Agent, or principal Officer of any such Corporation, or to any of such Trustees or Persons respectively, or left at his last or usual Place of Abode, or with the Tenant or Occupier of any Lands required for the Purposes of this Act, neglect or refuse to treat, or shall not agree with the said Company for the Sale, Conveyance, and Release of their respective Estates or Interests, or the respective Estates or Interests which they respectively are hereby capacitated to convey therein, or shall by reason of Absence be prevented from treating, or shall by reason of any Impediment or Disability, whether provided for by this Act or not, be incapable of making such Agreement, Conveyance, or Release as shall be necessary or expedient for enabling the said Company to take such Lands, or to proceed in making the said Railway and other the Works aforesaid, or shall not disclose and prove the State of the Title to the Premises of which they respectively may be in Possession, and which they may claim to be entitled unto or interested in, or in any other Case where Agreement for Compensation for Damages incurred in the Execution of this Act, or for the Purchase of Lands required for the Purposes of this Act, cannot be made, then and in every such Case the said Company shall and they are hereby required, from Time to Time, to issue a Warrant, either under their Common Seal or under the Hands and Seals of Three at least of the Directors of the said Company, to the Sheriff of the County in which the Lands in question shall be situate, or the Matter in dispute shall arise, or in case such Sheriff or his Under Sheriff shall be One of the said Company, or enjoy any Office of Trust or Profit under them, or shall be in any way interested in the Matter in question, then to any of the Coroners of such Counties not interested as aforesaid, or if all the Coroners shall be so interested then to some Person then living in the County, and free from personal Disability, who shall have filled the Office of Sheriff or Coroner in the said County, and not be interested as aforesaid (a Person having more recently served either Office being always preferred), commanding such Sheriff or Coroner or other Person to impanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly empowered and required to impanel, summon, and return a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*, and the Persons to be impan-

impanelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, Coroner, or other Person at such Time and Place as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged; and out of such Persons so to be impanelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, Coroner, or other Person, or by some Person to be by them respectively appointed, in such Manner as Juries for Trials of Issues joined in His Majesty's Courts of Record at *Westminster* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid such Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or other Persons that can speedily be procured to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required, on Request in Writing by either Party, to summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matters in question, and may authorize or order the said Jury, or any Six or more of them, to view the Place or Matter in controversy; and such Jury shall upon their Oaths, or being Quakers, upon their Affirmations, (which Oaths and Affirmations, as well as the Oaths and Affirmations of all such Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to administer,) inquire of and assess and give a Verdict for the Sum of Money to be paid for the Purchase of such Lands, except for such Interest therein as shall have been of Right purchased by the said Company from any other Person, and also the Sum of Money to be paid by way of Satisfaction, Recompence, or Compensation, either for the Damages which shall before that Time have been done or sustained as aforesaid, or for the future temporary or perpetual or for any recurring Damages to be so done or sustained as aforesaid, and the Cause or Occasion of which shall have been in part only obviated, removed, or repaired by the said Company, and which cannot or will not be further obviated, removed, or repaired by them; which Satisfaction, Recompence, or Compensation for such Damage or Loss shall be inquired into and assessed separately and distinctly from the Value of the Lands so to be taken or used as aforesaid; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Satisfaction, Recompence, or Compensation as shall be assessed by such Jury; which said Verdict, and the Judgment thereon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes upon all Persons and Corporations whatsoever: Provided always, that in such Inquiry the Person or Corporation claiming Compensation shall be Plaintiff, and shall have all such Rights and Privileges as Plaintiffs in Actions at Law are entitled to; provided also, that not less than Seven Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the said Company to the Party with whom any such Controversy shall arise, either
by

by delivering such Notice to such Party, or by leaving the same at his Place of Abode, or with the Clerk or Agent or Principal Officer of the Corporation in the Case of a Corporation, or with some Tenant or Occupier of the Premises intended to be valued, or respecting which, or any Damage to which, any such Question shall arise.

Compensation Money to be apportioned.

XXIII. And be it further enacted, That the said Juries shall and they are hereby respectively empowered, if thereunto required, to settle what Shares and Proportions of the Purchase Money, Satisfaction, and Recompence or Compensation for Damages which shall be assessed as aforesaid shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest in the Premises by way of Lease or otherwise, for his Interest therein.

Verdicts to be recorded.

XXIV. And be it further enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the County in which the Matter in dispute shall have arisen among the Records of the Quarter Sessions of such County, and shall be deemed Records to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and also to take or make Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Penalty upon Sheriffs, &c. Jurors or Witnesses making Default.

XXV. And be it further enacted, That if any such Sheriff, or his Under Sheriff, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit and pay the Sum of Fifty Pounds to the Party who shall be prejudiced or injured thereby, to be recovered, with full Costs of Suit, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*; and if any Person so summoned or returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or being a Quaker, to make Affirmation, or shall refuse to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence as aforesaid shall not appear, on being paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn, or being a Quaker, affirmed, or to give Evidence, every Person so offending, having no reasonable Excuse (to be judged of and determined by the said Sheriff, Under Sheriff, Coroner, or other Person), shall forfeit and pay for every such Offence, to the Party for whom or on whose Account any such Jury or Witness shall have been summoned, any Sum not exceeding Twenty Pounds; which said last-mentioned Penalty and Forfeiture shall and may be levied by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the County, City, or Place in which the said Lands shall be situate or the said Inquisition shall be held, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, on Demand, the Overplus of the Money thereby produced,

produced, if any, after such Penalty, and the Charges and Expences of such Distress and Sale, shall have been deducted.

XXVI. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and all Persons who in any Examination to be taken by virtue of this Act upon their Oath, or being Quakers upon their Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, Sheriff, Under Sheriff, Coroner, or other Person, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury shall or may by Law be subject.

Jurors to be under the same Regulations as those of the Courts at Westminster.

XXVII. And be it further enacted, That in every Case in which the Verdict of a Jury summoned as aforesaid shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands to be used or taken by them for the Purposes of this Act, or as a Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs, Charges, and Expences of such Jury and of Witnesses, and of the Bond to be given by the Party requiring the Jury to be summoned as herein-after mentioned, shall be defrayed by the said Company, and such Costs, Charges, and Expences shall be settled and determined by the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid; and in case such Costs, Charges, and Expences shall not be paid to the Party entitled to receive the same within Ten Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Company, under a Warrant to be issued for that Purpose by any Justice of the Peace for the County, City, or Place where such Inquisition shall be held, not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal, on Application made to him for that Purpose by any Party entitled to receive such Costs, Charges, and Expences; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by the said Company, One Moiety of the said Costs, Charges, and Expences, including the Costs of the Bond so to be given as aforesaid, shall be defrayed by the Party with whom the said Company shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Company; and the former Moiety of such Costs, Charges, and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such other Party as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in Cases in which by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-

Expences of Jury how to be paid.

[Local.]

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before

before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Costs, Charges, and Expences shall be borne and paid by the said Company.

Persons requesting Juries, to enter into Bonds to prosecute their Complaint and to pay Expences.

XXVIII. And be it further enacted, That all Parties with whom the said Company shall have any such Dispute, and who shall require a Jury to be summoned as aforesaid, shall, before the said Company shall be obliged to issue their Warrant for the summoning of such Jury, enter into a Bond to the said Company in a Penalty of One hundred Pounds to prosecute their Complaint, and to bear and pay their Proportion of the Costs and Expences of summoning and returning such Jury and taking such Verdict, and of the summoning and Attendance of Witnesses, in case any Part of such Costs and Expences shall fall upon them.

Notice of Injury to be given to the Company before Complaint.

XXIX. And be it further enacted, That the said Company shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed (without the Consent of the said Company) to receive or take notice of any Complaint to be made by any Party for any Loss or Injury by him sustained or supposed to be sustained in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing by or on behalf of the Person or Corporation making such Complaint, stating the Nature, Extent, and Particulars of such Loss or Injury, and the Amount of the Compensation claimed in respect thereof, shall have been given by such Person or Corporation to the said Company Ten Days before the summoning of such Jury, and within the Space of Six Calendar Months after the Time of such supposed Loss or Injury having been sustained, or after the doing or committing thereof shall have ceased.

Tenants at Will, &c. to quit Lands after Notice.

XXX. And be it further enacted, That all Persons in Possession of any Lands which shall be required or intended to be taken or used for the Purposes of this Act, and who shall have no greater Interest than as Tenants at Will, or Lessees for a Year, or as Tenants from Year to Year, shall respectively deliver up Possession of such Property to the said Company, or to such Person as the said Company shall appoint to take Possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect shall have been given by the said Company to or left at the Place of Abode of such respective Tenants or Lessees in Possession, or left upon the said Premises, whether such Notice be given with reference to the Time of the Commencement of such Tenant holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Company, or at such other Time after the Expiration of Six Calendar Months as in any such Notice they shall be respectively required; and in case any such Tenant or Lessee or Person so in Possession as aforesaid shall refuse to give up such Possession as aforesaid it shall be lawful for the said Company to issue their Precept under their Common Seal to the Sheriff of the County in which the Premises shall be situate to deliver Possession of the said Premises to such Person as shall in such Precept be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy and

In case of Refusal the Sheriff to deliver Possession.

and satisfy such Costs as shall accrue upon or by reason of the issuing and Execution of such Precept on the Person so refusing to give Possession, by Distress and Sale of his Goods and Chattels.

XXXI. Provided always, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver Possession of any Premises occupied by him before the Expiration of his Term or Interest therein, the said Company shall and they are hereby required to make or tender to such Tenant or Lessee, before they shall issue their Precept to the Sheriff to give Possession of the Premises in the Occupation of such Tenant or Lessee, Satisfaction, Recompence, or Compensation for the Value of his unexpired Term or Interest in the said Premises, and for any Loss or Injury which may arise to him in consequence of being so required to deliver such Possession, provided such Tenant or Lessee shall have given previous Notice of his Claim or Demand to the said Company; which Satisfaction, Recompence, or Compensation, in case of Difference, shall be ascertained and determined in the same Manner as any other Satisfaction, Recompence, or Compensation for any Lands taken or used by the said Company is by this Act directed to be made or determined.

Company to make Tender of Compensation to Tenants before Possession is enforced.

Differences to be settled by a Jury.

XXXII. Provided always, and be it further enacted, That in all Cases in which any Party shall claim any Satisfaction, Recompence, or Compensation for or in respect of any unexpired Term or Interest which he shall claim to be possessed of or entitled unto in any Lands, Mines, or Minerals intended to be taken or used under the Authority of this Act, under or by virtue of any Demise, Lease, or Agreement for Lease, or Grant thereof, the said Company are hereby authorized to require such Party to produce or show the Lease or Agreement for Lease, Demise, or Grant in respect of which such Claim to Satisfaction, Recompence, or Compensation shall be made; and if such Lease or Agreement for Lease, Demise, or Grant shall not be produced or shown within Twenty-one Days after Demand made by a Clerk, Solicitor, or Agent of the said Company, or by any Person by him or them authorized, the Party claiming such Satisfaction, Recompence, or Compensation shall be considered or treated as a Tenant holding only from Year to Year.

Persons holding under Lease to produce the same.

XXXIII. And be it further enacted, That in case any Difference shall arise between the said Company and any of the Owners or Occupiers of the Property to be taken, used, or injured for the Purposes of this Act, as to the Amount or Value of the Damages done by the said Company, their Agents or Workmen, to such Property in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted and settled between the said Parties, the same shall, in case the Amount of Damages claimed does not exceed the Sum of Twenty Pounds, be ascertained and determined by some Two or more Justices of the Peace for the County, City, or Place in which such Lands shall lie, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Company; and the said Justices respectively are hereby authorized and required, on Nonpayment of the said

Settling Disputes as to Damages to a small Amount.

said Damages for the Space of Ten Days after the same shall become due, to levy such Damages, and all Charges respecting the same, by Distress and Sale of any Goods and Chattels of the said Company, in the same Manner as by this Act is directed with respect to the Recovery of any Penalty or Forfeiture incurred for any Offence against the Provisions of this Act.

Application
of Com-
pensation
Money when
amounting
to 200l.

1 G. 4. c. 35.

XXXIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands to be taken or used by virtue of the Powers of this Act, or of any Interest therein, or for the Release of any such Lands from any Rent or other Incumbrance charged thereon, or for the Enfranchisement of any such Lands, being of Copyhold or Customary Tenure, or for any Compensation under this Act which any Corporation, Tenant in Tail or for Life, Husband, Guardian, Trustee, or Feoffee in Trust, Committee, Executor, or Administrator, Feme Covert, or any Person whomsoever, for or on behalf of any Wife, Ward, Lunatic, Idiot, or Cestuique Trusts, whether Infants, Issue unborn, Femmes Covert, or any Person whomsoever whose Lands are limited in strict or other Settlement, or any Person under any other Disability or Incapacity, shall be entitled unto, interested in, or hereby capacitated to convey, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* "The York and North Midland Railway Company," pursuant to a Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in there remain until the same shall, by Order of of the said Court, made in a summary Way upon Petition to be presented to the said Court by the Party who would have been entitled to the Rents and Profits of the said Lands, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the said Lands, or affecting other Lands standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall upon the like Application be laid out, by Order of the said Court, made in a summary Way as aforesaid, in the Purchase of other Lands, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, or used as aforesaid, or in respect of which such Compensation or Satisfaction shall be paid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchase shall be made the said Money may, by Order of the said Court

Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; or in Government or Real Securities; and in the meantime and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, or shall be called in or cancelled, the Dividends or Interest and annual Produce thereof shall from Time to Time, by Order of the said Court, be paid to the Party who would for the Time being have been entitled to the Rents and Profits of such Lands so to be purchased and settled.

XXXV. Provided always, and be it further enacted, That if any Money agreed or awarded to be paid as last herein-before mentioned shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then the same shall, at the Option of the respective Parties for the Time being entitled to the Rents and Profits of the Lands so taken or used, or of such Interest therein, or of their respective Husbands, Guardians, or Committees, in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Company, signified in Writing under the Hands of Three at least of the Directors of the said Company, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the respective Parties exercising such Option (such Nomination to be approved of by the said Company), and such Nomination and Approbation to be signified in Writing under the Hands of the nominating Parties and of Three at least of the Directors of the said Company; and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon and therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, without obtaining or being required to obtain the Direction or Approbation of the same Court.

When less than 200*l.* and exceeding 20*l.*

XXXVI. Provided also, and be it further enacted, That where any Money so agreed or awarded to be paid as last herein-before mentioned shall not exceed the Sum of Twenty Pounds the same shall be paid to the respective Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so taken or used for the Purposes of this Act, or in respect of which such Compensation shall be paid, for their own Use and Benefit, or in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid, for their Use, to their respective Husbands, Guardians, Committees, or Trustees.

When not exceeding 20*l.*

XXXVII. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as the Purchaser of all Conveyances and Assurances of any Lands which shall be purchased or taken by the said Company for the Purposes of this Act, and of deducing, evidencing, and verifying such Title as the said Com-

Expences of verifying Title to be paid by the Company.

[*Local.*]

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pany may require to the said Lands, and of making out and furnishing such Abstract and such attested Copies as the said Company may require, and all Expences whatsoever incident to the Investigation, Deduction, and Verification of such Title, and to the Title and Conveyance of any outstanding Terms or Estates which the said Company may require to be called in or conveyed, shall be exclusively borne and paid by the said Company; and the said Company, before entering into Possession of the Lands so purchased or taken, shall pay the Amount of such Costs, Charges, and Expences, or in case there shall be any Dispute about the same, shall obtain such Order as in this Act mentioned, and shall deposit, for the Purpose of paying the same in such Manner as herein-after mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party or Parties from whom the Lands shall be purchased or taken: Provided always, that the said Company shall not be prevented from entering into Possession of the Lands so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Order in this Act mentioned not having been obtained, or the Deposit herein mentioned not having been made, unless the Party or Parties from whom such Lands shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said Company, deliver a Bill of their said Costs, Charges, and Expences to the said Company.

How such
Expences
are to be as-
certained.

XXXVIII. And be it further enacted, That if the said Company and the Party or Parties aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the said Court of Exchequer, and it shall be lawful for the said Court, on Petition to be presented by the said Company, to order and direct that such Costs, Charges, and Expences shall be referred to one of the Masters of the said Court to be taxed in the usual Manner, and such Order shall be served on the Party or Parties aforesaid, and after Taxation thereof it shall be lawful for the said Court to order and direct the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, or so much of the same as shall be payable by the said Company to the Person or Persons from whom such Lands shall have been purchased or taken, shall be paid to the Person or Persons aforesaid: Provided always, that the said Company shall not be at liberty to enter into Possession of the Lands so purchased or taken until an Order shall have been made for the Taxation of the said Costs, Charges, and Expences, and the said Company shall have deposited in the Bank of *England*, in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account there *ex parte* "The York and North Midland Railway Company," pursuant to the Method prescribed by the herein-before mentioned Act, passed in the First Year of the Reign of His late Majesty King *George* the Fourth, which Sums shall be applied, under the Order of the said Court, in payment of the said Costs, Charges, and Expences: Provided always, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be paid and borne by the said Company, unless the Sixth of the said Costs, Charges, and

and Expences shall be disallowed, in which Case the said Expence shall be paid and borne by the Person or Persons from whom the said Lands were purchased or taken, and the Amount therefore may then be paid to the said Company out of the said Sum so deposited by them as aforesaid.

XXXIX. And be it further enacted, That in case any Party to whom any Money shall be agreed or awarded to be paid for the Purchase of any Lands to be taken or used under or by virtue of the Powers of this Act, or for any Interest or for Compensation as aforesaid, shall refuse or neglect to accept the same, or to convey the Premises or Interest in the Premises purchased, or shall refuse, neglect, or be unable to make a Title to such Premises, or to such Interest in the Premises, to the Satisfaction of the said Company, or shall be absent from *England*, or shall not be found, or if any Party entitled unto or by this Act capacitated to convey such Lands or such Interest therein be not known or discovered, or be not shown to the Satisfaction of the said Company to be such Party, then and in every such Case it shall be lawful for the said Company to order the Money so agreed or awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the Lands [describing them, so far as the said Company can do], subject to the Control and Disposition of the said Court; which said Court, on the Application of any Party making claim to such Money, or to any Part thereof, by Petition, is hereby empowered, in a summary Way of Proceeding or otherwise, as to such Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Titles, or Interests of the Parties making claim thereunto, and to make such Order in the Premises as to the said Court shall seem proper; and the Cashier of the Bank of *England* who shall receive such Money is hereby required to give a Receipt for such Money, mentioning and specifying therein for what and for whose Use [described as aforesaid] the same is received, to the said Company, or to the Party or Parties paying any Money into the Bank as aforesaid.

In case of not making out Titles, &c. the Money to be paid into the Bank.

XL. Provided always, and be it further enacted, That where any Question shall arise in reference to the Provisions aforesaid, or otherwise upon this Act, touching the Title of any Party to any Lands, or to any Interest in any Land, or to any Compensation Money in respect of Damage done to any Lands, or to any Money to be paid into the Bank of *England* for the Purchase of any Lands, or of any Estate, Right, Title, or Interest in any Lands to be taken or used in pursuance of this Act, or for Compensation as aforesaid, or to any Annuities or Securities to be purchased with any such Money as herein mentioned, or to the Dividends or Interest of any such Annuities or Securities, the Parties respectively who shall have been in Possession or Receipt of the Rents or Profits of such Lands at the Time of such Purchase, and all Persons and Corporations claiming under such Parties, or under or consistently with the Possession of such

Persons in Possession presumptively entitled.

such Parties, shall be deemed to have been lawfully entitled to such Lands, or such Interest therein, or to such Money as aforesaid, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly.

The Court may order reasonable Expences of Purchases and of Investments to be paid by the Company.

XLI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of any Party entitled to any Lands to be taken or used, or in respect of which any Satisfaction, Recompence, or Compensation shall be payable under the Authority of this Act, the Purchase Money for the same, or the Money paid for such Compensation, shall be required to be paid into the Bank of *England*, it shall be lawful for the said Court to order the Costs, Charges, and Expences attending the Purchase or the taking or using of such Lands, or which may be incurred in consequence thereof, and of the Re-investment of the Purchase or Compensation Money in other Land, or so much of such several Costs, Charges, and Expences as the said Court shall deem reasonable, and likewise the Costs, Charges, and Expences occasioned only by the passing of this Act, and not by Litigation, between Claimants or otherwise, of any Proceedings had as herein-before authorized for the Investment of such Purchase or Compensation Money in Government or Real Securities, and for the Payment of the Interest and Dividends thereof, and of such Government or Real Securities, or of the Money to be produced by the Sale thereof out of Court, together with the necessary Costs and Charges of obtaining the proper Order for such Purposes, to be paid by the said Company out of the Monies to be received by virtue of this Act; and the said Company shall from Time to Time pay such Sums of Money for such Costs, Charges, and Expences as the said Court shall direct; and also that where in any other Cases the Purchase Money for any Lands to be taken or used under the Authority of this Act, or any Monies payable for any Satisfaction, Recompence, or Compensation under this Act, shall by reason of or under any of the Provisions of this Act be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, it shall likewise be lawful for the said Court to order the reasonable Expences of any Party or Parties in procuring the same to be paid out of Court, together with the necessary Costs and Charges of obtaining the proper Orders for such Purposes, to be in like Manner paid by the said Company out of the Monies to be received by virtue of this Act; and the said Company accordingly shall from Time to Time pay such Sums of Money, and in such Manner and for such Purposes as the said Court shall direct.

Power to enter Lands, &c. on Payment or Tender of Purchase Money.

XLII. And be it further enacted, That upon Payment or legal Tender of such Sums of Money as shall have been agreed upon between the Parties, or awarded by a Jury in manner aforesaid, for the Purchase of any Lands, Rent or other Charge, or as a Compensation for any Loss or Injury as aforesaid, to the respective Proprietors of such Lands, or other Persons respectively interested therein, and entitled to receive such Money or Compensation respectively,

spectively, within Three Calendar Months after the same shall have been so agreed upon or awarded, or if the Parties so respectively interested and entitled as aforesaid cannot be found, or shall be absent from *England*, or shall refuse to receive such Money as aforesaid, or shall refuse, neglect, or be unable to make a good Title to such Lands (to the Satisfaction of the said Company); or if any Party entitled unto or to convey such Lands shall not be known, or shall be absent from *England*, or shall refuse, neglect, or be unable to convey the same, then upon Payment of such Money into the Bank of *England* as herein-before directed, to the Credit of the Parties interested in such Lands, or in case such Money shall have been agreed or awarded to be paid for the Purchase of any such Lands, or such Compensation as aforesaid, which any Corporation, Trustee, or Person under Disability is hereby capacitated to convey, upon Payment of such Money into the Bank of *England* as herein-before directed, to an Account *ex parte* "The *York and North Midland* Railway Company," then and in every such Case it shall be lawful for the said Company immediately to enter upon such Lands, and thereupon such Lands, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all Parties therein, shall thenceforth be vested in and become the sole Property of the said Company to and for the Purposes of this Act; and such Payment or Tender and Conveyance, or such Deposit in the Bank of *England* as aforesaid, shall operate to merge all outstanding or other Terms of Years, and to bar and destroy all Dower, and all Estates Tail and other Estates in Reversion and Remainder, and all Rights, Titles, Limitations, and Trusts whatsoever of and in the said Lands: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England* as aforesaid, it shall not be lawful for the said Company, or for any Person acting under their Authority, to bore under, dig, or cut into or enter upon such Lands for any of the Purposes of this Act, save for the Purposes of ascertaining and setting out the same for the Purposes of this Act, without the previous Consent of the Owners and Occupiers thereof respectively; and in case any Person or Persons shall enter upon any such Lands or Premises and commit any such Offence before or until such Payment or legal Tender shall have been made, each and every such Person shall forfeit and pay the Sum of Five Pounds for each and every Day he shall remain or be on such Lands or Premises to the Proprietor or Proprietors of the Lands or Premises.

XLIII. And whereas, in making and executing the said Railway and the several Works by this Act authorized, it may be necessary for the said Company, their Agents and Workmen, to enter upon and take temporary Possession of some Parts of the Lands adjoining to the Line of the said Railway and other Works, for the Purpose of laying or depositing and working thereon Earth, Clay, Stones, Bricks, Slates, Timber, Lime, and other Materials, or of manufacturing such Clay into Bricks, or for forming temporary Roads or Approaches to and from the said Works; and inasmuch as a Jury summoned as directed by this Act to assess a Compensation for the Damage and Injury done to such adjoining Lands by the Exercise of

Compensation to be made for temporary Damage.

[*Local.*]

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the Powers and Authorities by this Act granted cannot, either upon View or from Evidence, form a just Opinion of the permanent Injury which will be sustained by the Owners or Proprietors of such adjoining Lands by the Exercise of the Powers and Authorities aforesaid until the Works shall have been completed, it is expedient that the said Company, their Agents and Workmen, should be empowered to enter upon such adjoining Lands for the Purposes aforesaid, without having previously made such Payment, Tender, or Investment of Money as herein-before mentioned; be it therefore enacted, That notwithstanding any thing in this Act contained it shall be lawful for the said Company, their Agents and Workmen, and they are hereby empowered, to enter upon the Lands of any Person or Corporation whatsoever adjoining or lying near to the said Railway and other Works by this Act authorized to be made and maintained, or any of them, or any Part thereof respectively, for the Purpose of laying, depositing, working, or manufacturing upon such Lands, or upon any Part thereof respectively, any Earth, Clay, Stones, Bricks, Slates, Timber, Lime, or other Materials, or for forming temporary Roads or Approaches to and from the said Works, they the said Company, their Agents and Workmen, doing as little Damage as may be in the Exercise of the several Powers hereby granted to them, and making Compensation for such temporary Occupation or temporary Damage of the said Lands to the Owners and Occupiers thereof; such Compensation, in case the Parties differ about the same, to be settled and recovered in manner herein-before provided in Cases of Dispute as to the Value of Lands through or upon which the said Railway and other Works are intended to be made, and the Compensation for any Damage sustained by reason of the Execution of any of the Works by this Act authorized: Provided always, that the said Company shall and they are hereby required to agree with the Occupiers of any such adjoining Lands, before entering thereon for the Purposes aforesaid, for the Payment by the said Company of a temporary Rent in respect of the Occupation thereof during the Continuance of such Occupation; such Rent, in case the Parties differ respecting the Amount thereof, to be ascertained and settled in like Manner as is by this Act provided for ascertaining Damages under Twenty Pounds, and also to make such Compensation and Satisfaction for the permanent Damage or Injury (if any) which may have been done to the said Lands by the Exercise of any of the Powers and Authorities aforesaid within One Calendar Month after the Expiration of the Period by this Act granted for executing the said Railway and other Works; provided also, that before it shall be lawful for the said Company to make such temporary Use as aforesaid of the Lands adjoining or lying near the said Railway or other Works, the said Company shall and they are hereby required to give Fourteen Days Notice of such their Intention to the Owners or Occupiers of such Lands, and to separate and set apart by sufficient Railings or Fencings so much of the Lands as shall be required to be so used as aforesaid from the other Lands adjoining thereto; provided also, that it shall not be lawful for the said Company to make such temporary Use of any such Lands as aforesaid lying at a greater Distance than Five hundred Yards from the said Railway, nor to make Bricks or place a Steam Engine upon any of such Lands at any Place which shall

shall not be distant at least Two hundred and fifty Yards from any Mansion, without the Leave of the Owner or Occupier of such Mansion in Writing first obtained for that Purpose: Provided always, that before entering upon any such Lands for such temporary Purposes as aforesaid the said Company shall, if required by the Owner or Occupier thereof, find Two sufficient Persons, who shall enter into a Bond to such Owner or Occupier in a Penalty of the Amount of Fifty Pounds *per* Acre, conditioned for the Payment of such Compensation, such Sureties to be approved of by Two Justices of the Peace for the County, Riding, City, or Place in which the same Lands shall be situate, in case the Parties differ about the same.

XLIV. Provided also, and be it further enacted, That nothing herein contained shall authorize the said Company, or any Person acting under their Authority, to take, injure, or damage for the Purposes of this Act any House or other Building which was erected on or before the Thirtieth Day of *November* One thousand eight hundred and thirty-five, or any Ground which was then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk or Avenue to a House, or any inclosed Ground planted as an Ornament or Shelter to a House, or planted and set apart as a Nursery for Trees, other than and except such as are specified in the Schedule to this Act annexed, without the previous Consent in Writing of the Owner and Occupier thereof respectively, unless the Omission thereof in such Schedule shall have proceeded from Mistake, and unless it shall be so certified in manner herein-before provided for in Cases of unintentional Errors in the said Book of Reference.

Houses and Gardens not to be used without Consent unless specified in Schedule.

XLV. And be it further enacted, That the Lands to be taken for the Line of the said Railway shall not exceed Twenty-two Yards in Breadth, except in those Places where a greater Breadth shall be judged necessary for Carriages to wait, load, or unload, and to turn or pass each other, or for raising Embankments for crossing Valleys or low Grounds, or for Cuttings, or for the Erection and Establishment of any fixed or permanent Machinery, Toll House, Warehouses, Wharfs, or other Erections and Buildings, and except at or near the Terminations of the said Railway and the Branches thereof in the respective Parishes of *Holy Trinity Micklegate, All Saints North Street, Saint John Micklegate, Saint Martin-cum-Gregory, Saint Mary Bishophill the elder, and Saint Mary Bishophill the younger*, all in the City of *York* and County of the same City; and *Methley, Featherstone, Normanton, Brayton, Sherburn, and Monk Fryston*, all in the West Riding of the County of *York*.

Breadth of Land to be taken for Railway.

XLVI. And be it further enacted, That the said Company shall not, in making the said Railway and other Works by this Act authorized, deviate from the Line delineated on the Maps or Plans so deposited with the Clerks of the Peace, with or without the Consent of the Owners and Occupiers of the Lands or any of them, to a greater Distance than One hundred Yards, nor in passing through any City or Town to a greater Distance than Ten Yards from the Line so delineated upon the said Plans, nor shall such Deviation extend

Company not to deviate from the Plan more than One hundred Yards in Lands, or Ten Yards in Towns.

extend into the Lands or Property of any Person whose Name is not mentioned in the said Book of Reference or Schedule to this Act, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein-before provided for in Cases of unintentional Errors in the said Book of Reference, or unless such Persons shall have become possessed of any such Land or Property subsequently to the Thirtieth Day of *November* One thousand eight hundred and thirty-five.

Where small
Parcels of
Land are
intersected,
Company
compellable
to purchase
the whole.

XLVII. And be it further enacted, That if in the Execution of any of the Powers of this Act any Land shall be cut through and divided, so that the remaining Part which shall be left thereof on both Sides or on either Side of the said Railway shall be less than One Quarter of a Statute Acre in Quantity, and if the Owner of any such Land shall not have any other Land adjoining to that which shall be so left on either Side of the said Railway, then and in every such Case, if such Owner shall so require, but not otherwise, the said Company shall also purchase the Land so left on both or on either of the Sides of the said Railway, being less than One Quarter of a Statute Acre in Quantity as aforesaid, the Value thereof to be ascertained (if the Parties differ about the same) in the same Manner as is directed concerning any Land to be taken or used for the Purposes of this Act; or in case such Owner aforesaid shall have any other Land adjoining to that which shall be so left, he may require the said Company, at the Expence of the said Company, to throw the same into the adjoining Land of such Owner, by removing the Fences and levelling the Sites thereof, and soiling the same in a sufficient and workmanlike Manner.

Empowering
Company to
purchase
Fifty Acres
of Land for
the Purpose
of additional
Stations.

XLVIII. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to contract with any Person or Corporation (who shall be willing to sell the same) for the Purchase of any Lands, not exceeding in the whole Fifty Statute Acres, in addition to the Lands herein-before authorized to be taken and used, in such Places as shall be deemed eligible, for the Purpose of making and providing additional Stations, Yards, Wharfs, waiting, loading, and unloading Places, Warehouses, and other Buildings and Conveniences, for receiving, depositing, loading, or keeping any Cattle, or any Goods, Articles, Matters, or Things conveyed or intended to be conveyed upon the said Railway, or for making convenient Roads or Ways thereto, or for any other Purposes whatsoever connected with the Undertaking by this Act authorized, which the said Company shall judge requisite; and it shall be lawful for all Persons and Corporations, including especially such Persons and Corporations as are herein-before capacitated to sell and convey other Lands, and to release Rents and other Charges for the Purposes of this Act, to sell or grant and convey to the said Company and their Successors any Lands whatsoever for the Purposes herein-before mentioned, or any of them, and to release Rents and other Charges thereof, or to enfranchise any such Lands, being of Copyhold or Customary Tenure, in the same Manner as is herein-before directed concerning the Lands to be taken for the
Purpose

Purpose of making the said Railway and other Works by this Act authorized.

XLIX. And be it further enacted, That it shall be lawful for the said Company to sell and dispose of such additional Lands as they are by this Act empowered to purchase, and shall have actually purchased; for the Purposes of additional Stations, Yards, Wharfs, waiting, loading, and unloading Places, Warehouses, and other Buildings and Conveniences, as herein-before authorized, or such Parts of such Lands as the said Company shall think proper, and in such Manner and for such Considerations and to such Persons as the said Company shall think proper, and again to purchase other Lands which the said Company shall deem more eligible for the Purposes aforesaid, and afterwards to sell and dispose of the same in manner herein-before mentioned, and so from Time to Time as the said Company shall deem proper, so that the total Number of Acres to be purchased and held by the said Company for the Purposes herein-before mentioned shall not exceed at any one Time the Number of Acres for those Purposes expressly specified or allowed in this Act.

Company authorized to sell Lands not required for additional Stations, &c., and afterwards to purchase other Lands for the same Purposes.

L. And whereas the said Company, in addition to the Lands hereby authorized to be taken for making the said Railway and other Works, are enabled to purchase, of Persons and Corporations willing to sell the same, Fifty Statute Acres of Land, by virtue of this Act, for the Purpose of providing additional Stations, Yards, Wharfs, waiting, loading, and unloading Places, Warehouses, and other Buildings and Conveniences, and all Persons and Corporations whomsoever are empowered to sell such Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling Lands so purchased from Persons and Corporations being under legal Disability or Incapacity, and again purchasing other Lands from the same or from any other Persons or Corporations, being under legal Disability or Incapacity, in lieu of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said Company to purchase from any Corporation, Trustee, or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or Cestuique Trust, or from any Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, more than such Fifty Statute Acres; and in case the said Company shall purchase such Fifty Statute Acres from any Person or Corporation under such legal Disability or Incapacity as aforesaid, and shall afterwards sell the Whole or any Part of such Fifty Statute Acres so purchased, it shall not be lawful for the said Company to purchase of or from the same, or of or from any other Person or Corporation, being under legal Disability or Incapacity, nor for the same nor for any other Person or Corporation, being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu of such Fifty Statute Acres of Land, or any Part thereof, so sold or disposed of by the said Company.

Restraining Company from purchasing more than Fifty Acres of Land for additional Stations from incapacitated Persons.

Company
not to claim
Mines, &c.
under Lands
purchased.

LI. And be it further enacted, That nothing in this Act contained shall extend to give to the said Company any Coal, Ironstone, Limestone, Stone, Slate, Clay, or other Mines or Minerals under any Land purchased by the said Company under the Provisions of this Act, except only so much of such Coal, Ironstone, Limestone, Stone, Slate, Clay, or other Mines and Minerals as may be necessary to be dug or carried away or used for the Purposes of this Act, or as may be found not deeper than the Line of the Section herein-before mentioned and referred to, (unless the said Mines shall have been expressly purchased and conveyed by the Owner thereof to the said Company,) but all such Coal, Ironstone, Limestone, Stone, Slate, Clay, or other Mines and Minerals not necessary to be so dug, carried away, or used as aforesaid shall (unless the contrary be expressed) be deemed to be excepted out of the Purchase and Conveyance of such Lands, and may, subject to the Restrictions herein-after contained for the Purchase thereof by the said Company, be worked by the respective Owners or Lessees thereof under the said Lands, or the Railway or other Works of the said Company, as if this Act had not been passed; provided that in the working of such Mines or Minerals no Damage be wilfully done to the said Railway or Works, and that the said Mines and Minerals be not worked in an improper Manner.

Owners of
Mines to
give Notice
to the Com-
pany of their
Intention to
work, and
Company to
have Liberty
to purchase.

LII. Provided always, and be it further enacted, That when and so often as the Proprietor or Lessee or Tenant of any Mines of Coal, Ironstone, Limestone, Stone, Slate, Clay, or other Mines and Minerals lying under the said Railway and Works, or any of them, or within the Distance of Forty Yards from such Railway or Works respectively, shall be desirous of working the same, then and in every such Case such Proprietor, Lessee, or Tenant shall give Notice in Writing to the said Company under his Hand of such Intention at least Twenty-one Days before he shall begin to work such Mines, and upon the Receipt of such Notice it shall be lawful for the said Company to inspect such Mines, or cause the same to be inspected, and to contract and agree with any such Proprietor, Lessee, or Tenant for the Purchase of and to purchase any such Mines or Minerals, or any Part thereof, the getting and working of which may appear to the said Company likely to prejudice or damage the said Railway or other Works; and in case the said Company, and such Proprietor, Lessee, or Tenant, do not agree as to the Amount or Value of such Mines or Minerals, the same shall be ascertained and settled by the Verdict of a Jury, as is herein-before directed with respect to the Lands which shall or may be taken for the Purposes of this Act: Provided nevertheless, that in case the said Company do not before the Expiration of such Twenty-one Days declare their Desire to purchase the said Mines, and do not treat with such Proprietor, Lessee, or Tenant for the same, then it shall be lawful for the Proprietor, Lessee, or Tenant of such Mines and he is hereby authorized to work and get such Part of the said Mines as lie under the said Railway and Works, or within the Distance aforesaid, without being liable to the said Company for any Damage that may be done thereby, unless such Damage be wilfully done, or be caused by the working of the said Mines in an improper Manner.

LIII. Pro-

LIII. Provided also, and be it further enacted, That in case the said Company shall purchase any such Mines under the said Railway, or within the Distance of Forty Yards thereof, it shall be lawful for the respective Proprietors, Lessees, or Tenants of the adjoining Mines (such Proprietors, Lessees, or Tenants being the Proprietors, Lessees, or Tenants of the Mines on both Sides of the Mines so purchased,) to cut and make such and so many Airways, Headways, Gateways, or Water Levels through the Mines, Measures, or Strata so purchased by the said Company as may be requisite to enable such Proprietors, Lessees, or Tenants to ventilate, drain, work, and get the Minerals on each Side of the Mines so purchased as aforesaid: Provided always, that no Airway, Headway, Gateway, or Water Level shall be of greater Dimension or Section than Eight Feet wide and Eight Feet high; and the respective Proprietors, Lessees, or Tenants of such Mines, or other the Persons cutting and making the same, shall allow and repay unto the said Company, for all Coal and other Minerals worked or obtained by them from or out of such Airway, Headway, Gateway, or Water Level, at the same Rate or Price at which the said Company shall have purchased and paid for the said Mines; provided also, that no Airway, Headway, Gateway, or Water Level shall be so cut or made as in any way to injure the said Railway or Works, or to obstruct or impede the Passage upon or along the said Railway.

If Company purchase any such Mines, the Owners of Mines adjoining on each Side of the Railway may make Communications.

LIV. And for the better ascertaining whether any such Mines are being worked or got, or about to be worked or gotten, so as to prejudice or Damage the said Railway and other Works, or any of them, be it further enacted, That it shall be lawful for the said Company, by themselves, their Agents and Workmen, from Time to Time and at all Times hereafter, to enter upon any Lands through or near which the said intended Railway and other Works shall pass wherein any such Mines shall be found or shall be working, or be supposed to be working, and likewise to enter into and return from any Coal Pit, Works, or other Mines, and for that Purpose to make use of any Gins, Whimsies, Tackling, Ropes, Machines, Apparatus, or Machinery belonging to such Proprietors, Lessees, or Tenants, and to view, search, bore, dig, and measure, latch, and use all other Means for discovering the Distance of the said intended Railway and other Works from the working Parts of such Mines respectively; and in case it shall appear that any such Mines have been worked or got contrary to the Directions of this Act, it shall be lawful for the said Company to give Notice to the Proprietors, Lessees, or Tenants of any such Mines who have so worked or got the same contrary to the Directions of this Act respectively, and to adopt and construct the requisite Means and Supports for sustaining, securing, and making safe the said Railway and other Works, and preventing any Injury which may arise in consequence of such Mines having being so got contrary to the Directions of this Act; and in case the said Proprietors, Lessees, or Tenants respectively shall not immediately after such Notice proceed to secure and make safe the said Railway and Works, and use due Diligence in effecting the same, to the Satisfaction of the said Company or their Engineer, then and in every such Case it shall be lawful for the said Company, their

Method of discovering when Mines are working under the Railway.

their Agents and Workmen, at the Expence, Costs, and Charges of such respective Proprietors, Lessees, and Tenants of such Mines, to enter into and upon all such Mines, and from Time to Time to use all necessary and reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe the said Railway and other Works; and such Expences, Costs, and Charges shall be recovered by the said Company from such Proprietor, Lessee, or Tenant who shall so respectively have worked or got the same contrary to the Directions of this Act, in such and the same Manner as the Rates, Tolls, or Sums by this Act granted may be recovered, and shall be applied to the Purposes of this Act.

No Shaft to
be sunk
under the
Railway.

LV. And be it further enacted, That no Shaft, Pit, or Quarry shall be dug, sunk, or made in or on the Line of the said intended Railway or Works, but it shall be lawful for any Proprietor, Lessee, or Tenant of any Mines or Works on each Side of the said Railway to fix all such Ropes, Chains, Connection Rods, and other Matters as may be necessary for working the said Mines, in conformity with any Provisions of this Act, over, under, across, near, or by the said Railway, provided that by so doing such Proprietor, Lessee, or Tenant do not injure such Railway or Works, or interrupt in any Manner the free Passage upon or along the same for a longer Space of Time than may be necessary, in the Opinion of an indifferent competent Person, for doing the Work requisite for passing such Ropes, Chains, Connection Rods, and other Matters over, under, or across the said Railway or Works.

A Bridge to
be built over
the River
Wharfe.

LVI. And whereas the said Railway is intended to be carried over the River *Wharfe*; be it therefore enacted, That the said Railway Company shall and they are hereby required to build, at their own Expence, in a proper Manner, and for ever afterwards maintain in perfect Repair, a good, firm, and substantial Bridge, of Stone, Brick, Iron, or other Material, over the same River, in the Situation where the said Railway is intended to be carried over the same River; and the same Bridge shall be so constructed as to leave between the Piers of each Arch thereof, erected over the natural Bed of the said River, a free, open, and uninterrupted Waterway of Thirty Feet in Width at the least; and the Height to the under Side of each such Arch at the Centre thereof shall not be less than Twelve Feet above the lowest Part of the Ings or low Grounds adjoining the said River *Wharfe*; and that the Number of Arches extended over the said Ings or low Grounds and River shall be such that the aggregate Waterway shall be Two hundred and fifty Feet at the least.

An Arch-
way to be
built under
Leeds and
Selby Rail-
way.

LVII. And whereas it is intended that the said Railway hereby authorized to be made shall be carried under the said *Leeds* and *Selby* Railway at or near the Town of *South Milford* by means of an Archway; be it therefore enacted, That the said Company hereby incorporated shall and they are hereby authorized and required to construct, at their own Expence, under the Superintendence and to the Satisfaction of the Engineer for the Time being of the said *Leeds* and *Selby* Railway Company, a good and sufficient Archway, with proper Parapet Walls and Wing Walls, for carrying the said Railway hereby
authorized

Selby Rail-
way.

State of Repair of any of such Works or of the said Archway, or if by any Act or Omission of the said Company hereby incorporated, or any of their Agents, Servants, or Workmen, the said *Leeds* and *Selby* Railway shall be so obstructed that Carriages or Passengers using the same cannot pass, or shall be impeded in the Passage along the same, then and in either of the said Cases the said Company hereby incorporated shall pay to the said *Leeds* and *Selby* Railway Company the Sum of Fifty Pounds for every Twenty-four Hours during which such Obstruction shall continue on the said *Leeds* and *Selby* Railway, as or by way of ascertained Damages, and so in proportion for any less Time than Twenty-four Hours; and in default of Payment of the said Sum, or such Proportion thereof as shall become due, on Demand made of the Treasurer or any Officer of the said Company hereby incorporated, the said *Leeds* and *Selby* Railway Company may sue for and recover the same, with full Costs of Suit, against the said Company hereby incorporated, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

If the Rail-
way is aban-
doned the
Archway to
be at the
Disposal of
the *Leeds*
and *Selby*
Railway
Company.

LXI. Provided also, and be it further enacted, That if in consequence of the said Railway hereby authorized to be made being abandoned or given up by the said Company hereby incorporated the said Archway shall not be used or employed by the said Company for the Purposes of a Railway for the Space of Three Years after the Abandonment of such Railway, then and in such Case the said Archway shall be at the entire Disposal of the said *Leeds* and *Selby* Railway Company for ever.

Not to take
the Lands or
interfere
with the
Works of the
Leeds and
Selby Rail-
way Com-
pany without
Consent.

LXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize or enable the said Company hereby incorporated, in making and constructing or maintaining the said Railway, to take or enter upon any of the Lands or Grounds belonging to the said *Leeds* and *Selby* Railway Company, or to alter, vary, or interfere with the said *Leeds* and *Selby* Railway, or any of the Works thereof, further or otherwise than is herein expressly authorized, without the Consent in Writing of the said *Leeds* and *Selby* Railway Company in every Instance for that Purpose first had and obtained.

Saving the
Rights of
the *Leeds*
and *Selby*
Railway
Company.

LXIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the said *Leeds* and *Selby* Railway Company in and by the several Acts relating to the said Railway, but saving and reserving to the said *Leeds* and *Selby* Railway Company all the Rights, Privileges, Powers, Authorities, and Provisions in the said Acts respectively contained, as if this Act had not been passed, save and except as is herein-before expressly provided for.

An Archway
to be made
and main-
tained at the
Company's
Expence

LXIV. And be it further enacted, That the said Company shall and they are hereby required to erect and make, in and through the Embankment to be formed for the Passage of the said Railway through the Estate of *Thomas Davison Bland* Esquire, in the Township of *Castleford* aforesaid, a good and sufficient Stone Archway or Tunnel,

authorized to be made under the said *Leeds* and *Selby* Railway, at the Place where the said intended Railway, as delineated on the Plan thereof deposited with the Clerk of the Peace for the West Riding of the County of *York*, crosses the said *Leeds* and *Selby* Railway; and that the Extent of such Archway and Wing Walls shall not in the aggregate be less than the Width of the said *Leeds* and *Selby* Railway and the Slopes thereof, the Parapet Walls being distant from each other not less than Thirty Feet within.

LVIII. Provided also, and be it further enacted, That after the said Archway under the said *Leeds* and *Selby* Railway shall have been constructed pursuant to the Directions of this Act the said Company hereby incorporated shall and they are hereby required at all Times thereafter to keep the same, and all Walls and other Works belonging thereto, in good and complete Repair, to the Satisfaction of the Engineer for the Time being of the said *Leeds* and *Selby* Railway Company; and in case of any Want of Repair to the said Archway, Walls, and other Works, or any of them, and Notice thereof given to the said Company hereby incorporated by or on behalf of the said *Leeds* and *Selby* Railway Company, if the said Company hereby incorporated shall not for the Space of Twenty-one Days after the Service of such Notice commence such Repair, and proceed therein with all reasonable Expedition until the same shall be completed, it shall be lawful for the said *Leeds* and *Selby* Railway Company to proceed to repair and make good the same, causing as little Obstruction to the said Railway hereby authorized to be made, in the Progress of such Repairs, as may be; and all the Costs, Charges, and Expences incurred by the said *Leeds* and *Selby* Railway Company shall be paid, on Demand, by the said Company hereby incorporated; and in failure of Payment for Twenty-one Days after such Demand the same may be recovered by the said *Leeds* and *Selby* Railway Company from the said Company hereby incorporated, with full Costs of Suit, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

Company to keep Archway under *Leeds* and *Selby* Railway in repair.

LIX. Provided always, and be it further enacted, That in case in the Construction of the said Archway the said Company hereby incorporated shall do or cause any Injury or Damage to the said *Leeds* and *Selby* Railway, and shall not forthwith proceed to repair and make good such Injury or Damage, to the Satisfaction of the Engineer for the Time being of the said *Leeds* and *Selby* Railway Company, it shall be lawful for the said *Leeds* and *Selby* Railway Company to cause all such reasonable Repairs and Alterations to be made as their said Engineer shall in his Discretion think fit; and all reasonable Costs and Expences of such Repairs and Alterations shall be paid on Demand by the said Company hereby incorporated, and in default of Payment for Twenty-one Days after such Demand may be recovered by the said *Leeds* and *Selby* Railway Company, with full Costs of Suit, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

For preventing Damage to *Leeds* and *Selby* Railway.

LX. And be it further enacted, That if by reason or in execution of any of the Works by this Act authorized, or by reason of the bad

[Local.]

36 F

State

Penalty for obstructing *Leeds* and

nor to empower the Company to divert the Rivers Aire and Calder, or any of the Cuts or Canals;

nor to prevent Undertakers of the Aire and Calder Navigation from enlarging or improving the same.

For Protection of the said Rivers, Cuts, and Canals in crossing the same.

take away any of the Rights, Privileges, Powers, or Authorities vested in the said Undertakers, or authorize or empower the said Company of Proprietors hereby incorporated to divert or alter the Course or Levels of the said Rivers *Aire* and *Calder*, or either of them, or the Course of any of the Cuts or Canals which are now or shall at any Time hereafter be made or executed by the said Undertakers, by virtue of the Powers of the said recited Acts, or any or either of them, or the Towing or Foot Paths thereto, or any of them, or any Part thereof, or in any Manner to obstruct the Navigation of the said Rivers, Cuts, or Canals, or either of them, or to divert therefrom, intercept, cut off, take, use, or diminish any of the Waters therein, or any Streams of Water supplying the same, or any of them, or to raise or sink any of such Rivers, Cuts, Canals, or Streams, to the Prejudice of the said Navigation; or to obstruct or prevent the said Undertakers of the said Navigation of the said Rivers *Aire* and *Calder* at any Time hereafter, and from Time to Time, as and when they shall see Occasion, from further enlarging or straightening the said Rivers, or from making any such new or larger Cuts, Trenches, or Passages in, upon, or through the Lands contiguous thereto, or from making and completing the said several Cuts or Canals and other Works and Improvements to the said Navigation by the said several Acts authorized to be made or executed, in the same Manner and as fully in all respects as the said Undertakers could or might have done had not this Act been passed; provided that the same shall not interfere with the Construction of the said Railway, or after the same shall have been constructed prevent the free Passage of Passengers and Goods along the said Railway, for any longer Time or in any other Manner than shall be unavoidably necessary.

LXVI. And whereas the said Railway is intended to be carried over the said River *Calder* at or near to a certain Place called *Woodnook*, in the Township of *Methley*, at the Eastern Extremity of a certain projected Cut or new Channel for the said River on the North Side thereof, and the said Railway is also intended to be carried over the said River *Aire* at or near to a certain Place in the Township of *Fairburn* in the said County, and also to approach and run nearly parallel with the said Rivers, and with divers of the said Cuts or Canals, through the several Townships of *Altofts*, *Whitwood*, *Featherstone*, *Castleford*, and *Water Fryston*, in the County aforesaid, and it is expedient to make further Provision respecting the Manner in which the said Railway shall so cross the same several Rivers, Cuts, or Canals respectively, and to provide for the free Passage of the Water in and to the said Rivers and Cuts, or into and through any Branches thereof respectively, and for the free Access to the said Rivers, Cuts, and Canals, for the Trade and Merchandize thereof; be it therefore enacted, That in carrying the said Railway over the said River *Calder* near *Woodnook* aforesaid the said Company of Proprietors hereby incorporated shall and they are hereby required, at their own Expence, under the Inspection of the Engineer of the said Undertakers for the Time being, and according to a Plan to be approved of by him, to make a good and substantial Bridge, of Stone, Brick, or Iron, of Three Arches, over the said River *Calder* and the Towing Path thereof, at the Eastern Extremity of the said intended Cut or new Channel, with proper Approaches thereto, with perpendicular

Tunnel, of the clear Height of Twelve Feet and clear Width of Fourteen Feet, in a certain narrow Close or Parcel of Land set out for him as a Coal Road under the *Houghton-with-Castleford* Inclosure Act, and numbered 23. on the said Plan of the said Railway so deposited as aforesaid, such Archway to be made and erected in a substantial Manner and of the best Materials, and to be for ever hereafter maintained and kept in good Repair by and at the Expence of the said Company; also that the said Company shall, at their own Expence, make and form, and for ever hereafter keep in repair, a sufficient Road across the said Railway (with proper Approaches, not exceeding a Rise of One Foot in Thirteen Feet), and with substantial Gates at each End of the same, for the convenient Occupation of the Lands of the said *Thomas Davison Bland*, on the opposite Sides of the said Railway, such Road to be made to cross the said Railway in a certain Field belonging to the said *Thomas Davison Bland*, lying in the East Field of *Castleford* aforesaid, occupied by *Alexander Carnes*, at some Point between the Fields numbered 12. and 13. to the West, and the Fields numbered 5. and 6. to the East, on the said Plan; and in case the said Company shall at any Time, after Twenty-one Days Notice in Writing given to them for that Purpose, refuse or neglect to make all or any of such Repairs as aforesaid, it shall be lawful for the said *Thomas Davison Bland*, his Heirs, Tenants or Assigns, to make such Repairs, and to recover the Amount thereof from the said Company (in default of their paying the same upon Demand) by Action at Law in any of His Majesty's Courts of Record at *Westminster*.

through the
Embank-
ment on
Mr. Bland's
Estate at
Castleford;

as also a
Road across
the Railway.

LXV. And whereas by a certain Act of Parliament passed in the Tenth and Eleventh Years of King *William* the Third, and by a certain other Act of Parliament passed in the Fourteenth Year of King *George* the Third, and by Two other Acts respectively passed in the First and Ninth Years of the Reign of His late Majesty King *George* the Fourth, the Navigation of the Rivers *Aire* and *Calder*, in the said County of *York*, over and near to which the said Railway is intended to pass, are now and stand vested in certain Persons called the Undertakers of the Navigation of the Rivers *Aire* and *Calder* in the West Riding of the County of *York*, their Heirs and Assigns, who are by the said several Acts, or some or one of them, authorized and empowered to make and keep the said Rivers navigable, portable, and passable for Barges, Boats, Lighters, and other Vessels up to the Towns of *Leeds* and *Wakefield* therein mentioned, and for that Purpose to cleanse, scour, open, enlarge, or straighten the said Rivers, or either of them, and to make new or larger Cuts, Trenches, or Passages for the Waters thereof, in, upon, or through the Lands contiguous thereto, and who are also by the said Two last-mentioned Acts further authorized and empowered to make and execute certain other navigable Cuts or Canals and new Channels for the said Rivers, and other Works and Conveniences, for the greater Facility of the Trade of the said Navigation: And whereas it is expedient to provide against any Obstruction being occasioned by the said Railway, either in its Execution or Use, to the free Navigation of the said Rivers, Cuts, and Canals, or to the free Exercise of the Powers and Authorities touching the same so vested in the said Undertakers, their Heirs and Assigns, as aforesaid; be it therefore enacted, That nothing in this Act contained shall diminish, alter, prejudice, affect, or take

Nothing
herein to
affect the
Rights of the
Undertakers
of the Aire
and Calder
Navigation;

dicular Foundation Walls to such Bridge, without any Projections therefrom under Water, the Towing Path whereof shall not be less than Six Feet in Width, and shall be carried under the most Southern of the said Arches, and the Breast Wall of which Towing Path shall be built perpendicularly from the Foundation thereof, the Opening at the under Side of the Keystone of each of the Arches of such Bridge not being less than Twenty-eight Feet in Height above the ordinary Surface Water Level of the said River at that Place, and the Opening or Span of each of such Arches not being less than Fifty Feet in Width, and so as the said Three Arches shall extend over and include the entire Width of the said River and of the Towing Path thereto belonging; and in carrying the said Railway over the said River *Aire* at *Fairburn* aforesaid the said Company hereby incorporated shall and they are hereby also required, under the like Inspection and Approbation as aforesaid, at their own Expence, to erect and build another good and substantial Bridge, of Stone, Brick, or Iron, of Three Arches, over the said River, with a Towing Path under each of the Side Arches thereof, with proper Approaches thereto, and with perpendicular Foundation Walls, without Projections, the Width of which Towing Paths shall not be less than Six Feet, and the Breast Walls whereof shall be built perpendicularly from the Foundation, and the Opening at the under Side of the Keystone of each of the Arches of such last-mentioned Bridge not being less than Thirty Feet in Height above the ordinary Surface Water Level of the said River where such last-mentioned Bridge shall be constructed; and the Opening or Span of each of the Arches of such last-mentioned Bridge not being less than Fifty Feet, and so as the said Three Arches shall extend over and include the entire Width of the said River and the Towing Path on each Side thereof; and the Space between the Piers of the Arches of such respective Bridges (except so much thereof respectively as shall be occupied by the Towing Paths of such Bridges) shall, after the said Bridges shall have been completed, be cleared out to the Depth of Eight Feet below the ordinary Surface Water throughout the whole Width of each of the said Arches, and from Time to Time and at all Times thereafter, except during the necessary Repairs of such Bridges, or the Erection of any future Bridges, be kept and preserved an open uninterrupted navigable Waterway.

LXVII. And be it further enacted, That in case the said Undertakers, their Heirs or Assigns, shall at any Time hereafter require, in exercise of any of the Powers or Duties vested in or imposed upon them by the said recited Acts or any of them, to divert or alter the Course of the said Rivers or either of them, or any of the said Cuts or Canals in the Line or Course of the said Railway, and shall require to pass the same, or to set out or make any new Cuts or Channels for the said Rivers or either of them under the said Railway, the said Company of Proprietors hereby incorporated shall within the Space of Fifty Days next after the same shall have been set out, and Notice thereof shall have been given to them in Writing, permit and suffer the said Undertakers to make and execute all such Diversions, Cuts, or Channels respectively; and shall and they are hereby required to make and erect such additional Bridge or Bridges over such new Cuts

If Undertakers find it necessary to make new Cuts, &c., the Railway Company, at their own Expence, to erect Bridges over same, except, &c.

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or

or Channels, and the Towing Paths thereof respectively, of such Height and Dimensions and in such Manner as the respective Engineers of the said Undertakers and of the said Company or their Umpire shall direct; and the Spaces between the Piers of the Arches of such additional Bridge or Bridges (except so much as shall be occupied by the Towing Paths thereof respectively) shall, after the same shall have been completed, from Time to Time and at all Times thereafter, except during the necessary Repairs of such last-mentioned Bridge or Bridges, or the Erection of any future Bridge or Bridges, be kept and preserved open and uninterrupted navigable Waterways, as the Case may require: Provided always, that in case the said Diversions or Alterations of the Course of the said Rivers, or either of them, or of the said Cuts or Canals or any of them, or the said new Cuts or Channels or any of them, shall be made previous to the Completion of that Part of the said Railway under which the same shall respectively pass, the Expence of making such additional Bridge or Bridges over the said Cuts or Canals, or any of them, or the Course of the said Rivers, or either of them, or of the said Cuts or Canals so as aforesaid to be diverted or altered, shall be defrayed by the said Railway Company; but if the said Diversions or Alterations, or the said new Cuts or Canals, or any of them, shall be made subsequent to the Completion of that Part of the said Railway under which the same shall respectively pass, then and in such Case the Expence of making such additional Bridge or Bridges over the same respectively shall be defrayed by the said Undertakers of the *Aire and Calder* Navigation, their Heirs and Assigns.

Company
not to
obstruct the
Navigation
of the Rivers
in construct-
ing or re-
pairing their
Bridges.

LXVIII. Provided always, and be it further enacted, That the said Company hereby incorporated shall and they are hereby required, during the Progress of constructing the said respective Bridges, or of the necessary Repairs thereof respectively, or of the Erection of any future Bridges in lieu thereof respectively, from Time to Time and at all Times to leave an open uninterrupted navigable Waterway in the said Rivers of not less than Thirty Feet in Width and Twenty Feet in Height above the ordinary Surface Water Level thereof, together with a free and uninterrupted Towing Path, and that the present Towing Paths shall remain undisturbed until the new Towing Path Wall shall be erected, and the Ground made good and properly gravelled, and open for the free Passage of Horses under each such Bridge; and in case, by reason of any Accident, or in the Execution of any of the Works by this Act authorized, or by reason of the bad State of Repair of any such Works, or of the said Bridges, or either of them, or of any of the Slopes, Banks, or Walls of the said Railway near the said Rivers, Cuts, or Canals, it shall happen that the said Rivers, Cuts, or Canals, or either of them, or the Towing or Foot Paths thereof, or any Part thereof, shall be so obstructed as that Boats, Barges, Lighters, or other Vessels navigating or using the same shall be impeded in their Passage, or shall not be able at all Times freely and uninterruptedly to pass along the same; or in case the navigable Waterway or Towing Path herein-before required to be preserved during the Progress of the Works, or either of them, shall at any Time be contracted to a less Width than herein-before prescribed, then and in every such Case the said Company of Proprietors hereby

hereby incorporated shall pay to the said Undertakers of the said Penalties;
 Navigation, as or by way of ascertained Damages, the Sum of Ten
 Pounds for every Hour during which any such Obstruction or Con-
 traction shall continue: Provided always, that if such Obstruction or
 Contraction shall continue beyond Seventy-two consecutive Hours, or
 shall have been occasioned by any wilful Act on the Part of any of
 the Servants of or Persons employed by the said Railway Company,
 then and in every such Case the said Railway Company shall pay to
 the said Undertakers the Sum of Thirty Pounds for every Hour
 during which the said Obstruction or Contraction shall continue, as
 or by way of ascertained Damages; and in default of Payment of how re-
 the said Sum or Sums, as the Case may be, on Demand made on the coverable.
 Treasurer or any Officer of the said Railway Company, the said
 Undertakers may sue for and recover the same, together with
 full Costs of Suit, against the said Railway Company, by Action of
 Debt or on the Case in any of His Majesty's Courts of Record at
Westminster: Provided always, that nothing herein contained shall
 extend to prevent the said Undertakers from recovering against the
 said Railway Company any special Damage that may be sustained by
 them on account of the Acts or Defaults of the said Railway Company
 in respect of which such Penalties are imposed beyond the Amount
 of such Penalty or Penalties, and they are hereby authorized to sue
 for and recover such special Damage accordingly; but in every Case
 where the Penalty or Penalties herein-before imposed shall have been
 paid by the said Railway Company, and any Action for special
 Damage shall be brought as above mentioned, then the said Penalty
 or Penalties so paid shall be deemed and considered as Payments on
 account of such special Damage, and Credit shall be given by the
 Court before whom such Action shall be tried for any Sum or Sums
 of Money so paid by the said Railway Company, and the same shall
 be deducted from the Amount of Damages to be recovered by the
 said Undertakers; and in case the Amount of Damages recovered
 shall not exceed the Sum or Sums so paid, then and in such Case
 Judgment shall be given for the said Railway Company; and no
 Action shall be maintainable by the said Undertakers against the
 said Railway Company for the Recovery of any Penalty or Penal-
 ties after Judgment shall have been obtained by them for any special
 Damage in respect of the Act or Acts for which such Penalty or
 Penalties would have been recoverable.

LXIX. And be it further enacted, That in making the said in- Company,
 tended Railway along that Part of the Line or Course thereof which at their own
 is in the several Parishes or Townships of *Altofts, Whitwood, Feather-* Costs, to
stone, Castleford, and Water Fryston aforesaid, the said Company of make Via-
 Proprietors hereby incorporated shall and they are hereby required, ducts or
 wherever the same shall intersect any Road or Way at present laid Archways
 out or used for the Purpose of Communication between the adjacent where the
 Country lying to the South of the said Line and the said Rivers *Aire* Railway in-
 and *Calder*, or either of them, or any Wharfs situate thereon present
 respectively, at their own Costs and Charges, to erect and build a good and Roads;
 substantial Viaduct or Archway for passing such Roads or Ways,
 either over or under the said Railway, of such Dimensions and with
 such convenient Heights, with such Slopes and Approaches thereto,
 as the respective Engineers of the said Undertakers and of the said
 Railway

and if additional Roads are required, then to cause Openings and Roads to be made at the Expence of the Parties.

Railway Company or their Umpire shall from Time to Time direct; and further, that if it shall at any Time hereafter be made to appear to any Two of His Majesty's Justices of the Peace for the West Riding of the said County of *York* that any additional public or private Roads or Ways are required to be made for the greater Facility of Trade or Access between the aforesaid District lying South of the Line of the said Railway and the said Rivers or either of them, and such Roads or Ways could have been lawfully and of right made by the Person or Persons applying to such Justices in the Course or Direction required if the said Railway had not been made, then and in every such Case the said Company hereby incorporated shall and they hereby required, at the Expence of the Party requiring the same, either to cause a sufficient Opening to be made in their Embankment, and to make a good and sufficient Road or Archway under the said Railway, or a Road or Way, Viaduct or Bridge, over the said Railway, as the Case may require, (to be determined by such Justices,) of such Dimensions and with such Heights and other Conveniences as to the said Justices shall appear reasonable and necessary for the Passage of such additional Roads or Ways, and which said Passages, Viaducts, or Archways shall thenceforth be or become free for the Passage of all Persons whomsoever entitled to use the same Roads or Ways, with Horses, Carts, and Carriages, to and from the said Navigation at all Times whatsoever; provided that the same shall not interfere with the Construction of the said Railway, or after the same shall have been constructed prevent the free Passage of Passengers and Goods along the said Railway for any longer Time or in any other Manner than shall be unavoidably necessary.

Company to make Culverts, &c.

LXX. And be it further enacted, That wherever the said Railway shall cross or intersect any Brook or Stream of Water now falling into or supplying the said Rivers *Aire* and *Calder*, or either of them, or any of the Cuts or Canals of the said Undertakers, the said Company hereby incorporated shall and they are hereby required, at their own Expence, to cause such Brooks or Streams to be either carried over or under the said Railway, and into the said Rivers, Cuts, or Canals at their present Places, and for that Purpose proper and sufficient Culverts, Drains, or Aqueducts shall be made for the same, to the Intent that the Supply of Water to the said Rivers, Cuts, or Canals may not in any Manner be diminished or prejudiced.

Company to maintain the Bridges, Culverts, &c.

LXXI. Provided always, and be it further enacted, That the said Company hereby incorporated shall and they are hereby required, at their own Expence, to maintain the said several Bridges, Culverts, Passages, and Arches, which they are hereby required to make as aforesaid, in perfect Repair; and if the said Railway shall at any Time be abandoned by the said Company, the said Company shall, at their own Expence, remove the said Bridges, Culverts, and Arches, and all the Materials thereof, if they shall be required so to do by the said Undertakers; and in case the Bridges to be erected for the said Railway over the said Rivers *Aire* and *Calder*, or over any of the Cuts or Canals thereto belonging, or the Approaches, Side Slopes, or Banks of the said Railway near the said Rivers, Cuts, or Canals, or any of them, or any Part thereof, or the Culverts, Arches, or Aqueducts

ducts to be erected by the said Company for any Brooks or Streams supplying the same, shall not be kept in good Repair, it shall be lawful for the said Undertakers to do the needful Repairs, and to recover the Amount of the Expences thereof from the said Railway Company, by Action of Debt or on the Case, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*.

LXXII. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors hereby incorporated to make any Deviation or Extension whatever Westward from the Course or Direction of the said Railways so delineated as aforesaid, and intended to be made and constructed, where the same passes over the said River *Calder*; nor shall the said Company in any Part of the said Line running by or near to the said River *Aire*, between certain Fields, Closes, or Places in the Township or Parish of *Water Fryston* aforesaid, numbered 32, 33, and 34 on the said Maps or Plans, deviate to the Northward of the said Line, so as to pass the same any nearer to the said River than the same is now laid out and delineated on the said Maps or Plans; nor shall they deviate in any Part of the said Line running by or near to the said River *Aire*, through the Fields or Closes numbered 36, 26, 27, 21, 20, 22, 16, and 14 in the said Township, so as to approach within One hundred and fifty Yards of the said River, without the Consent of the said Undertakers for that Purpose obtained; nor shall the said Company be authorized to make any Depôts between the said River *Aire*, or any of the said Cuts or Canals and the said Railway, between a certain Field marked Number 10. in the Parliamentary Plan in the Township of *Castleford* and the crossing of the said River *Aire* at *Fairburn* aforesaid, except during and for the Construction of the said Railway, nor to make, erect, or set up any other Bridges over, or Tunnels, Passages, Culverts, Drains, or Works under or upon the said Rivers, Cuts, or Canals, or either of them, other than such as are herein-before required or mentioned and provided for; nor shall it be lawful for the said Company to take or use or in any way damage the said Rivers, Cuts, Canals, Brooks, Streams, Dams, or Weirs belonging to the said Navigation, or any or either of them, or the Locks, Towing Paths, Bridges, or other Works of the said Undertakers, or any of them, or any Part or Parts thereof respectively, without the Consent of the said Undertakers in Writing first had and obtained, other than and except in the Manner herein-before expressly provided for and authorized.

Restricting the Company from making Deviations in certain Parts of the Line near the Rivers *Aire* and *Calder*.

LXXIII. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower the said Railway Company to make or execute the said intended Branch of the said Railway from the *Leeds* and *Pontefract* Turnpike Road near *Methley Bridge* to the said Turnpike Road at *Watergate*, or to commence erecting the said Bridge over the said River *Calder* at *Woodnook*, unless and until that Portion of a certain other Line of Railway now in contemplation, and intended to proceed from *Watergate* to *Leeds*, shall have been sanctioned by Parliament, and until the Execution thereof shall have been commenced.

Branch from *Methley Bridge* to *Watergate* not to be made till Line from *Watergate* to *Leeds* began.

Railway not
to cross
Turnpike
Roads on a
Level.

LXXIV. And be it further enacted, That where the said Railway shall cross any Turnpike Road, either such Turnpike Road shall be carried over the said Railway, or the said Railway shall be carried over the said Turnpike Road, at the Expence of the said Company, by means of a Bridge, where not otherwise provided for by this Act, of such Construction as is herein-after mentioned.

Height and
Depth of
Ledges
when cross-
ing public
Roads.

LXXV. And be it further enacted, That where the said Railway shall cross any public Highway other than a Turnpike Road the Ledge or Flanch of such Railway for the Purpose of guiding the Wheel of the Carriages thereupon shall not rise above or sink below the Level of such Road more than One Inch.

As to Width
and Height
of Bridges
for carrying
the Railway
over public
Roads.

LXXVI. And be it further enacted, That where any Bridge shall be erected by the said Company for the Purpose of carrying the said Railway over or across any public Carriage Road the Span of the Arch of such Bridge shall be formed and shall at all Times be and be continued of such Width as to leave a clear and open Space under every such Arch of not less than Fifteen Feet, and of a Height from the Surface of such Road to the Centre of such Arch of not less than Sixteen Feet; and the Descent under any such Bridge shall not, with respect to any Turnpike Road, exceed One Foot in Thirty-five Feet, and with respect to any public Carriage Road One Foot in Twenty Feet, and with respect to any private Carriage Road One Foot in Thirteen Feet.

Ascent of
Bridges for
carrying
public Roads
over the
Railway.

LXXVII. And be it further enacted, That where any Bridge shall be erected for carrying any public Carriage Road over the said Railway the Road over such Bridge shall be formed and shall at all Times be continued of such Width as to leave a clear and open Space between the Fences of such Road of not less than Fifteen Feet; and the Ascent of every such Bridge for the Purpose of such public Road, if Turnpike, shall not be more than One Foot in Thirty-five Feet, and with respect to any public Carriage Road not Turnpike One Foot in Twenty Feet, and with respect to any private Carriage Road not more than One Foot in Thirteen Feet; and a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

As to Rail-
way crossing
Streets or
Highways
on a Level.

Crossing
Footpaths.

LXXVIII. And be it further enacted, That the said Railway shall not be made across any Street or Highway (upon which Carriages or Carts shall pass) on the Level without the previous Consent in Writing of some Two Justices of the Peace for the County, Riding, City, or Place within which the Street or Highway so to be crossed shall be situate; and when the said Railway shall cross any public Footpath in any other Manner than on the Level the said Company shall make and maintain convenient Ascents and Descents (as the Case may be) to such Footpath.

As to cross-
ing Bridle-
ways or
Footpaths
on a Level.

LXXIX. And be it further enacted, That the said Railway shall not be made across any Street or Highway, or public Bridleway or Footpath, on the Level, without the previous Consent in Writing of some

some Two Justices of the Peace for the County, acting for the Division within which the Street; Highway, Bridleway, or Footpath so to be crossed shall be situate; and where the said Railway shall cross any public Bridleway or Footpath in any other Manner than on the Level the said Company shall make and maintain convenient Ascents and Descents, as the Case may be, to such Bridleway or Footpath; provided nevertheless, that the said Company and all other Persons and Corporations who may think themselves aggrieved by any Determination, Consent, or Refusal of Consent of the said Justices herein shall have Power of Appeal in the same Manner and under the same Provisions and Restrictions as are ordered and directed in Cases of Appeal against stopping up and diverting Highways by an Act passed in the Fifth and Sixth Years of the Reign of His present Majesty, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of Great Britain called England.*

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c. 50.

LXXX. And be it further enacted, That in case it shall be found requisite to form Shafts, Pits, Eyes, or Openings to or from any Tunnel to be made for the Purposes of this Act, it shall be lawful for the said Company to sink and construct such Shafts, Pits, Eyes, or Openings in such Places as the said Company shall think necessary, but such Shafts, Pits, Eyes, or Openings shall not be sunk or constructed in any public Highway.

Openings
into Tunnels
not to be
made in
public High-
ways.

LXXXI. And be it further enacted, That in case the said intended Railway shall at any Time or Times hereafter, from its near Approach to any Turnpike Road, occasion Danger to the Travellers on such Road, in consequence of Horses being frightened by the Sight of the Engines and Carriages travelling upon the said Railway, it shall be lawful for any Person or Persons to make Complaint thereof to any Two Justices of the Peace acting for the Limit where such Turnpike Road shall be, who shall summon the Clerk or Treasurer for the Time being of the said Company, or One of the Directors thereof, before them, to answer such Complaint; and if it shall appear to such Justices that the said Complaint is reasonable, then the said Company shall, within such Time as shall be ordered by the said Justices in that Behalf, and after Notice of such Order served upon them, or their principal Engineer, Clerk, or other Officer, within such Time as shall be appointed by the said Justices, commence and within such Time as shall be appointed by the said Justices complete such Works in the Nature of a Screen near to or adjoining the Sides of the said Turnpike Road or of the said intended Railway, as shall be directed by the said Justices, so as to prevent such Danger to Travellers upon the said Turnpike Road; and in case such Company shall neglect within the Time appointed in that Behalf to commence, or shall not continue to execute such Works until the due Completion thereof, or shall not complete the same within the Time in that Behalf appointed, the said Company shall forfeit and pay for every Day during which the said Company shall not commence, or shall not proceed in the Completion of such Works, or during which the said Works shall not be completed after the Time appointed for the Completion thereof, the Sum of Twenty-five Pounds, to be recovered by the Commissioners or Trustees of the said Turnpike Road from the said Company in such and

If Danger
occasioned
to Pas-
sengers on
Turnpike
Roads by
Railway,
Company
to erect
Screens.

and the same Manner as any other Penalties incurred by the said Company for which no special Provision is made by this Act.

Providing
for Injury to
Roads.

LXXXII. Provided always, and be it further enacted, That in all Cases wherein, in the Exercise of any of the Powers hereby granted, any Part of any Carriage or Horse Road, Railway or Tramroad, either public or private, shall be found necessary to be cut through, raised, sunk, taken, or so much injured as to be impassable or inconvenient for Passengers or Carriages or to the Persons entitled to the Use thereof, the said Company shall, at their own Expence, before any such Road shall be so cut through, raised, sunk, taken, or injured as aforesaid, cause another good and sufficient Road (as the Case may require) to be set out and made instead thereof, and such new Road shall be as convenient for Passengers and Carriages as the said Road so to be cut through, raised, sunk, taken, or injured as aforesaid, or as nearly so as may be; and where the Road cut through, raised, sunk, or injured shall be a Turnpike Road the substituted Road, if temporary, shall be set out and made and the principal Road shall be restored within Six Calendar Months after the Commencement of the Operation; and in case the said Company shall not in manner aforesaid cause a good and sufficient Road to be set out and made before any such Road shall be so injured or prejudiced as aforesaid, or in case any Turnpike Road shall not be restored within Six Calendar Months after the Commencement of the Operation herein-before mentioned, then and in either of such Cases the said Company shall forfeit and pay for each and every Day during which such good and sufficient Road shall be neglected to be made as herein-before directed, or during which such Turnpike Road shall not be restored, after the Expiration of the said Six Calendar Months, the Sum of Twenty Pounds, which Penalty shall be recoverable from the said Company in such and the same Manner as any other Penalties incurred by the said Company for which no special Provision is made by the Act.

Where the
Railway
crosses pub-
lic Highways
on a Level,
Company to
erect Gates.

LXXXIII. And be it further enacted, That in all Cases wherein the said Railway shall cross any public Highway on a Level the said Company shall erect and at all Times maintain good and sufficient Gates across the said Railway at the Point where it shall cross such public Highway, all which Gates shall be constantly kept shut by some Person to be appointed by the said Company (and which Person the said Company are hereby required to appoint under a Penalty of Five Pounds for each Default), except during the Times when Carriages passing along the said Railway shall have to cross such public Highway, and then the same Gates shall be opened for the Purpose only of letting such Carriages pass through, and the Person intrusted with the Care of such Gates shall cause every such Gate to be shut as soon as such Carriages shall have passed through the same, under the Penalty of Forty Shillings for every such Default therein.

Company to
erect Gates
for the Pro-
tection of
adjoining
Lands.

LXXXIV. And be it further enacted, That the said Company shall, at their own Expence, after any Part of the said Railway shall have been laid out and formed, forthwith make and erect, and from Time to Time maintain, such and so many convenient Gates in, upon, or adjoining the said Railway, and such and so many Bridges, Arches, Hollows,

Hollows, Culverts, Fences, Ditches, Drains, and Passages over, under, or by the Side of or leading to or from the said Railway, of such Dimensions and in such Manner as Two or more Justices of the Peace acting within their Jurisdiction shall, upon the Application of the Owner or Occupier of any Lands, judge necessary and appoint (in case there shall be any Dispute about the same), for the Use of the Owners or Occupiers of the respective Lands through which such Railway shall be made, and for the commodious Use and Occupation of the Lands on either Side of the said Railway, or for protecting the said Lands from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof from straying or escaping thereout by reason of such Railway, or any Matter or Thing to be done in pursuance of this Act; and all such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages so to be made as aforesaid shall from Time to Time and at all Times thereafter be maintained in sufficient Repair and Condition by the said Company; and for the Purpose of enabling the said Company to make and erect such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, and from Time to Time to maintain the same, the said Company, their Agents and Workmen, are hereby authorized and empowered to enter into and upon all Lands adjoining the said Railway, and to load and carry the Materials for making or repairing such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages in Carts and other Carriages across and along such Lands, in such Manner as to do as little Damage as may be to the same; and in case the said Company shall refuse or neglect to make or erect or to maintain such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as herein-before directed, or any of them, for the Space of Ten Days next after the Time to be appointed for those Purposes respectively by such Justices, it shall be lawful for the respective Owners or Occupiers of the said Lands who shall find themselves aggrieved by such Neglect or Refusal to make and erect, or, as the Case may require, to maintain and repair, such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as the said Justices shall have before directed or appointed to be made and erected as aforesaid, so that in making, erecting, repairing, or maintaining such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid the said Railway or any of the Works by this Act authorized to be made or constructed by the said Company shall not be obstructed for any longer Space of Time or be used in any other Manner than shall be unavoidably necessary; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices, (in Case there shall be any Dispute about the same,) shall be repaid to the respective Owners or Occupiers of the said Lands who shall have so made and erected, repaired and maintained such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, by the said Company, within the Space of Five Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered to and made from the said Company; and in default of Payment of the said Costs and Charges within the Time aforesaid the said Justices are hereby required, by Warrant under their Hands and Seals, to levy

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the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company, for the Use of the Party to whom such Costs and Charges shall have been allowed, rendering to the said Company the Overplus (if any), on Demand, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; or the said Owners or Occupiers, upon Refusal or Neglect by the said Company to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act directed: Provided always, that no such Gate, Bridge, Arch, Hollow, Culvert, Fence, Ditch, Drain, or Passage shall be required to be erected or made, or shall be erected or made, over or under the said Railway or any Part thereof, at or in any Place or Manner at or in which the same would, if so erected or made, prevent or obstruct the working or using the said Railway.

Compensation in lieu of Gates, Bridges, &c.

LXXXV. Provided always, and be it further enacted, That in every Case in which the Owner of any Lands or other Person by this Act capacitated to convey shall in their Arrangements with the said Company have received or agreed to receive Compensation for Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, instead of the same being erected or formed by the said Company, for the Purpose of facilitating the Passage to or from either Side of the Lands severed or divided by the said Railway, it shall not be lawful for such Owners, or those claiming under them, to pass and they shall for ever be prevented from passing or crossing the said Railway from one Part to the other Part of their Lands so severed and divided, otherwise than by a Bridge, Arch, or Culvert to be erected at the Charge of such Owners.

Owners of Lands empowered to erect Gates, &c. in case of Insufficiency of those erected by Company.

LXXXVI. And be it further enacted, That if any of the Owners or Occupiers of any Lands through which the said Railway shall be made shall at any Time apprehend that any of the Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, or Passages which the said Justices shall have so directed or appointed to be made or erected by the said Company are insufficient, either in Number or Situation, for the commodious Use or Occupation of the respective Lands through which the said Railway shall pass, it shall be lawful for any such Owner or Occupier, with the Consent of the said Company, upon Request in Writing made to them, or in case of their Refusal for the Space of Ten Days next after such Request, then with the Consent of the said Justices, given after Summons to the said Company, and due hearing of their Objections, to make and erect, at the Costs and Charges of such Owner or Occupier, any other Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, or Passages, of the same or like Construction or Form with those made and erected by the said Company, over, under, or by the Side of or leading to or from the said Railway, in such Cases as shall be found and adjudged most convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands; and such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages shall thenceforth be repaired and maintained by and at the
Expence

Expence of the respective Owners or Occupiers for the Time being of the respective Lands the respective Owners or Occupiers of which shall have made or erected the same, so that the Passage to or upon the said Railway be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than shall be unavoidably necessary.

LXXXVII. And be it further enacted, That the said Company shall and they are hereby required, at their own Expence, after any Land shall have been taken for the Use of the said Railway and other Works, to separate the same and to keep the same constantly separated from the Lands adjoining to such Railway and other Works with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, and the said Company shall make and maintain all necessary Gates and Stiles in all such Fences to be made as aforesaid (all such Gates being made to open towards such Lands, and not towards the said Railway); and in every such Case the Powers, Provisions, Directions, and Regulations herein-before contained with respect to the Gates and other Works aforesaid shall extend and apply to the making and maintaining of such Fences, and the Gates and Stiles in such Fences, as fully and effectually, to all Intents and Purposes, as if such Powers, Provisions, Directions, and Regulations were here repeated and enacted with respect to such Fences, Gates, and Stiles.

For fencing off Railway through private Lands.

LXXXVIII. And be it further enacted, That the said Company shall and they are hereby required, from Time to Time, at their own Expence, to make such Arches, Tunnels, Culverts, Drains, or other Passages over, under, or by the Side of the said Railway and the Fences on the Sides thereof respectively, of such Breadth, Depth, and Dimensions as shall be sufficient at all Times to convey the Water as clearly from the Lands adjoining or lying near to the said Railway as before making the said Railway, without obstructing or impounding the same Water to the Prejudice of any of the said Lands, and also to make proper Watering Places for Cattle in all Cases where by means of the said Railway the Cattle of any Person occupying Lands adjacent thereto shall be deprived of Access to their ancient Watering Places, and to supply the same at all Times with Water from such Rivers, Brooks, Streams, or Springs of Water as would have supplied the Cattle of such Person if the said Railway had not been made, or from any other Source or Feeder which can lawfully be obtained for that Purpose; and it shall be lawful for the said Company and they are hereby required from Time to Time to make such and so many Watercourses and Drains by the Side of and along and under the said Railway, or in, through, over, and across any Lands thereto adjoining, of such Dimensions and in such Manner, and with such proper and convenient Bridges over and Tunnels under the same respectively, as any Two or more Justices of the Peace acting within their Jurisdiction shall from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Purpose of conveying Water to the said Watering Places respectively; and all such Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages shall from Time to Time be supported, maintained, cleansed, and

Company to make sufficient Drains, &c. to carry Water off adjoining Lands.

and kept in good and sufficient Repair by the said Company ; and if at any Time after Ten Days Notice in Writing shall be given by or on behalf of any Owner or Occupier of Land adjoining or lying near to the said Railway, to the said Company, that the said Arches, Tunnels, Culverts, Drains, Watercourses, or other Passages, or any of them, are not made, or being made are not cleansed, maintained, and repaired according to the true Intent and Meaning of this Act, the said Company shall not proceed to make or cleanse, maintain and repair, as the Case may be, such Arches, Tunnels, Culverts, Drains, Watercourses, or other Passages, it shall be lawful for any Person to apply for an Order in Writing to any Two or more Justices of the Peace acting within their Jurisdiction, from Time to Time, as often as there shall be Occasion, and the said Justices are hereby empowered, at their Discretion, to make and grant such Orders as aforesaid enabling such Persons to make or cleanse and repair such Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages accordingly, and the reasonable Expence thereof (to be ascertained by such Justices) shall be defrayed by the said Company ; and in case the said Company shall neglect or refuse to satisfy and defray such Expences for the Space of Five Days after Demand thereof made, such Expences may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Company, in the same Manner as any other Costs and Charges may by virtue of this Act be levied and recovered upon or from the said Company.

Act not to prevent the Owners of adjoining Lands from making Branches to communicate with Railway ;

LXXXIX. And be it further enacted, That nothing in this Act contained shall extend to prevent the respective Owners or Occupiers of Lands adjoining to the said Railway, or any other Person, from laying down, either upon their own Lands or upon the Lands of other Persons, with the Consent of such Persons, any collateral Branches from their respective Lands to communicate with the said Railway ; and the said Company shall be bound to make, at the Expence of such Owners and Occupiers and other Persons as aforesaid, Openings in the Ledges or Flanches of the said Railway for effecting such Communication, in such Places as may be most convenient for that Purpose, and as may the least interfere with the Passage of the said Railway ; and the said Company shall not receive any Rate or Toll or Sum for the passing of any Goods or other Things along such Branch so to be made by any such Owner or Occupier or Person as aforesaid ; provided also, that the said Company shall not be bound to make any such Openings in the Ledges or Flanches of the said Railway for the Purpose of effecting such Communication in any Places where they shall have erected or set up any Building, Steam Engine, Works, Machinery, or Yard, nor in any Tunnel, nor in any Places which they shall have appropriated or set apart for any specific Purpose with which such Communication would interfere ; and in case any Disagreement or Difference shall arise between any such Owners and Occupiers or other Persons and the said Company as to the proper Places for making any such Openings in the Ledges or Flanches of the said Railway for the Purpose of such Communication, then the same shall or may, on the Application of either Party, after Proof of Service of Notice in Writing to the opposite Party, specifying the Intention of Application to Two Justices for an Inquiry into the Merits of

have passed
through
them.

through the same, to shut and fasten every such Gate; and every Person neglecting to do so shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Persons
making false
Declaration
to be guilty
of a Misdemeanor.

XCII. And be it further enacted, That where in this Act a Declaration is directed to be used for the Purpose of Confirmation of written Instruments or Allegations, or of the Execution of Deeds or other Matters, the same shall be made in the Form prescribed in the Schedule to an Act passed in the Fifth and Sixth Years of the Reign of His present Majesty, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits,' and to make other Provisions for the Abolition of unnecessary Oaths,* or as near thereto as the Circumstances of the Case will admit, and shall be of the like Force and Effect as if an Affidavit or Affirmation in Writing had been made; and if any Declaration so made shall be false or untrue in any material Particular the Person wilfully making such false Declaration shall be deemed guilty of a Misdemeanor.

Enabling the
Company to
sell Lands
not wanted.

XCIII. And whereas by means of the Purchases which the said Company are empowered or are required to make by virtue of this Act they may happen to be seised or possessed of more Lands than will be necessary for effecting the Purposes of this Act, or of Lands not applicable to the Purposes hereof; be it therefore enacted, That it shall be lawful for the said Company and they are hereby required, within Ten Years after the passing of this Act, to contract for the Sale of and to sell, and by any Deed under their Common Seal, and for such Considerations as they may deem reasonable, to convey to the Purchasers thereof any Part of such superfluous Lands, or any Estate or Interest purchased by the said Company in such Lands or any Part thereof, in such Manner as they shall deem most advantageous, and such Contracts, Sales, and Conveyances from the said Company shall be valid and effectual to all Intents and Purposes: Provided always, that the said Company before they shall dispose of any superfluous Lands shall first offer to sell the same to the Person or to the several Persons whose Lands or Premises shall immediately adjoin the Lands so proposed to be sold, such Persons or their Agents being in *England*, and conveniently to be found, and being capable of entering into a Contract for the Purchase of such Lands; and such respective Persons, in case they shall be desirous of purchasing the same, shall signify such their Desire and Intention in that Behalf to the said Company within Thirty Days of such Offer of Sale shall have been made; and in case such Persons shall decline to avail themselves of such Offer, or shall neglect to signify their Desire and Intention to purchase such Lands for the Space of Thirty Days, the Right of Pre-emption of every such Person so declining or neglecting, in respect of the Lands included in such Offer of Sale, shall cease; and a Declaration made before a Master or Master Extraordinary in the High Court of Chancery, or before any Justice of the Peace for the County, Riding, City, or Place where such Lands may be situate,

of the Case, having been made Seven Days at least previously to the Inquiry, be inquired into and determined by any Two Justices of the Peace acting within their Jurisdiction, whose Determination, after the Examination of such competent Witnesses as may be produced before them, and the taking of such Evidence as they may require for Information in the Premises, shall be binding; and such Justices are hereby authorized and empowered to take cognizance of all such References, and to inquire into and determine the same.

XC. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent any Owner of any Lands adjoining the said Railway from making any Railway, Bridge, or Culvert to, from, across, or over, or under or into the said Railway hereby authorized to be made by the said Company, and to use such Railway, Bridge, or Culvert so made by him for the Benefit of himself and of all other Persons to whom he may from Time to Time give Leave, so that such Railway, Bridge, or Culvert do no Injury to and do not prevent the free Passage upon the Railway hereby authorized to be made by the said Company; and all such Railways, Bridges, and Culverts shall be made and erected and from Time to Time repaired or renewed under the Superintendence of the Engineer of the said Company, and according to Plans and Specifications to be submitted to and approved of by such Engineer previously to the commencing of such Railways, Bridges, and Culverts respectively: Provided always, that in case such Engineer shall neglect or refuse to give his Opinion upon such Plan and Specification within the Space of One Calendar Month, then such Plan and Specification shall be submitted to Two of His Majesty's Justices of the Peace acting within their Jurisdiction, who shall make such Order therein as they shall think proper; provided nevertheless, that in case any Damage or Obstruction shall be thereby, or by the Want of Repair thereof, done or occur in or to the Railway or Works by this Act authorized to be made by the said Company, the same shall be forthwith repaired or removed (as the Case may be) by and at the Expence of the respective Owners for the Time being of the Land for whose Benefit any such other Railway, Bridge, or Culvert may be made or continued; and if the same shall not be forthwith done it shall be lawful for the said Company to repair such Damage or to remove such Obstruction, and to recover the Expences attending the same, in case of Refusal or Neglect to pay the same within Fourteen Days after Demand thereof, together with the reasonable Expences of recovering the same, by Distress and Sale of the Goods and Chattels of such respective Owners (under a Warrant of Distress and Sale under the Hands of any Two Justices of the Peace having Jurisdiction, and which Warrant all Justices of the Peace are hereby authorized, empowered, and required to grant), or by Action of Debt or on the Case, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*.

nor from making Communications across the Railway.

XCI. And be it further enacted, That all Persons opening any Gate set up across the said Railway, or any Gate set up at either Side of the said Railway, shall and they are hereby respectively required, as soon as they, and the Carriages, Cattle, and other Animals or Things under their Care or which they may accompany, shall have passed through

Gates opening upon the Railway to be shut and fastened after Persons

[Local.]

36 K

through

certain
Covenants.

Administrators, or Assigns of such Grantees, according to the Quality or Nature of such Grantees Interest therein, and the Estate or Interest therein expressed to be thereby conveyed by or from the said Company, for themselves and their Successors, that they the said Company, notwithstanding any Act or Default done by them, were at the Time of the Execution of such Conveyances seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them, and that the Purchaser thereof, his Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns, (as the Case may be,) shall quietly enjoy the same against the said Company and their Successors, and all claiming under them, and be indemnified and saved harmless by the said Company and their Successors from all Incumbrances committed by the said Company, and also for further Assurance, at the Expence of such Grantees respectively, their Heirs, Successors, Executors, Administrators, or Assigns, of such Land and Premises by the said Company or their Successors, and all claiming under them, unless except and so far as the same shall be restrained and limited by express particular Words contained in such Conveyances; and all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest expressed to be conveyed, shall and may in all Actions to be brought assign Breach or Breaches of Covenant, as they might do in case such Covenants were expressly inserted in such Conveyances.

Appointing
Directors to
act until the
Election of
Directors by
the Com-
pany.

XCVI. And be it further enacted, That *Thomas Backhouse, Thomas Barstow, George Champney, Amos Coates, Robert Davies, George Dodsworth, Charles Heneage Elsley, Edward Hornor, John Hotham, George Hudson, Thomas Mason, James Meek, Richard Nicholson, John Ord, Joseph Rowntree, Sir John Simpson Knight, Samuel Tuke, James Walker, Thomas Wood Wilson*, and the Survivors of them, shall be the first Directors of the said Company, and they and the Survivors of them shall continue in Office until the First General Meeting of the said Company, to be held as herein-after mentioned, or until Directors of the said Company shall be elected by the said Company at a General Meeting to be held in pursuance of this Act; and it shall be lawful for such first Directors, or any Three or more of them, to assemble and hold Meetings at such Places within the said City of *York* and at such Times as the said first Directors or any Three or more of them shall from Time to Time think proper; and it shall be lawful for such first Directors, or any Three or more of them, assembled at any Meeting, and they are hereby empowered, to allot the Shares in the said Undertaking which shall be remaining undisposed of at the Time of the passing of this Act as to them shall seem fit, and also to exercise all other Powers and Authorities which are by this Act given to or which may be exercised by the Directors of the said Company, to be elected in manner herein-after mentioned, until the Period of the first such Election.

XCVII. And

situate, by some Person not interested in such Lands, stating that the Person entitled to such Right of Pre-emption was not in *England*, or was not found, or was not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made by or on behalf of the said Company, and that such Offer was refused or was not accepted by the Person to whom the same was made within the Space of Thirty Days from the Time of making the same, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or was not accepted within the Time aforesaid (as the Case may be) by the Person to whom such Offer was made; and in case any such Person as aforesaid shall be desirous of purchasing any such Lands, and such Person and the said Company shall not agree with respect to the Price thereof, then the Price thereof shall be ascertained by a Jury, in the Manner by this Act directed with respect to the disputed Value of Lands to be taken or used by the said Company, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as in this Act is directed with respect to the disputed Value of Lands to be taken or used by the said Company, *mutatis mutandis*, and the Money produced by the Sale which may be made by the said Company of such Lands as aforesaid shall be applied to the Purposes of this Act; and in the meantime and until the said Company shall think proper to make such Sale it shall be lawful for the said Company to let any superfluous Lands to any Person willing to become the Tenant thereof, in such Manner and upon such Terms as the said Company shall think proper; and all Conveyances which shall be made by the said Company pursuant to the Authority by this Act in them reposed shall be adjudged sufficient to vest such Estate in the Purchaser as shall have been agreed for or shall be expressed or meant and intended to be conveyed and granted by any such Conveyance.

XCIV. And be it further enacted, That upon Payment of the Money which shall arise from the Sale of any Lands or of any Interest therein belonging to the said Company, which shall be sold by the said Company under the Authority of this Act, or upon Payment of any Money under this Act, it shall be lawful for any Two Directors of the said Company, or for a Secretary or any Officer appointed by the said Directors for the Purpose, to sign and give a Receipt for the Money so paid, which Receipt shall be a sufficient Discharge to all Persons for the Purchase Money for such Lands or Interests as shall be sold, or for such other Money as in such Receipt shall be expressed to be received, and such Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Non-application of such Purchase Money or other Money, or of any Part thereof.

Company upon Payment of Money to give Receipts.

XCV. And be it further enacted, That in all Conveyances to be made by the said Company under or in pursuance of this Act the Word "grant" shall operate as and be construed and adjudged in all Courts of Judicature to be express Covenants to or with the respective Grantees therein named, and the Successors, Heirs, Executors, Admi-

The Word "grant" in Conveyances from the Company to amount to

XCVII. And be it further enacted, That the said first Directors shall, and they, or any Three or more of them, are hereby empowered and required to fix the Time for holding the First General Meeting of the said Company, so that the same shall be held in the City of *York* within Six Calendar Months from the Day of the passing of this Act, and to give Notice of the Day and Hour and Place of holding the same, and such Notice shall be signed by Three or more of such Directors, and published in Two or more of the *York* Newspapers Ten Days at least before the Day fixed for holding such Meeting.

First Directors to fix and call the First General Meeting of the Company.

XCVIII. And be it further enacted, That the First General Meeting of the said Company for carrying this Act into execution shall be held on such Day and at such Hour and Place as shall be fixed by the said first Directors, pursuant to the Provision hereinbefore contained, or in case of any Neglect or Omission of the said first Directors so to fix and to call the same, then it shall be lawful for the Proprietors of Shares in the said Undertaking to assemble and hold the First General Meeting of the said Company on the Second *Monday* next after the Expiration of Six Calendar Months from the Day of the passing of this Act at the Guildhall in the City of *York*; and all subsequent General Meetings of the said Company shall be held half-yearly on the Second *Monday* in the Month of *January* and on the Second *Monday* in the Month of *July* in every Year, or within Twenty Days next after such respective Periods, at the Guildhall aforesaid, or at such House or Place in the said City as shall be fixed by the said Company; and public Notice shall be published in Two or more *York* Newspapers, by the Clerk to the said Company, of the Place and Hour appointed for holding such Half-yearly Meetings, at least Fourteen Days previous to the Day of holding the same; and the said First General Meeting, and also all Half-yearly General Meetings respectively, may be adjourned from Time to Time, to be held at the same House or Place, or at any other House or Place within the said City or within the said County of *York*; provided that no Business which shall be done or determined upon at any General Meeting of the said Company shall be rescinded or altered at any such adjourned General Meeting.

First and other General Meetings of the Company, when to be held.

XCIX. And be it further enacted, That it shall be lawful for the Directors of the said Company, at any Time or Times when they shall think it necessary or expedient, to call any Special General Meeting of the said Company, by giving Fourteen Days Notice thereof in the Manner herein-after mentioned; and it shall also be lawful for any Twenty or more Proprietors, holding in the aggregate Four hundred Shares or upwards in the said Undertaking (upon which Shares all Calls actually previously made shall have been paid and satisfied), at any Time, by Writing under their Hands, left at the Office of the said Company, or given to at least Three Directors of the said Company, or left at or delivered to some Inmate of their last or usual Place of Abode, to require the Directors of the said Company to call a Special General Meeting of the said Company at the City of *York*, so as such Requisition fully express the Object for which such Special General Meeting is required to be called; and in

Special General Meetings of the Company, how to be called and held.

case of Neglect or Refusal of the said Directors to call such Meeting for the Space of Twenty-one Days next after such Notice shall have been given as aforesaid then it shall be lawful for any Fifteen or more Proprietors of Shares in the said Undertaking to call any Special General Meeting of the said Company for the Objects expressed in the Notice so previously given to the said Directors, by giving Fourteen Days Notice thereof in the Manner herein-after mentioned, signed by such Fifteen or more Proprietors; and all Notices calling any Special General Meeting shall specify the Matter or Object for which any such Special General Meeting shall be called, whether the same shall be called by the said Directors or by such Proprietors; and it shall be lawful for the said Company to meet in pursuance of any such Notice from Time to Time, and to proceed in the Execution of the Powers by this Act given to the said Company with respect to the Matters specified in such Notice as aforesaid, and to those only; and all Acts of the major Part in Votes of the Proprietors of Shares in the said Undertaking met together at any such Special General Meeting shall be as valid, with respect to the Matters specified in such Notice, and those only, as if the same had been done at a General Meeting of the said Company held in pursuance of this Act; and such Special General Meetings of the said Company may be adjourned from Time to Time, to be held at the same House or Place, or at any other House or Place within the said City or within the said County of *York*: Provided always, that no Business shall be transacted at any Special General Meeting other than the Business for which it shall have been called and specified in such Notice, and no Business shall be transacted at any adjourned Special General Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

Notice of
Meetings
how to be
given.

C. Provided always, and be it further enacted, That all Notices in this Act directed to be given of any General or Special General Meeting of the said Company, or of any other Matters, to any of the Proprietors of Shares in the said Undertaking, and all other Notices which may be required to be given by or on behalf of the said Company, and which are not herein otherwise provided for, shall be signed by the Chairman or Deputy Chairman of the Directors of the said Company, and shall be given by Advertisements inserted in Two or more *York* Newspapers; and such Notices, when so published and given, shall be deemed and considered the same as if personally served.

Directing
how Sub-
scribers shall
vote at
Meetings.

CI. And be it further enacted, That at all General and Special General Meetings held by virtue of this Act all Persons and Corporations who shall have duly subscribed for or become entitled to any Number of Shares amounting to Five Shares or upwards in the said Undertaking, and their respective Successors, Executors, Administrators, and Assigns, shall have One Vote for every Five Shares which they shall have so subscribed for or become entitled to in the said Undertaking, but no Person shall have more than Ten Votes, although possessed of more than Fifty Shares in the said Undertaking; and such Vote or Votes may be given by such respective Parties,

' A. B. of one of "The Proprietors of the
' York and North Midland Railway Company," doth hereby ap-
' point C. D. of to be the Proxy of the said A. B., to vote
' or give his Assent to or Dissent from any Business, Matter, or Thing
' relating to the said Undertaking which shall be proposed at any
' General or Special General Meeting of the said Company, in such
' Manner as he the said C. D. shall think proper. In witness where-
' of the said A. B. hath hereunto set his Hand [or Common Seal]
' the Day of .'

Form of Proxy.

CII. And be it further enacted, That whenever several Persons shall be jointly possessed of or entitled to any Share in the said Undertaking the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share shall for the Purposes of this Act be deemed the Proprietor of such Share, and as between several Proprietors all such Proprietors shall be entitled to give their Votes in respect thereof by the Person whose Name shall so stand first in the Books of the said Company as Proprietor of such Share, and whose Vote shall, either in Person or by Proxy, on all Occasions be deemed and allowed to be the Vote for or in respect of the whole Property in such Share, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share; and all Notices by this Act directed to be given to the Proprietors of Shares in the said Undertaking shall and may, for or in respect of any such Share so jointly held, be given to the Person whose Name shall so stand first in the Books of the said Company, or be left with some Inmate of the last or usual Place of Abode of such Person, or be inserted in the *London Gazette*, as herein mentioned, (as the Case may require,) and such Notice shall be deemed sufficient Notice to such Person whose Name shall so stand first as aforesaid, and to all other the Proprietors of such Share, for all the Purposes for which such Notice is intended to be given.

**The Person
whose Name
stands first
as a joint
Proprietor
with others
to be deemed
the Owner,
and to vote.**

CIII. And

Lunatics and
Minors to
vote by Com-
mittees and
Guardians.

CIII. And be it further enacted, That in case any Proprietor entitled to vote at any such Meeting as aforesaid shall be a Lunatic or Idiot or Minor, such Lunatic or Idiot shall or may vote at such Meeting by his Committee or by any of his Committees, and such respective Committees, or any of them, may vote in respect of the Interest of such Lunatics or Idiots, either in Person or by Proxy; and such Minor shall and may vote by his Guardian or by any of his Guardians, and such respective Guardians, or any of them, may vote in respect of the Interest of such Minors either in Person or by Proxy: Provided always, that every such Committee or Member of Committee or Guardian, or each of several Guardians, may also vote in right of his own Shares (if he have any) as well as in the Character of Committee or Guardian.

Proprietors
in arrear not
to vote.

CIV. And be it further enacted, That no Proprietor of any Share on which any Call shall have been made shall, after the Day appointed for the Payment of the same, be allowed to vote, either personally or by Proxy, at any Meeting of the said Company, or to act or vote as a Director at any Meeting of the said Directors, until the Money called for in respect of such Share shall have been fully paid.

Twelve
Directors to
be elected
by the Com-
pany.

CV. And be it further enacted, That at the First General Meeting, or at some Adjournment thereof, to be held pursuant to the Directions of this Act, Twelve Persons respectively possessed in their own Right of Twenty or more Shares in the said Undertaking shall be elected Directors to manage the Affairs of the said Company by the Proprietors present at such Meeting either personally or by Proxy, Eight at least of which Persons so to be elected Directors shall be Proprietors residing in or within Seven Miles of *York*, unless there shall at any Time not be so many as Eight Proprietors duly qualified and willing to act resident within that Distance from the Limits of the said City, in which Case all Proprietors duly qualified and willing to act shall be qualified to be elected as Directors, and any Four or more of the Directors so elected as aforesaid shall be competent to act; and the several Persons so to be elected, being duly qualified, and not declining to act, and the Survivors of them, shall be Directors, and shall continue in Office until the Half-yearly General Meeting of the said Company which shall be held in the Month of *January* in the Year of our Lord One thousand eight hundred and thirty-eight, and until others shall be elected in their Stead in pursuance of this Act; and the said Company at any General Meeting shall have Power to fix what Remuneration (if any) shall from Time to Time be allowed to the Directors of the said Company.

Directors to
go out an-
nually by
Rotation.

CVI. And be it further enacted, That at the General Meeting to be held in the Month of *January* which will be in the Year of our Lord One thousand eight hundred and thirty-eight Three of the Directors who shall have been so elected as aforesaid (to be determined by Ballot among themselves) shall go out of Office, and Three Persons who shall be Proprietors, and respectively possessed in their own Right of Twenty Shares at the least in the said Undertaking, shall be elected by the said Company to be Directors in their
Place

Place and Stead; and at the General Meeting to be held in the Month of *January* which will be in the Year One thousand eight hundred and thirty-nine Three of the remaining Directors who shall have been so primarily elected as aforesaid (to be determined as aforesaid) shall go out of Office, and their Places as Directors be supplied in like Manner; and at a General Meeting to be held in the Month of *January* which will be in the Year of our Lord One thousand eight hundred and forty Three of the remaining Directors who shall have been so primarily elected as aforesaid (to be determined as aforesaid) shall go out of Office, and their Places as Directors be supplied in like Manner; and at a General Meeting to be held in the Month of *January* which will be in the Year of our Lord One thousand eight hundred and forty-one the remaining Three Directors who shall have been so primarily elected as aforesaid shall go out of Office, and their Places as Directors be supplied in like Manner; and at the General Meeting to be held in the Month of *January* in every subsequent Year Three of the Directors who shall have been longest in Office shall go out of Office, and their Places as Directors be supplied in like Manner: Provided always, that the Places of Directors shall be so supplied as that Eight at least of the Directors for the Time being of the said Company shall always consist of Proprietors residing in or within Seven Miles of *York*, or in case so great a Number of Proprietors duly qualified as aforesaid, and willing to act, shall at any Time not be so resident, then such other Number of Proprietors duly qualified as aforesaid and willing to act may be elected, and the others of such Directors shall be elected of Proprietors who shall not be so resident, but otherwise duly qualified.

CVII. Provided always, and be it further enacted, That every Director who shall go out of Office on any annual Day of Election may be immediately or at any future Time re-elected by the said Company a Director of the said Company, and after such Re-election he shall, with reference to the going out by Rotation, be considered as a new Director.

Directors going out of Office re-eligible.

CVIII. Provided always, and be it further enacted, That the first Business to be transacted at all Meetings of the said Company at which under the Provisions of this Act Directors are to be elected shall be the Election of such Directors, and no other Business shall be transacted at such Meetings until after such Election shall be made; and that no such Election shall take place unless there shall be at least Fifteen Shareholders present in Person or by Proxy, who shall collectively be entitled to vote in respect of One hundred and fifty Shares; and if at any such Meeting there shall not be present such Number of Shareholders, with such Number of Shares as aforesaid, competent to proceed in such Election, before the Hour of Two of the Clock in the Afternoon of the Day fixed for holding the Meeting, then such Meeting shall stand adjourned to the same Day Seven-night, to be held at the same Place; and if there shall not be present at such adjourned Meeting such Number of Shareholders, with such Number of Votes as aforesaid, competent to proceed as aforesaid, before the Hour of Two of the Clock in the Afternoon, then such Meeting shall again stand adjourned to the following Day, to be held at the

Meetings for Election of Directors.

Not less than 15 Proprietors holding 150 Shares to be present at Elections.

[*Local.*]

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same

same Place; and if there shall not be present at such last-mentioned adjourned Meeting such Number of Shareholders, with such Number of Votes as aforesaid, competent to proceed as aforesaid, before the Hour of Two of the Clock in the Afternoon, then there shall be no Election of Directors until the General Meeting which shall be held in the Month of *January* in the following Year; and the Directors for the Time being shall continue in Office and have all the same Powers to act in the Execution of this Act as they had and were possessed of until an Election of new Directors.

For supply-
ing Vacan-
cies among
Directors.

CIX. And be it further enacted, That when and so often as any Director of the said Company shall die or shall resign, or shall become disqualified or incompetent to act as a Director, or shall cease to be a Director by any other Cause than that of going out of Office by Rotation as aforesaid, it shall be lawful for the remaining Directors, if they shall think proper so to do, to elect some other Proprietor of Shares in the said Undertaking duly qualified to be a Director, and every such Proprietor so elected to fill up any Vacancy shall be a Member of the same Body of Directors, and shall continue in Office as a Director so long only as the Person in whose Place or Stead he may be elected would have been entitled to continue in Office if he had not died, or ceased to be a Director.

No Person
holding
Office ca-
pable of
being a Di-
rector.

CX. Provided nevertheless, and be it further enacted, That no Person holding any Office or Place of Trust or Profit under the said Company, or being concerned or interested in any Contract with the said Company, shall be capable of being chosen or of acting as a Director of the said Company, nor shall any Director be capable of accepting any other Office or any Place of Trust or Profit under the said Company, or of being concerned or interested in any Contract with the said Company, during the Time he shall be a Director of the said Company; and if any Director of the said Company shall at any Time subsequently to his Election accept or continue to hold any other Office, or any Place of Trust or Profit under the said Company, or shall either directly or indirectly be concerned in any Contract with the said Company, or shall participate in any Manner in the Profit or Risk of any Work to be done for the said Company, or shall at any Time cease to be a Proprietor of Twenty Shares in the said Undertaking, he shall thenceforth be disqualified from voting or acting as a Director, and the Office of such Director shall thereupon become and be vacant.

Powers and
Duties of
Directors.

CXI. And be it further enacted, That the Directors for the Time being of the said Company shall superintend all the Affairs thereof, and have Power to use the Common Seal of the said Company on behalf of the said Company, and shall have full Power and Authority to do all Acts whatsoever for carrying into effect the Purposes of this Act, and for the Management, Regulation, and Direction of the Affairs of the said Company, or relative thereto, or which the said Company are by this Act authorized to do, except such as are herein required and directed to be done at some General or Special General Meeting of the said Company; and the said Directors may appoint all Officers and Servants requisite for the Assistance or Service of the said

said Company, and allow to them such Salaries, Gratuities, or Remunces as to the said Directors shall seem proper, and may also displace such Officers and Servants and appoint others in their Stead; and the said Directors shall have Authority to meet and adjourn from Time to Time and from Place to Place as they shall think proper, and there shall be Four Directors at the least present in order to constitute a Meeting, and all Questions, Matters, and Things which shall be discussed or considered at any Meeting of the Directors shall be finally determined by the Majority of Votes then present; and no Director, although possessed of many Shares in the said Undertaking, shall have more than One Vote at any such Meeting, unless he be the Chairman of such Meeting, in which Case he shall, if there shall happen to be an equal Division, always have a decisive or casting Vote as such Chairman; and the said Directors shall keep a regular Minute and Entry of their Proceedings at every Meeting of the said Directors; and the said Directors shall also keep full and true Accounts of all Monies disbursed and Payments made by the said Directors, and by all Persons employed by or under them, and of all Money which they shall receive on behalf of or in respect of such Undertaking from any Collector of the Rates, Tolls, or Sums by this Act granted, or from any other Officer or Person employed in the Service of the said Company, or having any Concern, Dealing, or Transaction in respect of the said Undertaking, or from any other Person on any Account for the Use of the said Company, and shall regularly enter or cause to be entered in some Book or Books, to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies, as the Case shall require, of such Appointments, Receipts, and Disbursements, and of all Contracts and Bargains entered into or made by them, and of other their Orders and Proceedings, and which Books shall be deposited with and kept under the Care and Direction of the said Directors: Provided always, that it shall not be lawful for the said Directors to fix or order what Remuneration shall be allowed to the Directors of the said Company.

CXII. And be it further enacted, That the said Company or the said Directors shall and they are hereby required to take sufficient Security from their Treasurer, Receiver, or Collector, for the faithful Execution of his Office; and the said Directors may also, if they shall think it expedient, take such Security as they may deem reasonable from every other Person or Persons who shall be appointed to any Office under the said Company, for the faithful Execution of his Office, before he shall enter thereupon.

Requiring the Company or the Directors to take Security from the Treasurer, &c.

CXIII. And be it further enacted, That it shall be lawful for the said Directors from Time to Time to nominate and appoint out of their own Body a Committee or Committees, who shall have full Power and Authority to do, execute, and perform all such and so many of the Matters and Things which under the Provisions of this Act the Directors are empowered and authorized to do, execute, and perform, and which shall be confided to them by the said Directors; and it shall be lawful for the said Directors, by an Order or Resolution for that Purpose, to break up and dissolve any Committee which

Directors may appoint Committees.

which shall have been appointed by them, or to supply any Vacancy which may occur, or to remove and displace any Member of such Committee, and to appoint another in his Place and Stead, when and as often as such Directors shall think proper; and such Committees respectively shall have Power to meet from Time to Time, and to adjourn from Place to Place, as they shall think proper, and as Occasion shall require, for effecting the Purposes aforesaid; and at all Meetings of the said Committees one of the Members present shall be appointed Chairman, who shall be entitled to vote on all Questions, and in case of an equal Division of Votes upon any Subject entertained by the said Committee shall have an additional or casting Vote.

Contracts to
be signed by
Three Di-
rectors.

CXIV. And be it further enacted, That all Contracts and Agreements in Writing relating to the Affairs of the said Company, entered into by the said Company, or by the Directors or their Committee, on behalf of the said Company, and which shall be signed by any Three of the Directors of the said Company, shall be binding on the said Company and all other Parties thereto, their respective Successors, Heirs, Executors, and Administrators, and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against the said Company, or any of the other Parties thereto, failing in the Execution thereof.

Orders and
Proceedings
to be entered
in a Book.

CXV. And be it further enacted, That the Orders and Proceedings of all Meetings, as well General as Special, of the said Company and of the said Directors and Committees respectively, shall be entered in some Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of such respective Meetings; and such Orders and Proceedings, when so entered and signed, shall be deemed original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others, and that without Proof of such respective Meetings having been duly convened, or of the Persons making or entering such Orders or Proceedings being Proprietors or being Directors or Members of the Committee, or of the Signature of such Chairman, as the Case may be.

Directors to
cause Ac-
counts to
be kept.

CXVI. And be it further enacted, That the said Directors shall cause a Book to be kept by a Book-keeper, who shall be expressly appointed by the said Directors for that Purpose, and who shall enter or cause to be entered in the said Book true and regular Accounts of all Sums of Money received and expended for or on account of the said Undertaking, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book shall at all reasonable Times be open to the Inspection of the respective Loan Creditors for Money advanced and lent for the Purposes of this Act, without Fee or Reward, and the said Loan Creditors or any of them may take Copies of or Extracts from the said Book without paying any thing for the same; and in case the said Book-keeper shall refuse to permit or shall not permit such Loan Creditors or any of them to inspect such Book, or to take such Copies or Extracts as aforesaid, such Book-keeper shall forfeit and pay

pay for every such Offence any Sum of Money not exceeding Twenty Pounds, to be levied and applied in the same Manner as other Penalties are by this Act directed to be levied and applied.

CXVII. And be it further enacted, That at the first Meeting of the first Directors herein-before named which shall be held after the passing of this Act, and at the first Meeting of the Directors to be elected in pursuance of this Act, and which shall be held next after the first Election of the said Directors under the Provision herein contained, and at the first Meeting of the Directors which shall be held next after the Half-yearly General Meeting in the Month of *January* in each Year (except the Year One thousand eight hundred and thirty-seven), the Directors present at such respective Meetings shall choose from amongst themselves a Chairman and Deputy Chairman of such Directors; and the Chairman for the Time being of such Directors shall have the Custody of the Common Seal of the said Company: Provided always, that when and so often as the Chairman or Deputy Chairman to be chosen by virtue of this Act shall die or resign, or become disqualified to act, or otherwise cease to be a Director, it shall be lawful for the Directors present at the Meeting next after such Vacancy shall have occurred, or at some subsequent Meeting, to choose some other of the said Directors to be Chairman or Deputy Chairman; and every such Chairman or Deputy Chairman to be chosen as last aforesaid to fill such Vacancy shall continue in such Office so long only as the Person in whose Place or Stead he may be so elected would have been entitled under the Provisions of this Act to continue if such Vacancy had not happened.

CXVIII. And be it further enacted, That at all General Meetings and Special General Meetings of the said Company the Chairman of the Directors, or in his Absence the Deputy Chairman of the Directors, or in his Absence some one of the Directors of the said Company to be chosen at any such Meeting, or in the Absence of all the Directors any Proprietor to be chosen at such Meeting, shall preside as Chairman; and such Chairman, in case of an equal Division of Votes upon any Subject entertained at any such Meeting, shall, in addition to his own Votes in respect of the Shares held by him, and in respect of the Shares of any other Proprietor whose Proxy he may hold, have an additional or casting Vote as Chairman.

CXIX. Provided always, and be it further enacted, That it shall not be lawful for the said Directors to appoint the Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, to be the Clerk to the said Company; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the

[*Local.*]

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Partner

Partner of any such Clerk, or the Clerk or any Person in the Service or Employ of any such Clerk, or the Clerk or any Person in the Service or Employ of the Partner of any such Clerk, shall accept the Office of Treasurer, or shall act as Deputy of such Treasurer, or in any Manner officiate for such Treasurer, or being the Partner of any such Treasurer, or the Clerk or any Person in the Service or Employ of any such Treasurer, or the Clerk or any Person in the Service or Employ of the Partner of any such Treasurer, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk in the Execution of this Act, or if any such Treasurer shall hold any Place or Office of Profit or Trust under the said Company other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

Officers to
account.

CXX. And be it further enacted, That every Officer and Person who shall be appointed or employed by virtue of this Act shall from Time to Time, when thereunto required by the said Company, make out and deliver to the said Company, or to such Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him received by virtue of this Act, and such Account shall state how, and to whom, and for what Purpose the same shall have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him to the said Company, or to such Persons as the said Company shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in manner aforesaid, or shall refuse or neglect to deliver up to the said Company, or to such Persons as they shall appoint, within Three Days after being thereunto required by the said Company, or by such other Persons as last aforesaid, all Books, Papers, and Writings in his Possession or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Company, or by any other Person on their Behalf, to any Justice of the Peace acting within his Jurisdiction, such Justice may and he is hereby required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Company might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, or by the solemn Affirmation of any Person being a Quaker, it shall appear to such Justice that any of the Monies which shall have been collected and received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby empowered, upon Non-

payment

payment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if sufficient Goods and Chattels shall not be found to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings, or to pay the Balance due as aforesaid, then and in any of the Cases aforesaid, the said Justice may and he is hereby required, by Warrant under his Hand and Seal, to commit such Officer or Person to some Common Gaol or House of Correction, there to remain, without Bail or Mainprize, until he shall have made out and delivered such Account, and have delivered up the Vouchers and Receipts (if any) relating thereto, and have delivered up such Books, Papers, and Writings (if any) as aforesaid, and shall have paid all the Money which shall appear to be in the Hands of or owing from him, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he shall have compounded with the said Company for such Money and Charges, and have paid the Composition Money to the said Company, (and which Composition the said Company are hereby empowered to make,) or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings to the said Company: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space of Time than Three Calendar Months.

CXXI. And be it further enacted, That the said Company, at some General or Special General Meeting of the said Company, shall have full Power and Authority from Time to Time to make such Bye Laws, Orders, and Rules as to them shall seem expedient, for the good Government of the Officers and Servants of the said Company, and for regulating the Proceedings and remunerating and reimbursing the Expences of the said Directors, and for the Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Orders, and Rules, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same as to the said Company shall seem meet, not exceeding the Sum of Five Pounds for any one Offence, such Fines and Forfeitures to be levied and recovered as any Penalty may by this Act be levied and recovered; which said Bye Laws, Orders, and Rules, being reduced into Writing under the Common Seal of the said Company, shall be printed and published; and such Bye Laws, Orders, and Rules, except such as shall relate solely to the Proprietors or Directors of the said Company, or to any of their Officers or Servants, shall be painted on Boards, and hung up and affixed and continued on the Front or other conspicuous Part of the several Toll Houses to be erected on the said Railway, and other Buildings or Places at which any Rates or Tolls shall be collected or paid under the Authority of this Act, and which

Company
empowered
to make
Bye Laws.

which Boards shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and such Bye Laws, Orders, and Rules shall be binding upon and be observed by all Parties, and shall be sufficient in all Courts of Law or Equity to justify all Persons who shall act under the same, provided that such Bye Laws, Orders, or Rules be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any Directions in this Act contained; and all such Bye Laws, Orders, and Rules, when so published and affixed, shall be subject to Appeal in manner herein-after-mentioned.

Accounts to
be made up
half-yearly.

CXXII. And be it further enacted, That the said Company shall and they are hereby required to cause a true and particular Account to be kept, and to be made up twice in every Year, that is to say, on the Thirtieth Day of *June* and the Thirty-first Day of *December*, of the Money to be received by or for the Use of the said Company by virtue of this Act, and of the Charges and Expences attending the making, maintaining, and carrying on the said Undertaking, and of all other the Receipts and Expenditure of the said Company up to those Periods respectively, which Accounts shall be laid before the Half-yearly General Meetings of the said Company herein-before directed to be held in the Months of *January* and *July* respectively: Provided always, that if the Account so to be laid before any Half-yearly General Meeting shall not be considered satisfactory by such Meeting, then and in such Case the said Meeting shall have Power to appoint a Committee of Inspection, to consist of Five Proprietors, each of whom shall hold at least Twenty Shares in the said Undertaking, who shall examine into such Account, and report thereon to a future Meeting of the said Company, to be held for that Purpose, by Adjournment or otherwise; and for the Purpose of such Examination the said Directors shall, on Demand, at all convenient Times, cause to be produced to the said Committee or any Three Members thereof all Books of Accounts, Vouchers, and Documents in the Possession or Power of the said Directors relating to the Affairs of the said Company.

Dividend to
be declared.

Limitation
as to Divi-
dends.

CXXIII. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered, from Time to Time, at any Half-yearly General Meeting or at a Special General Meeting to be called for that Purpose, to declare and make a Dividend out of the clear Profits of the said Undertaking, and such Dividend shall be after the Rate of so much *per* Share upon the several Shares held by the Members of the said Company in the Joint Stock thereof: Provided always, that such Dividends shall not be made oftener than half-yearly, and no Dividends shall be made exceeding the net Amount of clear Profit at the Time being in the Hands of the said Company, nor whereby the Capital of the said Company shall in any Degree be reduced or impaired, nor shall any Dividend be paid in respect of any Share after a Day appointed for Payment of any Call of Money in respect thereof, until such Call shall have been paid.

Names of
Proprietors
to be entered,

CXXIV. And be it further enacted, That the said Company shall and they are hereby required, at their First or some subsequent General Meeting, and afterwards from Time to Time as Occasion may require,

require, to cause the Names of the several Corporations and the Names and Additions of the several Persons who shall then be or who shall from Time to Time thereafter become entitled to Shares in the said Undertaking, with the Number of Shares which they are respectively entitled to, and the Amount of the Subscriptions paid thereon, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the said Company, and after such Entry made to cause their Common Seal to be affixed thereto; and the said Company shall from Time to Time cause a Certificate or Ticket, with the Common Seal of the said Company affixed thereto, to be delivered to every such Proprietor, on Demand, specifying the Share or Shares to which he is entitled in the said Undertaking, such Proprietor paying to the said Company the Sum of Two Shillings and Sixpence, and no more, for every such Certificate or Ticket; and such Certificate or Ticket shall be admitted in all Courts whatsoever as *primâ facie* Evidence of the Title of such respective Proprietors, their Successors, Executors, Administrators, or Assigns, to the Share or Shares therein specified, but the Want of such Certificate or Ticket shall not hinder or prevent the Proprietor of any of the said Shares from selling or disposing thereof; and such Certificate or Ticket may be in the Words or to the Effect following; (that is to say,)

‘ The *York and North Midland Railway Company*.

‘ Number

Form of
Certificate.

‘ THESE are to certify, That *A. B.* of
‘ is the Proprietor of the Share [or Shares], Number
‘ of “ *The York and North Midland Railway Company*,” subject to
‘ the Rules, Regulations, and Orders of the said Company. Given
‘ under the Common Seal of the said Company the
‘ Day of in the Year of our Lord

CXXV. And be it further enacted, That if any such Certificate or Ticket as aforesaid shall be worn out, damaged, lost, or destroyed, then, upon due Proof thereof to the Satisfaction of the said Company, a similar Certificate or Ticket shall be given to the Proprietor of the Share in respect whereof the Certificate or Ticket so worn out, damaged, lost, or destroyed was granted, the said Company receiving for every such Certificate or Ticket which shall so be given or exchanged the Sum of Two Shillings and Sixpence, and no more.

For granting
new Certi-
ficates when
old ones de-
stroyed or
worn out.

CXXVI. And be it further enacted, That the said Company shall, in some proper Book to be provided by the said Company for that Purpose, enter and keep a true Account of the Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons and Corporations who shall from Time to Time become Proprietors thereof or be entitled to any Share therein; and every Proprietor of the said Undertaking (or in case of a Corporation the Clerk or Agent of such Corporation duly appointed,) may at all convenient Times have recourse to and peruse such Book *gratis*, and may demand and take Copies thereof or of any Part thereof, paying at and after the Rate of Sixpence for every One hundred Words so copied.

Company to
enter and
keep List of
Proprietors
of Shares.

For ascer-
taining Pro-
prietorship
of Shares
in Case of
Deaths, &c.
in order to
the Payment
of Dividends
in respect of
such Shares.

CXXVII. And whereas by the Death of or by other Events hap-
pening to Proprietors, or by the Marriage of Female Proprietors of
Shares in the said Undertaking, it may be difficult to ascertain to
whom such Shares, or the Dividends arising or becoming due upon
such Shares, may belong or ought to be paid; be it therefore enacted,
That in all Cases when the Right of Property in any Share in the said
Undertaking shall pass from any Proprietor thereof to any other
Person or Corporation by any other legal Means than by a Transfer
or Conveyance thereof duly made and executed as herein-before
directed, a Declaration in Writing shall be made by some credible
Person before some Master or Master Extraordinary in the High
Court of Chancery, or any of His Majesty's Justices of the Peace,
stating the Manner in which such Share hath been passed to such
other Person or Corporation; and such Declaration shall be trans-
mitted to the said Company, who shall thereupon enter and register
the Name of every such new Proprietor in the Register Book or List
of Proprietors of the said Company; and the said Company shall be
entitled to receive for each such Entry as is herein-before directed
the Sum of Two Shillings and Sixpence and no more; and the said
Company shall not be bound to see to the Execution of any Trusts,
whether express or constructive, to which any such Share shall be
subject or liable; and before such Declaration shall have been trans-
mitted, and such Entry made as aforesaid, no Person or Corporation
to whom any such Share shall have passed as aforesaid shall be en-
titled to receive any Part of the Profits of the said Undertaking, or to
vote or exercise any of the Privileges of a Proprietor in respect of
such Share: Provided always, that before any Person who shall claim
any Part of the Profits of the said Undertaking in right of Marriage
with any Female Proprietor shall be entitled to receive the same, or
be entitled to vote in respect of any Share, a Declaration in Writing
containing a Copy of the Register of such Marriage or other Particu-
lars of the Celebration thereof, and identifying the Wife as the Pro-
prietor of the Share in respect whereof any such Claim may be made,
shall be made by some credible Person before some Master or Master
Extraordinary in the High Court of Chancery, or any of His Ma-
jesty's Justices of the Peace, and shall be transmitted to the said
Company, who shall file the same, and make an Entry thereof in the
Book which shall be kept for the Entry of Transfers or Sales of Shares
in the said Undertaking; and before any Person or Corporation who
shall claim any of the Profits of the said Undertaking by virtue of
any Bequest or Will, or in the Course of Administration, shall be en-
titled to receive the same, or be entitled to vote in respect of any
Share, the said Will or the Probate thereof, or the Letters of Admi-
nistration, or an official Extract of such Probate or Administration,
shall be produced and shown to the said Company.

To compel
Payment of
Subscrip-
tions.

CXXVIII. And be it further enacted, That the several Parties
who have subscribed or who shall hereafter subscribe for or towards
the said Undertaking shall and they are hereby required to pay the
Sums of Money by them respectively subscribed for, or such Parts or
Proportions thereof as shall from Time to Time be called for by the
Directors of the said Company under and by virtue of the Powers of
this Act, at such Times, and at such Places, and to such Person as
shall

shall be directed by the said Directors; and in case any Party shall refuse or neglect to pay as aforesaid the Money by him so subscribed for, or the Part thereof so called for, it shall be lawful for the said Company to sue for and recover the same in any Court of Law or Equity; together with Interest on such unpaid Sum of Money after the Rate of Five Pounds *per Centum per Annum* from the Time when the same was directed to be paid as aforesaid up to the Day of actual Payment thereof.

CXXIX. And be it further enacted, That it shall be lawful for the several Proprietors for the Time being of the said Undertaking and they are hereby empowered, whether before or after any Call shall have been paid in respect of any Shares held by them respectively, to pay in advance, in case the Directors shall think proper to accept the same, which they are hereby authorized to do, to such Person as the said Directors shall appoint, the respective Sums of Money by them respectively subscribed for, or such Part or Proportion thereof as shall be wanting (over and above the Amount, if any, actually paid in respect of such Shares) to make up the full Sum of Fifty Pounds in respect of each such Share; and the said Company shall and they are hereby required to pay Interest, at such Rate not exceeding the Rate of Four Pounds for every One hundred Pounds by the Year, upon the Principal Monies which shall have been so paid in advance, or for so much thereof as shall from Time to Time exceed the Amount of the Calls which shall have been made upon the Shares in respect of which such Money shall have been paid in advance as aforesaid, as the Subscriber paying such Sum in advance and the Directors for the Time being of the said Company shall agree upon.

Powers to pay Subscription in advance.

Interest to be paid on the Amount in advance.

CXXX. And be it further enacted, That the said Directors shall have Power from Time to Time to make such Calls of Money from the Subscribers to and Proprietors of the said Undertaking for the Time being, to defray the Expences of and to carry on the same, as they from Time to Time shall find necessary, so that the aggregate Amount of Calls made or Money paid for or in respect of any such Shares shall not amount to more than the Sum of Fifty Pounds on any such Share, and so that no one such Call shall exceed the Sum of Ten Pounds upon each Share which any Person or Corporation shall be possessed of or entitled unto in the said Undertaking, and that the total Amount of such Calls in any One Year shall not exceed Twenty Pounds upon each Share; and an Interval of Three Calendar Months at the least shall elapse between the Day appointed for Payment of one Call and the Day appointed for Payment of another Call, and Twenty-one Days Notice at the least shall be given of every such Call by Advertisement inserted in Two or more *York* Newspapers as aforesaid; and all Monies so called for shall be paid to such Persons, at such Times and Places, and in such Manner as in the said Notice shall be appointed; and the respective Owners of Shares in the said Undertaking shall pay their rateable Proportion of the Monies to be called for as aforesaid to such Persons, and at such Times and Places, and in such Manner as shall be appointed as aforesaid; and if any Owner or Proprietor for the Time being of any such Share shall not so pay such his rateable Proportion, then and in such Case and as often

Power of Directors to make Calls.

often as the same shall happen he shall pay Interest for the same after the Rate of Five Pounds *per Centum per Annum* from the Day appointed for the Payment thereof up to the Time when the same shall be actually paid; and if any Owner or Proprietor for the Time being of any such Share shall neglect or refuse to pay such his rateable Proportion, together with Interest, if any, at the Time appointed, or within Seven Days then next following, then or at any Time thereafter it shall be lawful for the said Company to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, or the said Directors may and they are hereby authorized to declare the Shares belonging to such Owner to be forfeited, and to order such Shares to be forfeited and sold: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share in the said Undertaking until Notice in Writing under the Hand of the Clerk of the said Company, that such Share hath been declared forfeited, shall have been given or sent by the Post unto or delivered to some Inmate of the last known usual Place of Abode of the Owner of such Share, nor until the Declaration of Forfeiture of the said Directors shall have been confirmed either at a General or Special General Meeting of the said Company, such General or Special General Meeting being held after the Expiration of Three Calendar Months at the least from the Day on which such Notice of Forfeiture shall have been given as aforesaid; and after such Declaration of Forfeiture shall have been confirmed by such General Meeting or Special General Meeting the said Company, by an Order to be made at the same or at any subsequent General Meeting or Special General Meeting, shall have Power to direct the said Directors to dispose of the Shares so forfeited, or of any of them, in manner by this Act directed; and the said Directors may in that Case sell and dispose of such Shares at a public Auction or by private Contract, and together or in Lots, or in such other Manner and for such Price as they may think fit; and a Declaration in Writing made by some credible Person not interested, before any Justice of the Peace or before any Master or Master Extraordinary in the High Court of Chancery, stating that such Call had been made by the said Directors, and that such Notice had been given, and that such Default in Payment had been made in respect of the Share so sold, and that the same Share had been declared to be forfeited, and that such Declaration had been confirmed in manner herein-before mentioned, shall be sufficient Evidence of the Facts therein stated; and the Purchaser of such Share shall not be bound to see to the Application of his Purchase Money, nor shall his Title to such Share be affected by any Irregularity of Proceeding in reference to such Sale, but such Declaration, and the Receipt of the Treasurer of the said Company for the Price of such Share, shall be sufficient Evidence of Title thereto for all Purposes whatsoever.

If Purchase Money for forfeited Shares be more than sufficient to pay the

CXXXI. And be it further enacted, That in case the Money produced by the Sale of any Share which shall be forfeited by reason of the Nonpayment of any Call as aforesaid shall be more than sufficient to pay all Arrears of Calls as aforesaid, and legal Interest thereon as aforesaid, and the Expence attending the Sale thereof, the Surplus of such Purchase Money shall, on Demand, be paid to the Party to whom

whom such forfeited Share or Shares shall have belonged: Provided always, that it shall not be lawful for the said Company or for the said Directors to sell or transfer more of the Shares of such Defaulter, under the Powers last herein-before contained, than shall be sufficient, as near as may be, at the Time of such Sale, to pay the Arrears of Calls due from such Defaulter, and the Interest and Expences as aforesaid; and from and after Payment of such Arrears of Calls and the Interest and Expences as aforesaid any Share vested in the said Company as aforesaid which will remain in their Hands unsold shall revert to and again become the Property of the Party to whom such Share shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly paid.

Arrears of
Calls, &c.
Surplus to be
paid to the
Owners of
such Shares.

CXXXII. And be it further enacted, That in any Action to be brought by the said Company against any Proprietor for the Time being of any Share in the said Undertaking, to recover any Money due and payable for or in respect of any Call, it shall be sufficient for the said Company to declare and allege that the Defendant, being a Proprietor of a Share or Shares in the said Undertaking is indebted to the said Company in such Sum of Money as the Calls in arrear shall amount to for a Call or so many Calls of such Sums of Money upon a Share or Shares belonging to the said Defendant, whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant at the Time of making such respective Calls was a Proprietor of such Share or Shares in the said Undertaking, and that such Call was in fact made, and that such Notice was given as is directed by this Act, without proving the Appointment of the Directors who made such Calls, or any other Matter whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due, including Interest, computed as aforesaid, on such Calls, unless it shall appear that any such Call exceeded Ten Pounds *per* Share, or was made payable before the Expiration of Three Calendar Months from the Day appointed for Payment of the last preceding Call, or that Notice was not given as herein-before required, or that Calls amounting to more than Twenty Pounds in the whole had been made in some one Year; and in order to prove that the Defendant was a Proprietor of such Share in the said Undertaking, as alleged, the Production of the Book in which the said Company is by this Act directed to enter and keep the Names and Additions of the several Proprietors from Time to Time of Shares in the said Undertaking, with the Number of Shares they are respectively entitled to, and of the Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons and Corporations who shall from Time to Time become Proprietors thereof or be entitled to Shares therein, shall be *prima facie* Evidence that such Defendant is a Proprietor, and of the Number and Amount of his Shares therein.

Proceedings
in Actions
for Calls.

CXXXIII. And whereas, in Cases in which Proprietors of Shares in the said Undertaking shall die, or marry, being Females, or become insolvent or bankrupt, or go out of the Kingdom, or shall transfer their Right and Interest therein to other Persons, and no Registers shall have

For ascer-
taining the
Proprietor-
ship of
Shares in

case of
Deaths, &c.,
in order to
the making
of Calls in
respect of
such Shares.

have been made of the Transfers thereof with the Clerk of the said Company, it may not be in the Power of the said Company to ascertain who are the Proprietors of such Shares, in order to give to them, or to their respective Executors, Administrators, Husbands, Successors, or Assigns, Notice of Calls to be made on such Shares, or to maintain Actions, Suits, or other Proceedings against them, or against their respective Executors, Administrators, Husbands, Successors, or Assigns, for the Recovery of the same; be it therefore enacted, That in all Cases where the Right of Property in any Share of the said Undertaking shall pass from the original Proprietor thereof to any other Person or Corporation by any other legal Means than by a Transfer or Conveyance thereof duly made and executed as herein provided, and such Declaration as is herein-before in that Behalf directed shall have been transmitted to the said Company, then and in any of the Cases aforesaid, after Twenty-one Days Notice in Writing shall have been given under the Hands of Two Directors, or under the Hand of a Clerk of the said Company, to the Person or Corporation stated or claiming in such Declaration to be the then Proprietor of such Share, or delivered to some Inmate of the last or usual known Place of Abode of such Person, or of the Clerk of such Corporation, or published in some One or more *York* Newspapers, to pay his or their Proportion of Money to be called for, and such Person or Corporation shall not have paid such his or their Proportion as aforesaid, it shall be lawful for the said Company, at any General Meeting or Special General Meeting after the Expiration of such Notice, to declare every such Share to be forfeited, and in such Case the same shall become forfeited, and shall and may be sold and disposed of in such Manner, on such Evidence of Title, and with such Powers, and with such Indemnity to Purchasers, as in other Cases of Sales of Shares forfeited for the Nonpayment of Calls thereon; or such Shares may, at the Option of the said Company, be consolidated in the general Fund of the said Company; and in case there shall be no such Declaration made as aforesaid, then such Notice as is herein-before directed to be given shall be served upon or delivered to some Inmate of the last known Place of Abode of the Executors or Administrators of such Proprietor so dying, or of the Husband of such Female Proprietor so marrying, or of the Assignees or Trustees of such Proprietor so becoming bankrupt or insolvent, or, in the event of the Share having been disposed of as aforesaid, of the last Proprietor appearing in the Books of the said Company to have been possessed of the same; and in case the last or usual Place of Abode of any such Proprietor cannot be ascertained upon Inquiry, or in case the Proprietor of the Share shall be out of the Kingdom, such Notice shall be inserted in the *London Gazette*; and in all such Cases, and after such Notices, on Default being made, the said Shares shall be forfeited, and may be sold or be consolidated with the general Fund of the said Company in manner aforesaid; and the like Evidence of Title shall be sufficient on any Sale, and the like Indemnity to the Purchaser shall exist, as in other Cases of Sales on account of the Nonpayment of Calls: Provided always, that in the Cases of Proprietors being Abroad the Shares shall not be forfeited until the Expiration of Six Calendar Months after the Day on which such Notice shall have been inserted in the *London Gazette* as aforesaid.

CXXXIV. And

Time of such Sale or Transfer he or they shall have paid the full Sum of Money which shall have been called for in respect of each Share.

Receipt of One Proprietor of a Share a sufficient Discharge.

CXXXVII. And be it further enacted, That the Receipt of the Person or of any One of the Persons in whose Name or Names any Share in the said Undertaking shall stand in the Books of the said Company shall from Time to Time be a sufficient Discharge to the said Company and the Treasurer for any Dividend or other Sum of Money which shall become payable and be paid for or in respect of such Share, notwithstanding any Uses or Trusts upon or to which such Share shall be then settled, conveyed, or assigned, whether or not the said Company have Notice of such Uses or Trusts; and the said Company shall not be bound to see to the Application of the Money mentioned in such Receipt.

Receipt of the Parent or Guardian of a Minor a sufficient Discharge.

CXXXVIII. And be it further enacted, That in all Cases where Money shall be payable under the Provisions of this Act to any Proprietor who shall be a Minor, Idiot, or Lunatic, the Receipt of the Guardian (if any,) or, if not, of the Parent of such Minor, or of the Committee or of any One of the Committees of such Idiot or Lunatic, shall be a sufficient Discharge to the said Company and their Treasurer for the same.

Rates of Tonnage allowed to be taken by the Company for the Use of the Railway.

CXXXIX. And be it further enacted, That it shall be lawful for the said Company to demand, receive, and recover, to and for the Use and Benefit of the said Company, for the Tonnage of all Articles, Matters, and Things which shall be conveyed upon or along the said Railway, any Rates or Tolls not exceeding the following; (that is to say,)

For all Dung, Compost, Lime, Salt, or other Articles to be used for Manure, and all undressed Materials for the Repair of public Roads or Highways, the Sum of One Penny *per Ton per Mile*:

For all Coals, Coke, Culm, Charcoal, Cinders, Lime not to be used for Manure, Building, Pitching, and Paving Stones dressed, Bricks, Tiles, Slates, Clay, Sand, Ironstone, Iron Ore, Pig, Bar, Rod, Hoop, Sheet, and all other similar Descriptions of Wrought Iron and Castings, not manufactured into Utensils or other Articles of Merchandize, the Sum of Three Halfpence *per Ton per Mile*:

For all Sugar, Grain, Corn, Flour, Dyewoods, Earthenware, Timber, Staves, and Deals, Metals (except Iron), Nails, Anvils, Vices, and Chains, the Sum of Two-pence *per Ton per Mile*:

For all Cotton and other Wools, Hides, Drugs, manufactured Goods, and all other Wares, Merchandize, Articles, Matters, or Things, the Sum of Two-pence Halfpenny *per Ton per Mile*.

Tolls allowed to be taken on Carriages conveying Passengers or Cattle upon the Railway.

CXL. And be it further enacted, That it shall be lawful for the said Company to demand, receive, and recover, to and for the Use and Benefit of the said Company, for or in respect of Passengers, Beasts, Cattle, and Animals conveyed in Carriages upon the said Railway, any Tolls not exceeding the following; (that is to say,)

For every Person conveyed in or upon any such Carriage, the Sum of Two-pence *per Mile*:

For

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, the Sum of Three Halfpence *per* Mile :

For every Calf or Pig conveyed in or upon any such Carriage, the Sum of One Penny *per* Mile :

For every Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage, the Sum of One Halfpenny *per* Mile :

For every Carriage, of whatever Description, not being a Carriage adapted and used for travelling upon a Railway, and not weighing more than One Ton, carried or conveyed on a Truck or Platform, the Sum of Eight-pence *per* Mile.

CXLI. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to provide locomotive or stationary Engines or other Power for the drawing or propelling of any Articles, Matters, or Things, Persons, Cattle, or Animals, upon the said Railway, and also along and upon any other Railway communicating therewith, and to receive, demand, and recover such Sums of Money for the Use of such Engines or other Power as the said Company shall think proper, in addition to the several other Rates, Tolls, or Sums by this Act authorized to be taken.

Company empowered to provide and charge for locomotive or other propelling Power.

CXLII. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized, if they shall think proper, to use and employ locomotive Engines and other moving Power, and, in Carriages or Waggons drawn or propelled thereby, to convey upon the said Railway, and also along and upon any other Railway communicating therewith, all such Passengers, Cattle, and other Animals, Goods, Wares, and Merchandize, Articles, Matters, and Things, as shall be offered to them for that Purpose, and to make such reasonable Charges for such Conveyance as they may from Time to Time determine upon, in addition to the several Rates or Tolls by this Act authorized to be taken : Provided always, that it shall not be lawful for the said Company, or for any Person using the said Railway as Carriers, to charge for the Conveyance of any Passenger upon the said Railway any greater Sum than the Sum of Three-pence Halfpenny *per* Mile, including the Toll or Rate hereinbefore granted.

Company authorized to carry Passengers, Cattle, and Goods, and to charge for the same.

CXLIII. And for the better preventing of Accidents or Injury which may 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 Com-

Packages containing Goods of a dangerous Quality to be marked.

pany shall be of a dangerous Character; and it shall be lawful also for the said Company to restrain any other Persons from carrying thereon Gunpowder or such other Goods as aforesaid.

Passengers
may carry
Luggage
without
an extra
Charge.

CXLIV. And be it further enacted, That without extra Charge it shall be lawful for every Passenger travelling upon or along the said Railway to take with him his Articles of Clothing, not exceeding Forty Pounds in Weight and Four Cubic Feet in Dimensions, and the said Company shall in no Case be in any way liable or responsible for the safe Carriage of or for any Loss of or Injury to any Articles, Matters, or Things whatsoever carried upon or along the said Railway with or accompany the Person of or belonging to any Passenger, or delivered for the Purpose of being carried, other than and except such Passengers Articles of Clothing not exceeding the Weight and Dimensions aforesaid: Provided always, that nothing herein contained shall in any Case extend or be deemed or construed to extend to charge or make liable the said Company further or in any other Case than where, according to the Laws of this Realm for the Time being, Stage Coach Proprietors and Common Carriers would be liable, nor shall any thing herein contained extend or be deemed or construed to extend in any Degree to deprive the said Company of any Protection or Privilege which either now or at any Time hereafter Stage Coach Proprietors or Common Carriers have or may have, but the said Company shall from Time to Time and at all Times have and be entitled to the Benefit of every such Protection and Privilege.

Act not to
prevent the
Company
from hiring
locomotive
Engines.

CXLV. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to prevent the said Company from making any Agreement with any Person for the Hire or Use of any locomotive Engine or of any Carriage, and to pay for the same such reasonable Sum as may be agreed on between the said Company and such Person; any thing herein contained to the contrary thereof notwithstanding.

Company
authorized
to fix the
Prices of
small
Parcels.

CXLVI. And be it further enacted, That it shall be lawful for the said Company from Time to Time to make such Orders for fixing and by such Orders to fix the Sum to be charged by the said Company in respect of small Parcels (not exceeding Five hundred Pounds Weight each) as to them shall seem proper: Provided always, that the Provision herein-before contained shall not extend to Articles, Matters, or Things sent in large aggregate Quantities, although made up of separate and distinct Parcels, such as Bags of Sugar, Coffee, Meal, and the like, but only to single Parcels unconnected with Parcels of a like Nature which may be sent upon the Railway at the same Time.

Regulating
the Charge
for short
Distances.

CXLVII. Provided always, and be it further enacted, That in all Cases where any of the before-mentioned Articles, Matters, Things, or Persons shall be conveyed on the said Railway for a less Distance than Eight Miles, the said Company are hereby empowered to demand and receive the afore-mentioned Rates, Tolls, and Charges for Conveyance, as the Case may be, for Eight Miles, exclusive of a reasonable Charge for the Expence of loading and unloading such Articles,

Articles, Matters, and Things in Cases where the loading and unloading shall be done by the said Company, and which Charge the said Company are hereby authorized to make.

CXLVIII. And be it further enacted, That (without Prejudice to any of the Provisions herein-before contained) in all Cases in which there shall be a Fraction of a Ton, a Proportion of the said Rates or Tolls may be demanded and taken for such Fraction according to the Number of Quarters of a Ton contained therein, and when there shall be a Fraction of a Quarter of a Ton such Fraction shall be deemed and considered as a Quarter of a Ton; and in all Cases in which there shall be a Fraction of a Mile in the Distance which any Carriage shall pass upon the said Railway beyond Eight Miles, or any greater Number of Miles, the Proportion of the Rates or Tolls which shall be demanded and taken for such Fraction shall be after the Rate of the Number of Quarters of a Mile contained therein, and when there shall be a Fraction of a Quarter of a Mile such Fraction shall be deemed and considered as a Quarter of a Mile; and in order to ascertain and calculate with greater Precision and Facility the Distance for which such Rates or Tolls shall be demanded and taken upon the said Railway, the said Company shall cause the said Railway to be measured, and Stones or other conspicuous Marks, with proper Inscriptions thereon, to be set up and maintained along the whole Line thereof, at the Distance of One Quarter of a Mile from each other.

Regulating
the Charge
in Cases of
a fractional
Part of a
Ton or of a
Mile.

Distance
Stones to be
erected.

CXLIX. And be it further enacted, That it shall be lawful for the said Company from Time to Time, as they shall think fit, to reduce all or any of the Rates or Tolls by this Act authorized to be taken, and to take the reduced Rates or Tolls, and afterwards from Time to Time to raise the same or any of them, and then to take such higher Rates or Tolls, so that the same respectively shall not at any Time exceed the Amount by this Act authorized.

Power to
reduce the
Rates or
Tolls.

CL. Provided always, and be it further enacted, That the afore-said Rates and Tolls, and Charges for locomotive or other Power, to be taken by virtue of this Act, shall at all Times be charged equally and after the same Rate *per Ton per Mile* throughout the whole of the said Railway in respect of the same Description of Articles, Matters, or Things, and that no Reduction or Advance in the said Rates and Tolls or Charges shall, either directly or indirectly, be made partially or in favour of or against any particular Person or Company, or be confined to any particular Part of the said Railway, but that every such Reduction or Advance of Rates and Tolls or Charges upon any particular Kind or Description of Articles, Matters, or Things shall extend to and take place throughout the Whole and every Part of the said Railway, upon and in respect of the same Description of Articles, Matters, and Things so reduced or advanced, and shall extend to all Persons whomsoever using the same, or carrying the same Description of Articles, Matters, and Things thereon; any thing to the contrary thereof in anywise notwithstanding.

Rates to be
charged
equally.

CLI. And whereas it would tend much to the Convenience of the Public if Companies were empowered to enter into mutual Arrangements

Company
empowered
to contract

with other
Railway
Companies.

ments so as to avoid the Necessity of a Change of Carriages and other Delays arising from a Diversity of Interests ; be it therefore enacted, That notwithstanding any thing in this Act contained it shall be lawful for the said "*York and North Midland Railway Company*", and they are hereby empowered, from Time to Time to make and enter into any Contract or Agreement with any other Company, (and which Contract or Agreement all other Companies are hereby empowered to make and enter into,) either for the Division or Apportionment of the Rates, Tolls, and Duties, or for the Passage over or along the Railway by this Act authorized to be made, of any Engines, Coaches, Waggon, or other Carriages of or belonging to any other Company or which shall pass over or along any other Line of Railway, or for the Passage over or along any other Line of Railway of any Engines, Coaches, Waggon, or other Carriages which shall belong to the said "*York and North Midland Railway Company*", or which shall pass over or along their Line of Railway, upon the Payment of such Rates, Tolls, or Duties, and under such Conditions and Restrictions, as may be mutually agreed upon, and also to make and enter into any other Contract with any other Company that may be deemed advisable ; and every such Contract may contain such Covenants, Clauses, Provisions, Conditions, and Agreements as the contracting Parties may respectively deem advisable and mutually agree upon : Provided always, that no such Contract shall in any Manner alter, affect, increase, or diminish any of the Rates, Tolls, or Sums which the respective Companies, Parties to such Contracts, shall for the Time be respectively authorized to have, demand, receive, or recover of or from any Person or any other Company, but that all other Persons and Companies shall, notwithstanding any such Contract, be entitled to the Use and Benefit of any of the said Railways, upon the same Terms and Conditions, and upon Payment of the same Rates, Tolls, and Sums, as they would have been in case no such Contract had been entered into ; nor shall any such Contract give any Preference or Advantage to any Company or Person, Party thereto, over any other Company or Person, but all such Companies and Persons so contracting shall notwithstanding such Contract pay the same Amount of Rates, Tolls, or Duties as shall from Time to Time be charged to other Companies or Persons not being Parties to such Contracts ; and no Person or Party using the said Railway shall pay or be liable to pay any greater Amount of Rate, Toll, or Duty, for or in respect of any Carriage, Passenger, Goods, Articles, Matters, or Things carried or conveyed upon or along or using the said Railway, than any of such Companies.

A List of the
Rates, Tolls,
&c. to be
painted on
Boards and
affixed in
conspicuous
Places.

CLII. And be it further enacted, That the said Company shall cause to be painted on Boards, and to be affixed and continued, and renewed as often as the same shall be obliterated or defaced, to or upon every Toll House or Building at which any of the Rates or Tolls by this Act authorized shall be collected or received, in some conspicuous Place, in large and legible Characters, an Account or List of the several Rates or Tolls which the said Company shall from Time to Time direct and appoint to be taken, and which shall be payable by virtue of this Act ; and in case any Owner or Master of or Person having or assisting in the Charge of any Carriage passing upon

upon the said Railway, or any Collector of the Rates or Tolls aforesaid, shall, after and whilst such Account or List shall be affixed as aforesaid, demand or take more than the Amount thereon specified, such Owner, Master, Collector, or other Person as aforesaid shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

CLIII. Provided always, and be it further enacted, That it shall not be lawful for the said Company to demand or take any Rates or Tolls for or in respect of any Article, Matter, or Thing, or any Carriage, Passenger, or Cattle, carried or conveyed upon or along the said Railway, except during the Time that the said Board shall be so affixed as aforesaid, and for and during such Time only as the Stones or other conspicuous Marks, with proper Inscriptions thereon, by this Act directed to be set up for ascertaining the Distance for which such Rates or Tolls shall be taken, shall remain so set up.

Rates or
Tolls only
payable
whilst such
Boards
remain.

CLIV. And be it further enacted, That if any Person shall wilfully pull down or deface or destroy any Boards which shall have been set or put up or affixed by virtue or in pursuance hereof, or any Stone or Mark set up to denote Distances on the said Railway, or shall actually or constructively concur or aid therein, he shall on Conviction forfeit and pay a Sum not exceeding Five Pounds for every such Offence.

Penalty on
Persons de-
facing such
Boards.

CLV. And be it further enacted, That every Collector of the Rates or Tolls by this Act granted shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or on some other conspicuous Part of the Toll House or other Building whereat he shall be on Duty, immediately on his coming on Duty, each of the Letters of such Names to be at least Two Inches in Height, and of a Breadth in proportion, and painted either in White Letters on a Black Ground or in Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of the said Rates or Tolls shall not place such Board as aforesaid, and keep the same there during the Time he shall be on Duty as aforesaid, or shall demand or take a greater or less Rate or Toll from any Person than he shall be authorized to do by virtue of the Powers of this Act, and of the Orders of the said Company made in pursuance thereof, or shall demand and take any Rate or Toll in respect of any Carriage, Matter, or Thing, or Person, exempt from the Payment thereof, or shall refuse to permit or shall not permit any Person to read, or shall in anywise hinder any Person from reading, the Inscriptions on the Board to be affixed as aforesaid, or shall refuse to tell his Christian or Surname to any Person who shall demand the same, and who shall have paid the legal Rates or Tolls, or shall in answer to such Demand give a false Name or Names, or upon the legal Rate or Toll being paid or tendered shall unnecessarily detain or wilfully obstruct or hinder any Carriage or any Person from passing upon the said Railway, or shall make use of any scurrilous or abusive Language to any Officer or Servant of the said Company, or to any Passenger upon or to any Person lawfully using the said Railway, then and in

For prevent-
ing Toll Col-
lector mis-
behaving.

[*Local.*]

36 R

every

every such Case every such Collector shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Recovery of
Rates or
Tolls.

CLVI. And be it further enacted, That the Rates or Tolls hereby authorized to be taken shall be paid to such Persons, at such Places upon or near the said Railway, and in such Manner and under such Regulations as the said Company or as the said Directors shall, by Notice to be annexed to the Account or List of Rates or Tolls, direct or appoint; and in case of Refusal or Neglect, on Demand, to pay such Rates or Tolls as have accrued due unto the respective Persons appointed to receive the same as aforesaid, the said Company may, in case such Rates or Tolls shall amount to or exceed the Sum of Twenty Pounds, sue for and recover the same by an Action of Debt or upon the Case in any of His Majesty's Courts of Record; or the Person to whom such Rates or Tolls ought to have been paid may and he is hereby empowered, whether such Rates or Tolls shall amount to the Sum of Twenty Pounds or not, to seize the Goods, Articles, and other Things for or in respect whereof any such Rates or Tolls ought to have been paid, or any Part thereof, and the Carriage laden therewith, or any other Goods, Articles, or Things belonging to the Person liable to pay such Rates or Tolls, and detain the same until such Payment shall be made, together with all reasonable Charges for such Seizure and Detention; and if such Goods, Articles, and Things shall not be redeemed within Twenty-one Days next after the taking thereof, the same shall be appraised and sold, and such Rates, Tolls, and Charges satisfied thereout, as the Law directs in Cases of Distress for Rent.

Owners of
Carriages to
give Ac-
count of the
Lading.

CLVII. And be it further enacted, That the respective Owners or Persons having the Care of Carriages passing or being upon the said Railway shall give an exact and true Account in Writing signed by them to the Collectors of the Rates or Tolls, at the Places where they shall attend for that Purpose, of the Quantity of Goods and other Things as aforesaid which shall be in or upon the Carriages so belonging to them or under their Care, and from whence such Carriages are brought, and where the same are intended to be unloaded or left or taken off the said Railway; and if the Goods or other Things contained in or upon any such Carriage shall be liable to the Payment of different Rates or Tolls, then such Owners or other Persons shall specify the respective Quantities liable to each or any of the said Rates or Tolls; and in case any such Owner or other Person as aforesaid shall neglect or refuse so to give and deliver such Account, or to produce his Bill of Lading, to any Collector demanding the same, or shall give a false Account, or shall leave or deliver out or take off any Part of his Lading or Goods at any other Place than may be mentioned in such Account, with an Intent to avoid the Payment of any of the said Rates or Tolls, and shall be thereof convicted before any Justice of the Peace acting within his Jurisdiction, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Forty Shillings for every Ton of Goods, or for any Parcel not exceeding Five Hundred Weight, and so in proportion for any less Quantity of Goods than a Ton or Five Hundred Weight, as the Case may be, which shall be in or upon such

Carriage

Carriage of which such Account shall be so neglected or refused to be given, or concerning which such Bill of Lading shall not be produced as aforesaid, or of which a false Account shall have been given, or which shall be fraudulently left, delivered out, or taken off as aforesaid, as the Case shall happen, over and above the Rate or Toll to which such Goods or Things may be liable.

CLVIII. And for the better ascertaining the Weight of Goods and other Things to be charged with the Payment of Tonnage Rates or Tolls as aforesaid, be it further enacted, That as respects all such Goods and other Things as aforesaid, except Stone and Timber, One hundred and twelve Pounds Weight shall be deemed One Hundred Weight, and Twenty such Hundred Weights shall be deemed One Ton; and as respects Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Beech, and Ash, and Fifty Cubic Feet of all other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity; any Usage to the contrary notwithstanding.

Weight of
Goods ascer-
tained.

CLIX. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates or Tolls, or any other Officer or Servant of the said Company, and any Owner of or Person having the Charge of any Carriage passing upon the said Railway, or of any Goods, Articles, or Things in or on such Carriage, or respecting the Goods, Articles, or Things in or on such Carriage, or the Rates or Tolls due in respect thereof, it shall be lawful for such Collector or other Officer as aforesaid to detain such Carriage, and to examine, weigh, measure, and gauge, or cause to be examined, weighed, measured, and gauged, such Carriage, and all such Goods, Articles, and Things as shall be therein or thereon; and in case the same shall, upon such examining, weighing, measuring, or gauging, appear to be of greater Weight or Quantity or of different Quality than shall be stated in the Account given thereof as aforesaid, then the Person giving in such Account shall pay, and the Owner of such Carriage and the respective Owners of such Goods and other Things shall also, at the Option of the said Company, be liable to pay, the Costs and Charges of such examining, weighing, measuring, or gauging; all which Costs and Charges, upon Refusal or Neglect of Payment thereof upon Demand, shall and may be recovered and levied by and in such Ways and Manner as the said Rates and Tolls are in this Act authorized to be recovered and levied; but if such Goods, Articles, or Things shall appear to be of the same Quantity and Quality or of less Weight or Quantity than shall be stated in such Account, then the said Company shall pay the Costs and Charges of such examining, weighing, measuring, or gauging, and shall also pay to such Owner of or Person having Charge of such Carriage; and to the respective Owners of such Goods, Articles, and Things, such Damage as shall appear to any Justice of the Peace acting within his Jurisdiction, on the Oath, or, in the Case of a Quaker, the Affirmation, of any credible Witness, to have arisen from or by such Detention; but in case it shall at any Time be made appear to such Justice, upon the Complaint of the said Company, and upon the like Oath or Affirmation, that such Detention, and examining, weighing, measuring,

In case of
Difference
concerning
Weight, Col-
lector may
weigh or
measure
Carriage.

or

or gauging, was without reasonable Ground or Belief, or that it was vexatious on the Part of such Collector or other Officer as aforesaid, then such Collector or other Person as aforesaid shall himself pay the Costs and Expences of such examining, weighing, measuring, or gauging, and shall also pay to such Owner or Person, or to the respective Owners of such Goods, Articles, or Things as aforesaid, such Damage as shall appear to such Justice to have arisen from such Detention; and in default of immediate Payment thereof by the said Company, or by such Collector or other Officer as aforesaid (as the Case may be), the same may be recovered by Distress and Sale of the Goods and Chattels of the said Company or of the said Collector or other Officer as aforesaid (as the Case may be), by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), upon Demand, after deducting the Costs of such Distress and Sale, to the said Company, or to the said Collector or other Officer as aforesaid (as the Case may require).

For settling
Disputes
about the
Amount of
Rates or
Tolls.

CLX. And be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates or Tolls due to the said Company, or concerning the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain such Distress, or (as the Case may require) the Proceeds of the Sale thereof, until the Amount of the Rates or Tolls due, or (as the Case may require) the Amount of the Charges of seizing, distraining, keeping, or selling such Distress, or both (as the Case may require), shall be ascertained by some Justice of the Peace acting within his Jurisdiction, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath or Affirmation of the Parties or other Witnesses, and determine the Amount of the Rates or Tolls due, or (as the Case may be) the Amount of the said Charges, or the Amount of both (as the Case may be); and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the said Parties to the other of them as he shall think reasonable; and in case of Nonpayment thereof on Demand such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same, by Warrant under the Hand and Seal of such Justice.

Company
empowered
to lease the
Rates or
Tolls.

CLXI. And be it further enacted, That it shall be lawful for the said Company from Time to Time to let the Rates and Tolls by this Act made payable, or any Part thereof, upon the Whole or upon any Part of the said Railway, to any Person or Corporation for any Term which they shall think proper, not exceeding Three Years from the Commencement of any such Lease, and to commence in Possession upon or within Three Calendar Months next after granting the same; and every such Lease shall be valid, and the respective Lessees thereof, and also such Persons as such Lessees shall appoint to collect and receive the Rates or Tolls so let, shall, during the Continuance of such Lease, be deemed Collectors of the Rates or Tolls so let, but for the proper Use of the Lessees thereof, and shall have the same Power and Authority to collect and recover the same, and be subject to the same Rules, Duties, and Penalties, as if they had been appointed for that Purpose by the said Company: Provided always,

ways, that public Notice of the Intention to let the said Rates and Tolls, or the Part thereof intended to be let, shall be given by the said Company by Advertisement to be inserted in some *York* Newspaper at least Fourteen Days prior to any Meeting of the said Company or of the said Directors at which it may be intended that the said Rates and Tolls shall be let as aforesaid.

CLXII. And be it further enacted, That in case any of the Rates or Tolls granted by this Act shall be demised or let to farm in any Manner whatsoever, and the Lessee or Farmer thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let, or any of them, or in case all or any Part of any Rent agreed to be paid by any such Lessee or Farmer shall be in arrear or unpaid for the Space of Seven Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Agreement, or Contract for demising or letting the same Rates or Tolls; or in case any temporary or other Collector of any of the said Rates or Tolls shall be discharged from his Office, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family, or any Representative of any such Collector who shall die, abscond, or absent himself, or be discharged, or in case any Person being in Possession thereof, shall refuse to deliver up or shall not deliver up Possession of any Toll House, Office, Weighing Machine, or other Building, with the Appurtenances thereto respectively belonging, to be erected or provided under the Powers or used for any of the Purposes of this Act, for or within the Space of Seven Days after Demand thereof made in Writing given to him, or left at such Toll House, Office, Weighing Machine, or Building, or at any of such Toll Houses, Offices, Weighing Machines, or Buildings, which shall be or have been in the Possession or Occupation of such Collector or Person, such Demand in Writing to be signed by any Two or more of the said Directors, or by a Secretary for the Time being of the said Company; or in case any such Lease, Agreement, or Contract shall in any Manner become void or voidable; then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace, acting within their Jurisdiction, upon Application made by the said Directors, or by a Secretary for the Time being of the said Company, by Warrant under the Hands and Seals of such Justices respectively, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any such Toll House, Office, Weighing Machine, or other Building, with the Appurtenances thereunto belonging, and to remove and put such Lessee, Farmer, or Collector, or other Person who shall be found therein, together with his Goods, from and out of the same and the Possession thereof, and from the Collection of such Rates or Tolls, and to put the said Company or their Agent, or their new Lessee or Farmer or Collector, into the Possession thereof; and thereupon it shall be lawful for the said Company to vacate and determine the Lease, Contract, or Agreement (if any) which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants and Agreements for Payment of the Rent thereby reserved, or other unperformed or

Power of Re-
entry in case
of Nonper-
formance of
Conditions
of Leases of
Rates or
Tolls.

broken Obligations, Covenants, or Agreements on the Lessees Part); and it shall be lawful for the said Company in every such Case, either during such Proceedings or on the Termination thereof, again to demise or let to farm the said Rates or Tolls to the same or any other Person, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Weights
allowed to
be carried
on Railway.

CLXIII. And be it further enacted, That no Carriage shall carry or bear at any One Time upon the said Railway, including the Weight of such Carriage, more than Four Tons Weight, except in any One Piece of Timber, Block, or Stone, Boiler, Cylinder, Bob, or single Piece of Machinery, or other single Article, which shall nevertheless not exceed the Weight of Eight Tons, including the Weight of the Carriage, and for the Tonnage of which the said Company are hereby authorized to demand, receive, and recover such Rates as they may from Time to Time direct or appoint, not exceeding Fourpence *per Ton per Mile*; and no Piece of Timber, Stone, Machinery, or other Article exceeding the Weight of Eight Tons, including the Weight of the said Carriage, shall be carried upon any Part of the said Railway without the special Licence of the said Company, and for the Tonnage of which the said Company are hereby authorized to demand, receive, and recover such Sum as they may deem proper.

Company to
regulate the
Passage on
the Railway.

CLXIV. And be it further enacted, That it shall be lawful for the said Company from Time to Time to make such Orders and Regulations as they shall think proper for regulating the travelling upon and Use of the said Railway, and the Times when the same shall be open for Use, and for or relating to Travellers and Carriages passing upon the said Railway, and for or relating to the Mode or Means by which and the Speed at which such Carriages shall from Time to Time be moved or propelled, and the Times of their Departure and Arrival, and the loading or unloading thereof respectively, and the Weights which they shall respectively carry, and the Delivery of Goods and other Things which shall be conveyed in or upon such Carriages, and also for preventing the smoking of Tobacco and the Commission of any other Nuisance in or upon any such Carriages, or in any of the Stations or Premises occupied by or belonging to the said Company, and generally for regulating the passing upon, using, or working the said Railway and other Works by this Act authorized, or in any way relating thereto respectively; and all such Orders and Regulations, when published and affixed in manner by this Act directed or provided for publishing and affixing any Bye Laws to be made by virtue of this Act, shall be binding upon and be conformed to by the said Company, and by all the Owners of and the Persons having the Care or Conduct of such Carriages, and by all Persons using or working the said Railway and other Works, and by all Travellers and Passengers passing upon the said Railway, upon pain of forfeiting and paying a Sum not exceeding Five Pounds, which the said Company may attach to any such Default: Provided always, that in every Case of Infraction or Nonobservance of any such Rules or Regulations which shall be attended with Danger to the Public or Annoyance to Travellers, or which shall obstruct

obstruct or hinder the said Company in their due and lawful Use and working of the said Railway, it shall be lawful for the said Company and their Agents summarily to interfere to obviate such Danger, or to remove or prevent such Obstruction, Nuisance, or Hindrance.

CLXV. And be it further enacted, That no Carriage shall pass along or be upon the said Railway or any Part thereof, or the Works connected therewith, except in directly crossing the same, as herein authorized, for the Occupation of the respective Lands through which such Railway shall be laid, or in passing any public or private Carriage Road which may happen to cross the said Railway, unless such Carriage shall, at all Times so long as it shall be used or shall be on the said Railway and Works or any Part thereof, remain and be of such Construction and in such State and Condition as the Rules and Regulations of the said Company may from Time to Time or at any Time require, and which Rules and Regulations the said Company are hereby expressly authorized to make, and wholly or partially alter or revoke, from Time to Time, with Power to make new Rules and Regulations from Time to Time in lieu of or in addition to any former Rules and Regulations: Provided always, that all the Rules and Regulations which the said Company may from Time to Time make in regard to such Carriages shall, before they shall have any Effect as Rules and Regulations, be published once in some one of the *York* Newspapers, and such Publication as aforesaid shall be deemed and taken to be sufficient for all Purposes, and to be express Notice of all such Rules and Regulations to all Persons and Companies whomsoever; and the Production of such Newspaper, containing a Notice purporting to be a Notice of the Rules and Regulations of the said Company, shall for all Purposes be considered sufficient Evidence of the due making and Publication of such Rules and Regulations: Provided also, that if any Dispute shall at any Time and from Time to Time arise between the said Company and the Owner of any such Carriage as to the State or Condition from Time to Time or at any Time of any such Carriage, in reference to the then past or existing Rules and Regulations of the said Company, such Disputes shall from Time to Time, when and as they may arise, be immediately referred to Three indifferent Persons, one to be appointed by the said Company, and another one by the Owner of any such Carriage, and the third to be appointed by the Two so first appointed previous to their entering on the Business of the Reference; and the Decision in Writing of such Two Arbitrators and the Umpire, or of any Two of them, (as the Case may be,) shall be final and conclusive; and if either the said Company or the said Owner shall, for Ten Days after being so required in Writing by the other of them, neglect or refuse to appoint a Referee to act in their or his Behalf, then the Referee of the other Party may alone make a final Decision in Writing: and such Award or Decision shall, upon the Proof of the Signatures thereto, be admitted in all Courts, and before all Judges, Justices, and others, as sufficient Evidence for all Purposes whatsoever of all the Facts therein stated; and if any Carriage, not from Time to Time or at any Time being in the State and Condition which the Rules and Regulations of the said Company in existence

Carriages not to be used unless constructed as directed by the Company.

at

at that Time may require, shall pass or be on any Part of the said Railway or the Works connected therewith (except as aforesaid), the Owner thereof, or his Servant, or any One of his Servants, having for the Time being the Charge of any such Carriage, shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Engines to
be used on
Railway to
be approved
by the Com-
pany.

CLXVI. And whereas, for the greater Security of Passengers and other Persons travelling upon and using the said Railway, it is expedient that the moving Powers to be from Time to Time used in drawing or propelling Carriages upon or along the said Railway should be under the Control of the said Company; be it therefore enacted, That no locomotive or other Engine, or other Description of moving Power, shall at any Time be brought upon or used on the said Railway unless the same shall have been first approved of by the said Company; and it shall be lawful for the said Company and they are hereby required, within Fourteen Days after Notice given to them by any Person desirous of bringing any such Engine on the said Railway, to cause their Engineer or other Agent to inspect and examine any such Engine at any Place within Five Miles of the said Railway, and to report thereon to the said Company, who shall within Seven Days after such Report, in case such Engine shall be fit and proper to be used on the said Railway, give a Certificate to the Party requiring the same of their Approval of every such Engine; and it shall be lawful for the said Company from Time to Time, upon any Engine used upon the said Railway being out of repair, or unfit to be used upon the said Railway, to order the same to be taken off or forbid the same to be used on the said Railway; and in case any Person shall bring or use upon the said Railway any locomotive or other Engine, or any other moving Power, without having first obtained such Certificate of Approval as aforesaid, or in case, after Notice given by the said Company to remove from or not to use upon the said Railway any such insufficient Engine as aforesaid, the Person to whom such Engine shall belong shall not forthwith remove the same, or shall use any such Engine upon the said Railway without having first repaired sufficiently the same, and obtained such Certificate of Approval as aforesaid, every such Person shall forfeit and pay any Sum not exceeding Twenty Pounds for every such Offence, and the said Company are hereby authorized to remove such Engine from the said Railway.

Locomotive
Engines to
consume
their own
Smoke.

CLXVII. And be it further enacted, That the Boiler of every locomotive Steam Engine to be used upon the said Railway shall be constructed on the Principle of consuming its own Smoke, under a Penalty of Five Pounds for every Offence, to be recovered in a summary Way by the Order and Adjudication of One or more Justice or Justices of the Peace, on Complaint to him or them for that Purpose made, in the same Manner as other Penalties and Forfeitures for the Recovery whereof no special Directions are given are by this Act directed to be recovered, one Half of which Sum, as often as the same shall be recovered, shall be paid to the Informer, and the other Half to the Vestry Clerk or other proper Officer of the Parish or Place where such Offence shall be committed, to be applied by him for the Benefit of the Poor of such Parish or Place.

CLXVIII. And

CLXVIII. And be it further enacted, That the respective Owners of Carriages passing or being upon the said Railway, and carrying Passengers or Goods for Pay, Hire, or Reward, shall cause their Names and Places of Abode, and the Numbers, Weights, and Gauges of their respective Carriages, to be entered with an Officer of the said Company appointed for that Purpose, and shall also cause such Names, Places of Abode, Numbers, Weights, and Gauges to be painted and continued in large White Capital Letters and Figures on a Black Ground Two Inches in Height at the least, and of a proportionate Breadth, on some conspicuous Part of the Outside of every such Carriage, so as to be always open to View, and shall permit every such Carriage to be weighed, measured, and gauged at the Expence of the said Company, whenever it shall be required by the said Company, or by any Person by them appointed for that Purpose; and every Owner or other Person having the Care of any Carriage, or who shall conduct the same upon the said Railway, without having such Carriage previously weighed, measured, and gauged, and the Weight, Measure, and Gauge thereof, together with the Number thereof, and also the Name and Place of Abode of the Owner thereof, entered with some Secretary or other Officer of the said Company appointed for that Purpose, or without having such Name, Place of Abode, Number, Weight, and Gauge marked upon each such Carriage as herein-before directed, or who shall alter, erase, deface, or hide such Name, Place of Abode, Number, Weight, or Gauge, or any of them, or any Part thereof, or shall fix thereon any false Name, Place of Abode, Number, Weight, or Gauge, or shall refuse to permit or shall not permit any such Carriage to be weighed, measured, or gauged as aforesaid, shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

Owners to put their Names, &c. on the Out-sides of their Carriages.

CLXIX. And be it further enacted, That the respective Owners of Engines and Carriages passing or being upon the said Railway and Works or any Part thereof shall be and they are hereby respectively made answerable for any Trespass, Damage, or Mischief which may be done by their Engines or Carriages, or by any of the Servants or other Persons belonging to or employed by them, to or upon the said Railway, Machinery, Apparatus, or other Works made by virtue of this Act, or to or upon the Property of any other Person, either by loading or unloading such Carriages or by any Means whatsoever; and every such Owner shall for every such Trespass, Damage, or Mischief, upon Conviction of any such Servant or other Person before some Justice of the Peace, either by the Confession of the Party offending, or upon the Oath, or, in case of a Quaker, the Affirmation of some credible Witness, pay to the said Company, or to the Person injured, as the Case may be, the Damages to be ascertained by such Justice, so that the same do not exceed the Sum of Twenty Pounds, and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Forty Shillings, and all Costs, Charges, and Expences attending such Conviction; all which Damages, Penalties, Costs, Charges, and Expences shall be levied by Distress and Sale of the Goods and Chattels, if any can be conveniently found, of the Owner of such Carriage, by Warrant under the Hand and Seal of such Justice; and the Overplus (if any) of the Proceeds of such Sale, after Deduction of such Damages, Penalties, Costs, Charges,

Owners of Carriages to be accountable for Damage done by their Servants.

Charges, and Expences, together with the Costs and Charges of such Distress and Sale, shall be returned, upon Demand, to the Owner of such Goods and Chattels; and in case no sufficient Distress can be conveniently found, then such Owner shall be committed to Prison as herein-after directed with respect to Persons who are convicted in any Penalty and have no sufficient Goods whereon such Penalty may be levied; but if the Value or Amount of such Trespass, Damage, or Mischief shall exceed the Sum of Twenty Pounds, the Owner of such Carriage, his Executors or Administrators, may, at the Option of the said Company or of the Person injured, as the Case may be, be sued and prosecuted for the same in any of His Majesty's Courts of Record; and if a Verdict or Judgment shall be given against him, either upon Proof made or by Default or upon Demurrer, the Plaintiff in any such Case shall recover his Damages sustained as aforesaid, with full Costs of Suit.

Owners may
recover from
their Ser-
vants any
Money paid
for their Ne-
glect.

CLXX. Provided always, and be it further enacted, That in case any Owner of any Carriage passing or being upon the said Railway and Works or any Part thereof shall be compelled to pay any Penalty, or to make any Satisfaction for any Damage, by reason of any wilful Act, Neglect, or Default of any of his Servants, every such Servant shall be liable to pay such Penalty or Satisfaction for Damages, or both, (as the Case may be,) with the Costs attending the same, to such Owner; and in case of Nonpayment thereof on Demand, and Oath, or, in the Case of a Quaker, Affirmation, made by such Owner of the Payment by him of such Penalty and Satisfaction, or either of them, (as the Case may be,) and that the same has not been repaid to him by such Servant, although demanded, such Oath or Affirmation being made before some Justice of the Peace for the County, City, or Place in which such Penalty or Damage was incurred, such Penalty and Satisfaction, or either of them, as the Case may be, and the Costs aforesaid, shall be levied, by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of such Servant, together with all Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction, or either of them, (as the Case may be,) and Costs and Charges as aforesaid, when recovered, shall be paid to such Owner in discharge of such Penalty and Satisfaction, or either of them, and the Costs, so by him paid for the wilful Neglect or Default of such Servant as aforesaid; and in case no sufficient Distress can be had such Justice shall and he is hereby required to commit such Servant to the Common Gaol or House of Correction for the said County, City, or Place, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months.

Railway to
be free on
Payment of
Rates.

CLXXI. And be it further enacted, That all Persons shall have free Liberty to pass along and upon and to use and employ the said Railway, with Carriages properly constructed as by this Act directed, upon Payment only of such Rates and Tolls as shall be demanded by the said Company, not exceeding the respective Rates and Tolls by this Act authorized, and subject to the Provisions of this Act, and to the Rules and Regulations which shall from Time to Time be made by the said Company or by the said Directors by virtue of the Powers to them respectively by this Act granted.

CLXXII. Pro-

CLXXII. Provided always, and be it further enacted, That if any Person (save and except the said Company, and their Agents and other Persons authorized by them, and by them authorized for the Purposes only of the said Undertaking,) shall ride, lead, or drive, or cause to be ridden, led, or driven, or shall aid or assist in leading or driving, or shall permit or suffer to be upon such Railway or any Part thereof, any Horse, Mule, or Ass, or any Bull, Cow, or other Neat Cattle, Sheep, Swine, or any other Beast or Animal, (except only in directly crossing the same at Places to be appointed for that Purpose, or for the necessary Occupation as aforesaid of the respective Lands through which the said Railway shall pass,) every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Railway not to be used as a Passage for Horses or other Cattle.

CLXXIII. Provided always, and be it further enacted, That it shall be lawful for the respective Owners and Occupiers of Lands through which the said Railway shall be made, and their respective Servants and Workmen, (except in Cases in which the said Company shall at their own Expence have made proper and convenient Communications from the Land on the one Side of the said Railway to the Land on the other Side thereof, according to any Agreement with any Owner or Occupier thereof, or according to the Provisions of this Act,) at all Times to pass and repass, and to lead and conduct any Horse, Mule, or Ass, Bull, Cow, or other Cattle, Sheep, Swine, or other Beast, or any Cart, Waggon, or other Carriage, laden or unladen, or any Plough, Harrow, or other Farming Utensils, directly, but not otherwise, over and across such Part and such Part only of the said Railway as shall be made in or upon their respective Lands, for the Purpose of occupying the same Lands, without Payment of any Rate or Toll for the same, provided that by so doing or by consequence thereof the Passage upon or along the said Railway be not in any way hindered or obstructed, or the same or the Works connected therewith be not in any way damaged.

Owners and Occupiers of adjoining Lands to cross the Railway without Payment of Toll.

CLXXIV. Provided always, and be it further enacted, That the said Company, their Agents, and any other Person using the said Railway, shall not obtain by any thing herein contained a Right of Road, on Foot or with Horses or Carriages, through the Park at *Ferry Fryston* otherwise *Water Fryston*, for the Purpose of getting to or from the said Railway.

Company, &c. not to obtain a Right of Way through *Ferry Fryston* Park.

CLXXV. And whereas it may be attended with very great Danger to the Public if the said Railway should be used by Persons on Foot; be it therefore enacted, That if any Person shall be or travel or pass upon Foot upon the said Railway without the Licence and Consent of the said Company (unless for the Purpose of attending any Carriage under his Care, and except the respective Owners or Occupiers of Lands through which the said Railway shall pass, and their respective Servants, in passing across or over the same as herein-before authorized), every Person so offending shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Penalty on Persons on Foot using the Railway.

CLXXVI. And be it further enacted, That if any Person shall throw, place, or wilfully scatter or drop any Gravel, Stone, Rubbish,

Penalty on Persons ob-

or

structing
the free
Course of
the Railway.

or other Matter or Thing upon any Part of the said Railway, or shall extinguish any Light or Lamp set up on or near the said Railway or other Works (unless by Authority of the said Company), or shall wilfully obstruct or prevent any Person in the lawful Execution of this Act, or shall do any Act, Matter, or Thing to obstruct the free Passage of the said Railway or any Part thereof, he, and every Person actually or constructively aiding or assisting therein, shall respectively forfeit and pay any Sum not exceeding Ten Pounds nor less than Forty Shillings for every such Offence.

Penalty on
destroying
Works.

CLXXVII. And be it further enacted, That if any Person shall wilfully, and to the Detriment of the said Undertaking or of the said Company, injure, break, throw down, destroy, steal, or take away any Part of the said Railway or other Works erected or made by virtue of this Act, or any Part of the Materials of any such Works, so as that the Use of or Passage on the said Railway shall be or shall be liable to be obstructed, impeded, or otherwise interrupted, every Person being lawfully convicted of any such Offence shall be subject and liable to the Pains and Penalties to which Persons shall be liable in Cases of Simple Larceny.

Punishment
of Persons
in the Ser-
vice of the
Company for
Drunken-
ness.

CLXXVIII. And whereas it is expedient, for the further Security of Property, and the better Conduct of the Business on the said Railway after the same or any Part thereof shall be completed, that Punishment beyond that which is now by Law provided shall 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 or less than Ten Shillings, to be recovered and applied in like Manner as Penalties imposed under this Act are herein-after directed to be recovered and applied.

Company to
raise an ad-
ditional
Sum of
Money, if
necessary,
by Mort-
gage.

CLXXIX. And be it further enacted, That in case the Money hereby authorized to be raised by Subscription, as herein-before mentioned, shall be found insufficient for the Purposes of this Act, it shall 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 the Sum of One hundred and twenty-three thousand three hundred and thirty-three Pounds, on the Credit of the said Undertaking; and the Directors of the said Company, after an Order shall have been made for that Purpose at any General or Special General Meeting of the said Company, are hereby empowered to mortgage, assign, and charge the Property of the said Undertaking, and the Rates, Tolls, and other Sums arising or to arise by virtue of this Act, or any Part thereof, the Costs and Charges of assigning the same to be paid out of such Rates, Tolls, or Sums, as a Security for any Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the Party who shall advance the same, or to his Trustee, and

a. Copy of the Order of any General or Special General Meeting of the said Company authorizing the borrowing of any such Sum of Money; certified by One Director, or by a Secretary of the said Company, to be a true Copy, shall be sufficient Evidence of the Money authorized to be raised by Subscription being insufficient for the Purposes of this Act, and of the making of the Order for raising such additional Sum of Money; and all which Mortgages, Assignments, and Charges shall be made under the Common Seal of the said Company, in the Words or to the Effect following, or with such Variation therein as the Circumstances of the Loan may render necessary; (that is to say,)

‘ York and North Midland Railway Company.

‘ Number

Form of
Mortgage.

‘ BY virtue of an Act passed in the Sixth Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], We, the “York and North Midland Railway Company,” incorporated by and under the said Act, in consideration of the Sum of _____ to us in hand paid by *A. B.* of _____ do assign unto the said *A. B.*, his Executors, Administrators, and Assigns, the said Undertaking, and all and singular the Rates, Tolls, and Sums of Money arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of the said Company in and to the same, to hold unto the said *A. B.*, his Executors, Administrators, and Assigns, until the said Sum of _____ together with Interest for the same after the Rate of _____ for every One hundred Pounds for a Year, shall be fully paid and satisfied. Given under our Common Seal this _____ Day of _____ in the Year _____ of our Lord

And the respective Parties to whom such Mortgages or Assignments shall be made shall be entitled one with the other to their respective Proportions of the said Rates, Tolls, and Sums, and Premises, according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority of the Date of any such Order of Meeting or Priority in Date of such Mortgage or Assignment, or any other Account whatsoever; and an Entry or Memorial of such respective Mortgages or Assignments, containing the Numbers and Dates thereof, and the Names of the Parties, with their proper Additions, to whom the same shall have been made, and of the Sums borrowed, together with the Rate of Interest to be paid thereon respectively, shall within Fourteen Days next after the Date thereof be entered in some Book to be kept by a Clerk of the said Company, which said Book may be perused at all reasonable Times by any of the Proprietors or Mortgagees of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all Parties to whom any such Mortgage or Assignment shall have been made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer their respective Rights and Interests therein to any other Person; and every Transfer thereof shall be by Deed, in which the Consideration for such Transfer shall be truly stated, and may be in the Words or to the Effect following; that is to say,

Memorial of
Mortgages
to be entered
in the Books
of the Com-
pany.

[Local.]

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‘ I A. B.

' I A. B. of _____ in consideration of the Sum of _____
 ' _____ paid by C. D. of _____ do hereby
 ' transfer to the said C. D., his Executors, Administrators, and
 ' Assigns, a certain Mortgage, Number _____ made by
 ' the "*York and North Midland Railway Company*," to
 ' bearing Date the _____ Day of _____
 ' for securing the Sum of _____ and
 ' Interest, and all my Right, Estate, and Interest in and to the Money
 ' thereby secured, and in and to the Rates, Tolls, Sums of Money,
 ' and Property thereby assigned. Dated this
 ' Day of _____ in the Year of our Lord _____.

And every such Transfer shall within Twenty Days after the Date thereof, if executed in *England*, or otherwise within Twenty-eight Days after the Arrival thereof in *England*, if executed elsewhere, be produced to a Clerk of the said Company, who shall cause an Entry or Memorial to be made thereof in the same Manner as of the original Mortgage or Assignment, for which the said Company shall be paid the Sum of Two Shillings and Sixpence ; and after such Entry or Memorial made every Transfer shall entitle such Assignee, his Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon ; and it shall not be in the Power of any Person who shall have made such Transfer to make void, release, or discharge the Mortgage so transferred, or any Money thereon due or thereby secured, or any Part thereof.

CLXXX. And be it further enacted, That in case the said Company at any Special Meeting to be called as in this Act is directed, instead of borrowing such further or additional Sum as aforesaid by way of Mortgage or continuing the same on Mortgage, shall think it advisable to raise such further or additional Sum, or any Part thereof, by way of Augmentation of their Capital Stock, or shall deem it expedient to borrow or continue at Interest only a Part of the said further or additional Sum by way of Mortgage, and to raise the Remainder thereof or Part of the Remainder thereof by way of Augmentation of their Capital Stock, then and in either of the said Cases it shall be lawful for the said Company by the issuing of new Shares to augment the Capital Stock of the said Company by any further Sum or Sums of Money, so as the same, together with any Sum of Money that may be borrowed and continuing at Interest by way of Mortgage as aforesaid, shall not exceed such further and additional Sum of One hundred and twenty-three thousand three hundred and thirty-three Pounds, hereby authorized to be raised as aforesaid; and all such further and additional Capital Stock, not exceeding such additional or further Sum as aforesaid, as shall be so raised, 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 been Part of the original Capital Stock of the said Company, except as to the Times of making Calls for the said additional Capital Stock, and the Amount of such Calls, which Time and the Amount of such Calls respectively shall from Time to Time be appointed by the said Company: Provided always, that all the Regulations, Provisions, and Authorities herein

herein contained in relation to the Calls for the Capital Stock of the said Company, and to the Recovery thereof or of any Arrears thereof, and 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 for the said further and additional Sum hereby authorized to be raised or subscribed as aforesaid, or such Part thereof as shall be required to be raised by way of additional Capital Stock as aforesaid, and to the Refusal or Neglect to comply with such last-mentioned Call.

CLXXXI. And be it further enacted, That it shall be lawful for the said Company, at any Time or from Time to Time, by Order at any General or Special General Meeting, to borrow of the Commissioners for carrying into execution an Act of Parliament passed in the Third Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Act*, any Sum or Sums of Money, not exceeding in the whole the Sum or Sums of Money hereby authorized to be raised by Mortgage as aforesaid, and by Deed under the Common Seal and at the Costs of the said Company to assign and assure to the Secretary for the Time being of the said Commissioners, and as they shall direct, free from all Incumbrances, the said Undertaking, and all the Works and Property of the said Company, and all Rates, Tolls, Profits, and Receipts accruing or thereafter to accrue to or for the Use of the said Company under or by virtue of the Authority of this Act, or otherwise, for securing to the said Commissioners the Repayment of the Amount of the Exchequer Bills to be so borrowed as aforesaid.

Power to borrow Money of Exchequer Loan Bill Commissioners under 3 G. 4. c. 86.

CLXXXII. And be it further enacted, That every Security to be given to the said Commissioners as aforesaid shall not be affected by any Informality in any Meeting or Proceeding of the said Company or the said Directors, and shall have Priority over all other Mortgages, Charges, and Securities whatsoever to be created by the said Company under the Authority of this Act.

Security to such Commissioners to have the Priority.

CLXXXIII. And be it further enacted, That the Interest of the Money raised by any such Mortgage, Assignments, or Charge as aforesaid shall be paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable by virtue of this Act to the Proprietors of the said Company or any of them; and in case such Interest or any Part thereof shall be unpaid by the Space of Thirty Days next after the same shall have become due and payable as aforesaid, and the same shall not be paid within Thirty Days next after Demand thereof in Writing shall have been made to the said Company, it shall be lawful for Two or more Justices of the Peace acting for the said West Riding of the County of *York* or for the City and County of the City of *York*, not being interested in the Matter

Interest of Money borrowed to be paid in preference to Dividends.

Matter in question, and they are hereby respectively required, on Request to them made by or on behalf of any Mortgagee or Assignee of a Mortgagee whose Interest shall be so in arrear, by an Order under their Hands to appoint some Persons to receive the Whole or such Part of the said Rates, Tolls, or Sums as are liable to pay such Interest so due and unpaid as aforesaid; 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 Person to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the Rates, Tolls, or Sums, shall be fully paid and satisfied; 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 due and 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*.

Creditors
not to vote.

CLXXXIV. Provided always, and be it further enacted, That no Person to whom any such Mortgage or Assignment shall be made or transferred shall by reason thereof be deemed a Proprietor of any Share, or shall be capable of acting or voting as such at or taking any Part in the Proceedings of any Meeting of the said Company.

Directors
empowered
to stipulate
Periods for
Redemption
of Money to
be borrowed
on Security
of Rates.

CLXXXV. And be it further enacted, That when any Sum of Money shall be borrowed at Interest, pursuant to the Powers in that Behalf contained in this Act, it shall be lawful for the said Company, in case they shall in their Discretion think proper so to do, to fix a Period or Periods for the Repayment of the Principal Sum of Money so to be borrowed, with the Interest thereof; and in such Case the said Company shall cause to be inserted in such Mortgage or Assignment the Time or Times which shall be fixed or agreed upon for the Repayment of the Principal Money thereby to be secured; and such Sum of Money, with all Arrears of Interest thereon, shall accordingly be paid, at the Time or Times so to be fixed, to the Party who shall upon the Expiration of such Period or Periods be the Holder of and entitled to such Mortgage or Assignment, or his Nominee.

Holder of
Mortgages
for unlimited
Periods may
demand Pay-
ment after 12
Months from
their Date.

CLXXXVI. And be it further enacted, That where no Time shall be fixed for the Repayment of any Sum of Money borrowed under the Authority of this Act, the Party entitled to any such Mortgage or Assignment may and he is hereby authorized to demand Payment of the Principal Monies thereby secured, with all Arrears of Interest, at the Expiration or at any Time after the Expiration of Twelve Calendar Months from the Date of such Mortgage or Assignment, upon giving Six Calendar Months Notice in Writing to the said Company or a Clerk to the said Company for the Time being: Provided nevertheless, that the said Company may at all Times pay off and discharge all such Mortgages or Assignments in which no Time shall be fixed for the Payment thereof, or any Part of the Money thereby secured, on giving Six Calendar Months Notice in the *London Gazette*, and in Two or more Newspapers circulated in *York*, and at the Expiration of the said Six Calendar Months all Interest shall cease to be paid on the said Principal Money, unless the said Company shall, on

Directors
may pay off
such Mort-
gages on
Six Months
Notice.

on Demand, make default in the Payment thereof, in pursuance of such Notice.

CLXXXVII. And be it further enacted, That in case, of Non-payment of any Principal Sum of Money which shall be secured by any such Mortgage or Assignment as aforesaid, by virtue of this Act, or of any Part of such Principal Monies, at the Time or Times when the same ought to be paid, and in case the same shall not be paid within Six Calendar Months next after the same shall be so payable as aforesaid, and after Demand thereof in Writing shall have been made to the said Company, it shall be lawful for Two or more Justices of the Peace acting for the West Riding of the County of *York* or for the City and County of the City of *York*, not being interested in the Matter in question, and they are hereby respectively required, on Request to them made by or behalf of any One or more of the Parties entitled to any such Mortgages or Assignments as aforesaid, and to whom any Principal Sums of Money shall be then due thereon and unpaid, amounting together to the Sum of Twenty thousand Pounds, by an Order under their Hands to appoint some Person to receive the Whole or such Parts of the said Rates, Tolls, or Sums as are liable to pay such Principal Monies so due or unpaid as aforesaid; 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 Persons and Corporations to whom such Principal Money shall be due, and on whose Behalf such Receiver shall have been so appointed, until the same, together with the Costs and Charges of recovering and receiving the Rates, Tolls, or Sums, and all Interest then due thereon, shall be fully paid and satisfied; and after such Principal, 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 Principal Money so due and 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*.

For securing Repayment of Principal Monies borrowed.

CLXXXVIII. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the Money hereinbefore authorized to be raised by Mortgage, Assignment, or Charge as aforesaid, and shall afterwards pay off all or any Part thereof, then and in every such Case it shall be lawful for the said Company, immediately or at any Time thereafter, again to raise, in lieu of the Principal Money so paid off by them, such Sum of Money as they shall from Time to Time have 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 more than the Sum of One hundred and twenty-three thousand three hundred and thirty-three Pounds in the whole, over and above the Amount of the Calls for the Time being remaining unpaid and still to be called for by the said Company.

In case Mortgages are paid off the Company may raise the Amount again.

CLXXXIX. And be it further enacted, That in all Indictments, Informations, or legal Proceedings whatsoever to be preferred, instituted, or carried on against any Person for feloniously taking, stealing, or embezzling, or for destroying, damaging, or injuring, removing, or carrying

Indictments, Informations, &c. how to be preferred or instituted.

[*Local.*]

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carrying away, any Goods, Chattels, or Property of or belonging to the said Company, or any Goods, Chattels, or Property in their Custody or Possession, or in the Custody or Possession of any Officer or Servant of the said Company, or for or on behalf of any other Person or Corporation having deposited such Goods, Chattels, or Property in the Care or Custody of the said Company or other Officers or Servants, or any Goods, Chattels, or Property in or on the said Railway, or any of the Yards, Stations, Works, Warehouses, or Premises belonging to the said Company, and in all other Indictments, Informations, or legal Proceedings whatsoever of or concerning such Goods, Chattels, or Property respectively, it shall be sufficient to describe and refer to such Goods, Chattels, and Property respectively as the Goods, Chattels, and Property of the said Company; and in case the same shall have been so as aforesaid feloniously taken, stolen, or embezzled, or removed or carried away, to allege that the same were so feloniously taken, stolen, or embezzled, removed, or carried away (as the Case may be) from the said Company; and it shall be sufficient, on the Trial or Hearing of any such Indictment, Information, or other legal Proceeding, to prove that at the Time when such Goods, Chattels, and Property respectively were so feloniously stolen, taken, or embezzled, or so damaged, destroyed, or injured, or removed or carried away, or when other the Matter or Thing complained of in such Indictment, Information, or other legal Proceeding took place, such Goods, Chattels, and Property were in or on the said Railway, or some of the Yards, Stations, Works, Warehouses, or Premises belonging to the said Company, or in the Custody or Possession of some Officer or Servant of the said Company, for and on behalf of the said Company, or for or on behalf of some Person or Corporation having deposited the same with the said Company, without any other Proof of Property.

Penalty for obstructing the Railway.

CXC. And be it further enacted, That if the Loading of any Carriage using the said Railway shall be suffered to extend more than Thirty Inches over and beyond the Flanch or Lip of each or any Wheel of such Carriage, or if any Carriage or any Goods or Things shall be placed or be suffered to remain on any Part of the said Railway or other Works, so as to obstruct the Passage or working thereof, and the Person having the Care of such Carriage, Goods, or Things shall not immediately upon Request made remove the same, then and in every such Case, and without Prejudice to any other Provision in this Act contained, such Person shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings for every Hour during which such Obstruction shall continue after the making of such Request, and so in proportion for any less Period than an Hour; and it shall be lawful for any Agent or Officer of the said Company to cause any such Carriage, Goods, or Things to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing, terminating, or removing such Obstruction, and to detain such Carriage, Goods, or Things, or any Part thereof, until the Expences occasioned by such Unloading, Removal, or Detention shall be paid; and the said Company shall not, nor shall any Agent or Officer of the said Company, be liable or accountable for any Damage or Loss occasioned by any such Unloading, Removal, or Detention, or for any Delay occasioned thereby, or any other Way relating thereto, except for wilful Damage done to any Carriage, Goods, or Things so unloaded,

loaded, removed, or detained, nor shall they or he be liable for the safe Custody of any such Carriage, or any Goods or Things which shall be so detained, unless the same shall be wrongfully detained by the said Company, or by the said Agent or Officer, and then only for so long a Time as the same shall be so detained.

CXCI. And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by some Two or more Justices of the Peace for the County, City, or Place wherein such Damages or Charges shall be incurred or be directed to be paid; and where by this Act any Damages or Charges are directed to be paid, in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof or of any Dispute respecting the same, shall be settled and determined by the Justices by or before whom any Offender shall be convicted of such Offence; and such Justices respectively are hereby authorized and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for the levying of any Penalties or Forfeitures.

Damages or Charges in Cases of Dispute to be settled by Two Justices.

CXCII. And be it further enacted, That whenever any Money shall by any Justice of the Peace be ordered to be paid in pursuance of this Act as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damages or Injury of any Nature or Kind soever done or committed by the said Company, or by any Person acting by or under their Authority, and such Money shall not be paid by the said Company to the Party entitled to receive the same within Twenty-one Days after Demand in Writing shall have been made upon the said Company, in pursuance of the Direction or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Company, under a Warrant to be issued for that Purpose by such Justice, which Warrant any such Justice is hereby authorized and required to grant under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Money; and in case any Overplus shall remain after Payment of such Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then such Overplus shall be returned, on Demand, to the said Company.

In case of Nonpayment of Compensation for Damages, &c. the same may be levied by Distress of the Goods of the Company.

CXCIII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by virtue of any Bye Law, Order, or Rule made in pursuance thereof (the Manner of levying and recovering whereof is not herein otherwise particularly directed), may in case of Nonpayment thereof be recovered in a summary Way by the Order and Adjudication of some Two or more Justices of the Peace acting within their Jurisdiction, on Complaint to them for that Purpose made, and afterwards be levied, as well as the

Recovery and Application of Penalties.

the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices; and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Penalties and Forfeitures not herein directed to be otherwise applied shall be paid, One Moiety to the Informer, and the Remainder to the said Company, for the Use and Benefit of the said Company, unless such Penalties or Forfeitures shall be incurred by the said Company, in which Case the same shall be paid, One Moiety to the Informer, and the Remainder to the Overseers of the Poor of the Parish, Township, or Place within which the Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish, Township, or Place; and in case such Penalties and Forfeitures shall not be forthwith paid it shall be lawful for such Justices and they are hereby required to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security, to the Satisfaction of such Justices of the Peace, for his Appearance before such Justices, or before some other Justices of the Peace having Jurisdiction, at such Time as shall be appointed for the Return of such Warrant of Distress, such Time being not more than Seven Days from the taking of such Security, and which Security any of the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress could be had whereupon to levy the said Penalties or Forfeitures, and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant of Distress, but they are hereby required, by Warrant under their Hands and Seals, to commit such Offender to some Common Gaol or House of Correction for the County, City, or Place within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or until such Offender shall otherwise be discharged by due Course of Law.

Justices may
proceed by
Summons in
the Recovery
of Penalties.

CXCIV. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act, or against any Bye Law, Order, or Rule made in pursuance hereof, to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in

Writing

Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing or in Print, shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

CXCV. And be it further enacted, That it shall be lawful for any Officer or Agent of the said Company, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Residence shall be unknown to such Officer or Agent, who shall commit any Offence against this Act, and to convey him with all convenient Dispatch before some Justice for the County, City, or Place within which such Offence shall be committed, without any Warrant or other Authority than this Act; and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

For securing Offenders whose Names and Residences are unknown.

CXCVI. And be it further enacted, That all the Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act may cause the Information (whenever an Information shall be taken in Writing or in Print), and the Conviction respectively, to be drawn up according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say,)

Forms of Information and Conviction:

‘ to wit. } BE it remembered, That on the Day of
‘ A. B. of informeth
‘ me C. D., one of His Majesty’s Justices of the Peace for the
‘ County [as the Case may be], that E. F. of [here describe the Offence,
‘ and the Time and Place when and where committed], contrary to an
‘ Act passed in the Sixth Year of the Reign of His Majesty King
‘ William the Fourth, intituled [here insert the Title of this Act], which
‘ has imposed a Forfeiture of
‘ for the said Offence. Taken the Day of
‘ before me, C. D.’

‘ to wit. } BE it remembered, That on the Day of in the Year of our Lord Form of
‘ A. B. is con- Conviction.
‘ victed before me, C. D., one of His Majesty’s Justices of the Peace
‘ for the County of [here describe the Offence, and the
‘ Time and Place when and where committed], contrary to an Act
‘ passed in the Sixth Year of the Reign of His Majesty King William
‘ the Fourth, intituled [here insert the Title of this Act]. Given
‘ under my Hand and Seal the Day and Year first above written.
‘ C. D.’

CXCVII. And be it further enacted, That it shall be lawful for Two or more Justices of the Peace, acting within their Jurisdiction, from Time to Time to appoint such fit and proper Persons as shall be nominated to them by any Three of the Directors of the said Company for that Purpose to be Special Constables within the said Railway and other Works and every or any Part thereof; and every Person so appointed shall take an Oath, to be administered by the said
[Local] 36 Y Justices

Justices to appoint Special Constables.

Justices of the Peace, duly to execute the Office of a Constable for the said Premises; and every Person so appointed and sworn as aforesaid shall have Power to act as a Constable for the Preservation of the Peace, and for the Security of Persons and Property against Felonies and other unlawful Acts within the Limits of the said Premises, and shall have, use, exercise, and enjoy all such Powers, Authorities, Protections, and Privileges for the apprehending Offenders, as well by Night as by Day, and for doing all Acts and Matters for the Prevention, Discovery, and Prosecution of Felonies and other Offences, and for the Preservation of the Peace, as Constables duly appointed now have by the Laws and Statutes of this Kingdom; and it shall be lawful for the said Justices, or any Three or more Directors of the said Company, to dismiss or remove any such Constable from his Office of Constable, and upon every such Dismissal or Removal all Powers, Authorities, Protections, and Privileges by virtue of such Appointment as aforesaid vested in any Person so dismissed or removed shall wholly cease.

General
Power to
Justices to
administer
Oaths.

CXCVIII. And be it further enacted, That in all Cases in which any Justice of the Peace is authorized by this Act to examine any Persons, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to or to receive the Affirmation of any Person before he shall be examined by or before such Justice.

For com-
pelling Wit-
nesses to
attend.

CXCIX. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter or Fact contained or involved in or affecting any Information, Order, or Complaint laid in pursuance of or for any Offence committed against this Act, or any Matter which is hereby referred to any Justice of the Peace, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his Costs and Expences, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined on Oath or (in case of a Quaker) on Affirmation to give Evidence before such Justice, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Company to
keep a sepa-
rate Account
of the Tolls
for the Use
of the Rail-
way.

CC. And be it further enacted, That the said Company shall keep or cause to be kept true and regular Accounts of all the several Rates and Tolls to be from Time to Time received under the Powers or Provisions of this Act; and in all Cases in which the said Company shall carry for their own Profit any Passengers, Cattle or other Animals, Goods, Wares, or Merchandize, Articles, Matters, or Things, a separate Account shall be duly kept showing the Amount of Rates or Tolls which would have been received by the said Company for the Use of the said Railway in respect of such Passengers, Cattle or other Animals, Goods, Wares, or Merchandize, Articles, Matters, or Things, if carried by any other Party or Parties; and the Over-

seers of the Poor of the several Parishes and Townships through which the said Railway shall pass shall have free Access to and Liberty to inspect the said Accounts at any Time during the first Fourteen Days in the Months of *January* and *July* in each Year.

CCI. And be it further enacted, That all Persons and Corporations who may think themselves aggrieved by any Bye Law, Order, or Rule of the said Company or of the said Directors, or by any Order or Judgment made or given thereon, and also the said Company and all other Persons and Corporations who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained, and for which no Power of Appeal is by this Act specifically given, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the County where the alleged Cause of Appeal shall arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Company, as the Case may be, and forthwith after such Notice, in the Case of an Individual appealing, entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, may adjourn the hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County or Place; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Bye Law, Order, Rule, or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they shall think reasonable.

Persons aggrieved may appeal to Quarter Sessions.

CCII. And be it further 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 Writ, or any other Proceeding at Law or in Equity, upon the said Company, personal Service thereof upon a Clerk of the said Company, or leaving the same at the Office of the said Company or of a Clerk, or delivering the same to some Inmate at such Office of the Company, or at the last or usual Place of Abode of such Clerk, or in case the same respectively shall not be found or known, then personal Service thereof upon any other Agent of or Officer employed by the said Company, or 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.

Declaring what shall be good Service of Notice on the Company.

CCIII. And be it further enacted, That in all Cases in which it may be necessary for the said Company to serve any Summons or Demand,

Declaring what shall be good Service of Notice

by the said
Company.

Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, or otherwise, upon any Person or Corporation, under the Provisions of this Act, personal Service thereof respectively upon such Person; or upon some Member or upon the Clerk or other Officer of such Corporation, or delivering the same to some Inmate of the last or usual Place of Abode of such Person, or of such Member, Clerk, or other Officer of such Corporation, or at the Office of such Clerk or other Officer, shall be deemed good and sufficient Service of the same respectively upon such Person or Corporation (as the Case may be), except in Cases in which any other Mode of Service is by this Act particularly directed: Provided always, that every Summons, Demand, or Notice, or other Document requiring Authentication by the said Company, may be signed by One Director or by a Secretary of the said Company, and need not be under the Common Seal of the said Company, and may be in Writing or in Print, or partly in Writing and partly in Print.

How Debts
may be
proved in
case of
Bankruptcy.

CCIV. 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, any Clerk or other Officer or Person authorized by the said Company to act in such Case may do all the same Acts, and have and exercise all the same Powers and Privileges, (such as the Establishment or Proofs of Debt, voting in the Choice of Assignees, signing Certificate, 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 the Estate of such Bankrupt or Insolvent, could have or exercise in respect of his Debt or Claim.

Directors
empowered
to grant Re-
leases to
Witnesses.

CCV. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, against or by or on behalf of the said Company, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Two or more of the Directors of the said Company to make, sign, seal, execute, and deliver such general or other Releases as may be or may be deemed necessary for the Purpose of exonerating, releasing, or discharging any Person who may be required as a Witness in any such Action, Suit, Arbitration, Reference, or other Proceeding as aforesaid, from legal Disability to give Evidence, or to do any other Act, Matter, or Thing in any such Action, Suit, Arbitration, Reference, or other Proceeding, which any Plaintiff or Defendant may do in any Action, Suit, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, and Thing shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made under the Seal of the said Company.

Authenti-
cated Bye
Laws to be
Evidence.

CCVI. And be it further enacted, That in all Cases of Prosecution for Offences against the Bye Laws, Orders, or Rules of the said Company the Production of a written or printed Paper purporting to be the Bye Laws, Orders, or Rules of the said Company, and authenticated by having the Common Seal of the Company affixed thereto, shall be Evidence of the Existence and of the due making of such Bye Laws, Orders, or Rules; and it shall be sufficient to prove that a
printed

printed Paper or painted Board containing a Copy of such of the Bye Laws, Orders, or Rules as shall subject any Person (not being a Proprietor of the said Company) to any Fine or Penalty, hath been affixed and published in manner by this Act directed, and in case of its being afterwards displaced or damaged hath been replaced as soon as conveniently might be, unless Proof shall be adduced by the Defendant that such printed Paper or painted Board is not a Copy of such Bye Laws, Orders, or Rules, or hath not been duly affixed and generally continued in manner by this Act directed.

CCVII. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summonses, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage by an Action upon the Case.

Distress not
unlawful for
Want of
Form.

CCVIII. And be it further enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Proceeding whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Proceedings
not to be
quashed for
Want of
Form.

CCIX. And be it further 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, given, or directed in, by, or under this Act, unless Fourteen 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 Three Calendar Months next after the Act committed, or in case there shall be a Continuation of Damage then within Three 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 or Place where 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, at any Trial to be had thereupon, and that the Acts were done or omitted to be done in pursuance of and 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

Limitation
of Actions.

[*Local.*]

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shall

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 Suits by Law in other Cases.

Plaintiff not
to recover
after Tender
of Amends.

CCX. And be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or in, under, or by virtue of any Power or Authority hereby given, if Tender of such sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Directors
not person-
ally answer-
able for Acts
legally done
as Directors.

CCXI. And be it further enacted, That none of the Directors herein named, and none of the Directors of the said Company to be elected under the Authority of this Act, shall, by reason or means or on account of his being Party to, or making, signing, or executing, in his Capacity of Director, pursuant to this Act, 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 this Act, be subject or liable to be sued, prosecuted, or impleaded, either collectively or individually, by any Person whomsoever, in any Court of Law or Equity or elsewhere; and that the Bodies, Goods, Chattels, Lands, or Tenements of the said Directors, or any of them, shall not, by reason, on account, or in consequence of any such Contract or other Instrument so entered into, or made, signed, or executed by them or any of them as aforesaid, or any other lawful Act which shall be done by them or any of them in the Execution of any of the Powers and Authorities given to them or any of them by 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 Directors thereof, under or by virtue of any such Contract or Instrument or 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 In-
demnity of
the Direc-
tors.

CCXII. And be it further enacted, That the 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

hereby granted to them; and they shall be so indemnified out of the Assets for the Time being of the said Company, and if necessary by Calls for that Purpose of the Capital which may remain unpaid; and the Directors for the Time being of the said Company shall apply the then existing Funds, Assets, and Capital of the said Company for the Purposes of such Indemnity and Reimbursement.

CCXIII. And whereas by reason of the Exercise of the Powers by this Act granted there may be Deficiencies in the Assessments for Land Tax in the several Parishes or Townships through or in which the several Works hereby authorized may pass or be situate; be it therefore enacted, That the said Company shall, from and after they shall have become seised and possessed by virtue of this Act of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax, be subject and liable from Time to Time to pay and make good, to or in aid of such several Parishes or Townships as aforesaid, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said several Parishes or Townships by reason of taking down or using for the Purposes of this Act any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer or Collector or Receiver to be appointed under this Act is hereby required to pay all such Deficiencies, on Demand thereof, to the Collector of the said Assessments.

Provision
for Deficien-
cies of Land
Tax.

CCXIV. And whereas the probable Expence of making the said Railway and the other Works hereby authorized will amount to the Sum of Three hundred and seventy thousand Pounds, and the Sum of One hundred and eighty-five thousand Pounds and upwards, or One Half thereof, has been already subscribed for by several Persons under a Contract binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them respectively subscribed for; be it therefore enacted, That the whole of the said Sum of Three hundred and seventy thousand Pounds shall be subscribed for in like Manner before any of the Powers given by this Act in relation to the compulsory taking of Land for the Purposes of the said Railway shall be put in force.

The whole of
the Expence
to be sub-
scribed for
before the
compulsory
Powers of
the Act are
put in force.

CCXV. Provided always, and be it further enacted, That a Certificate under the Hand and Seal of any Justice of the Peace for either of the West Riding of the County of *York* or for the City and County of the City of *York*, that the whole of the said Sum of Three hundred and seventy thousand Pounds hath been subscribed as aforesaid (and which Certificate such Justice is hereby authorized and required to grant on Application made to him respectively by the said Company), and on Production of the Subscription Deed of or relating to the said Company, and Proof of the Execution thereof, shall for all Purposes whatsoever be conclusive Evidence that the whole of the said Sum

Certificate
under the
Hand of a
Justice of
the Peace
to be Evi-
dence that
the whole of
the Money
has been
subscribed.

Sum of Three hundred and seventy thousand Pounds has been subscribed.

If Land not contracted for within Two Years, Power to take Property on Compulsion to cease.

CCXVI. And be it further enacted, That unless the said Company shall within the Space of Two Years, to be computed from the passing of this Act, agree for or cause to be valued and paid for, as in this Act is mentioned, the Lands which they are by this Act empowered to take or use, or otherwise so much thereof as shall be by them deemed necessary and proper for the Purposes of making the said Railway or other Works hereby authorized (save and except the aforesaid Acres of Land which the said Company are by this Act authorized to purchase in addition to the Lands hereby authorized to be taken or used for making the said Railway and other Works), then and from thenceforth the Powers which are hereby granted to them for taking or using such Lands shall cease and be utterly void (save and except with the Consent in Writing of the Owners and Occupiers thereof respectively).

If Railway not completed in Seven Years, Powers to cease, except as to such Part, if any, as shall be completed.

CCXVII. And be it further enacted, That in case the said Railway and Works shall not have been made and completed, unless prevented by an inevitable Accident, within the Space of Seven Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Seven Years all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said Railway and Works as shall be declared and certified to have been completed within the said Term by the Justices of the Peace of the said West Riding of the County of *York* and for the City and County of the City of *York*, or any One of them, assembled at any General or Quarter Sessions of the Peace to be held in and for the said West Riding and for the City and County of the City of *York* at any Time before the Expiration of the said Term of Seven Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses upon Oath, or in the Case of Quakers Affirmation, to be produced before such Justices for that Purpose.

If Railway abandoned the Land to revert to the original Owners.

CCXVIII. And be it further enacted, That if the said Railway or any Part thereof shall at any Time hereafter be abandoned or given up by the said Company, or after the same shall have been completed shall for the Space of Three Years cease to be used and employed as a Railway, then and in such Case the Lands so purchased or taken by the said Company for the Purposes of this Act, or otherwise the Parts thereof over which the said Railway or any Part of such Railway which shall be so abandoned or given up by the said Company shall pass, shall vest in the Owners for the Time being of the Land adjoining that which shall be so abandoned or given up in manner following; (that is to say,) One Moiety thereof in the Owners of the Land on the one Side, and the Remainder thereof in the Owners of the Land on the other Side thereof.

Act not to exempt Railway from Provisions of

CCXIX. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed, deemed, or taken to extend, to exempt the Railroad to be formed under or by virtue of the Powers

Powers in and by this Act contained and given, or any Branch thereof, from the Provisions of any General Act or General Acts for the Regulation of Railroads which may be passed before the Expiration of One Year from the passing of this Act, if Parliament shall be sitting at the Expiration of such Period of One Year, or (if Parliament shall not then be sitting) before the End of the then next Session of Parliament.

any General Act to be passed within certain Periods.

CCXX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.

The SCHEDULE to which the foregoing Act refers.

CITY OF YORK AND COUNTY OF THE CITY OF YORK.

Parish of All Saints, North Street.

Description of Property.	Owners or reputed Owners.	Lessees.	Occupiers.
River Ouse.	—	—	—
Stone Wharf - - -	Corporation of York	- -	George Willoughby.
Stone-yard and Shops - -	Ditto - -	- -	Ditto.
Ferry House - - -	Ditto - -	- -	John Brown.
Wood-yard and Shops - -	Ditto - -	- -	City Commissioners.
Ditto - - -	Ditto - -	- -	Themselves.
Ditto - - -	Ditto - -	- -	John Hesslewood.
Garden - - -	Ditto - -	- -	John Snow.
Cottage and Garden - -	Ditto - -	- -	John Haram.
Ditto - - -	Ditto - -	- -	Mary Addison.
Occupation Road.	—	—	—
City Walls.	—	—	—

Parish of St. Martin-cum-Gregory.

Moat - - -	Corporation of York	- -	Jonathan Leppington Hay.
City Walls.	—	—	—
Friar Gardens, Dwelling House, and Tenements.	Trustees of Lady Hewley's Charity.	Thomas and James Backhouse.	Thomas and James Backhouse.
Hospital for poor Women	Ditto - -	- -	James Marsh, Mary Foster, Eliz. Ridsdale, Elizabeth Brown, Hannah Coates, Mary Re-deal, Mary Bulmer, Hannah Topham, Jane Robinson, Isabella Silversides.
Street called Tanner Row.	—	—	—
Limehouse - - -	Jane Kidd - -	- -	Robert Gray.
Dwelling House and Garden.	Ditto - -	- -	Herself.
Ditto - - -	Ditto - -	- -	Mrs. Smith.
Dwelling House, Yard, - Stable, &c.	Reverend Rich. Scott, as Trustee of Catterick School.	Matthew Skelton	Matthew Skelton.
Dwelling House, Garden, and Coach-house.	William Kirby -	- -	Himself.
Tenement - - -	Christopher Simpson	- -	George Prince.
Ditto - - -	Ditto - -	- -	George Barker.
Ditto - - -	Ditto - -	- -	Joseph Dambrough.
Two Tenements - -	Ditto - -	- -	Unoccupied.
Ditto - - -	Ditto - -	- -	Ditto.

Description of Property.	Owners or reputed Owners.	Lessees.	Occupiers.
House, Garden, and Stable	Christopher Simpson	- -	Himself.
House - - - -	Ditto - -	- -	Robert Moorhouse.
House and Garden	Elizabeth Richardson	- -	Herself.
Ditto - - - -	Ditto - -	- -	Catharine Pearson.
Ditto - - - -	Ditto - -	- -	Joseph Moor.
Ditto - - - -	Ditto - -	- -	Unoccupied.
Ditto - - - -	Ditto - -	- -	William Labron.
Public Street, called Barker Lane.	—	—	—
House, Garden, Coach- house, Stables, and Granaries.	Mrs. Lucy Willey	- -	Herself.

Parish of Holy Trinity Micklegate.

Moat and Shed - -	Corporation of York	- -	John Seller.
Moat - - - -	Ditto - -	- -	James Gawthorpe.
City Walls.	—	—	—
Stables, Granaries, and Coach-house.	Robert Smithson -	- -	John Seller and his Under-tenants, John Allenby and George Barker.
House, Stable, and Coach- house.	Devises of the late William Creaser.	- -	Isaiah Creaser.
Warehouses, Granaries, Stables, and Sheds.	Trustees of the late John Telford and George Telford.	Thomas and James Backhouse.	Thomas and James Backhouse.
Public Street called Tan- ner Row.	—	—	—

Parish of St. Mary Bishophill the younger.

Moat - - - -	Corporation of York	- -	Elizabeth Mason.
Landing - - - -	Ditto.	—	—
City Walls.	—	—	—
Foot-road.	—	—	—
Cottage - - - -	Sub-chanter and Vi- cars Choral of York Minster.	Thomas Gamble	Thomas Turpin.
Ditto - - - -	Ditto - -	Ditto -	William Bolton.
Cottage, Stables, and Gar- den.	Ditto - -	Ditto -	Michael Dudding.
House, Stables, and Garden	Robert Swann and William Hotham, Esquires.	- -	Elizabeth Mason.
Occupation Road.	—	—	—
River Ouse.	—	—	—
Stable and Buildings -	George William Tireman, Esq., and the Trustees of the late Mrs. Mary Ellin, de- ceased.	- -	Edward Woods.
Paddock - - - -	Ditto - -	- -	Robert Gray.
Stable and Buildings -	Ditto - -	- -	George Baines.
Moat - - - -	Corporation of York	- -	Michael Charlton.
Ditto - - - -	Ditto - -	- -	Will ^m Winspear.
Ditto - - - -	Ditto - -	- -	Edward Agar.

Description of Property.	Owners or reputed Owners.	Lessees.	Occupiers.
House, Garden, Buildings, and Paddock.	Thomas Fothergill, Esq.	- -	John Hardy.
Ditto - - -	Ditto - -	- -	David Wilkinson.
Occupation Road called Thief Lane.	—	—	—
House, Yard, Garden, Stables, &c.	Trustees of the late Richard Raisin.	- -	George Baines.
House, Cow-house, and Yard.	Ditto - -	- -	John Halliday.
Garden - - -	Thomas Fothergill, Esq.	- -	James Anderson.
Occupation Road.	—	—	—
House and Garden -	Richard Nettleton	- -	Henry Bolton Harle.
Ditto - - -	William Carter -	- -	Himself.
High Road leading from York to Holgate Bridge.	—	—	—
Plantation - - -	George Will ^m Tireman, Esq., and the Trustees of the late Mrs. Mary Ellin.	- -	John Halliday.
Ditto - - -	Ditto - -	- -	James Rhodes.
Dog Kennels and Garden	Thomas Fothergill, Esquire.	- -	George Lloyd, Esquire.
Garden - - -	Ditto - -	- -	Ditto (Richard Nicholson, Under-tenant).
Hob Moor Lane.	—	—	—
Plantation - - -	Corporation of York	- -	Themselves.

Parish of Saint Mary Bishopill the elder, Township of Dringhouses.

Brick-yards - -	The Rev. Edward Trafford Leigh and Frances his Wife.	- -	William Cropper.
Garden - - -	Ditto - -	- -	Robert Bellerby.
Ditto - - -	Ditto - -	- -	Ann Bookless.
Occupation Road called North Lane.	—	—	—
House, Garden, and Garth	Ditto - -	- -	Robert Hick.

Parish of Holy Trinity Micklegate, Township of Dringhouses.

Occupation Road called North Lane.	—	—	—
Cottage - - -	William Brown, sen.	- -	William Brown, junior.
Ditto, Orchard, and Garden	Ditto - -	- -	Himself.
Cottage - - -	Ditto - -	- -	Thomas Brown.
Ditto - - -	Ditto - -	- -	Elizabeth Walker.
Ditto - - -	Ditto - -	- -	Thomas Warley.
Ditto - - -	Ditto - -	- -	James Walls.
Orchard and Garden -	James Meek - -	- -	William Brown.
Cottage and Garden -	George Hornsey -	- -	Himself.
Garth - - -	The Rev. Edward Trafford Leigh and Frances his Wife.	- -	Robert Hick.

Description of Property.	Owners or reputed Owners.	Lessees.	Occupiers.
Garden - - -	James Meek - -	- -	Nathan Johnson.
Brick Yard - - -	Ann Bookless, as Trustee for her Children.	- -	Herself.
Cottage and Garden -	Ditto - -	- -	George Brown.
High Road from Dring- houses to Askham Bryan,	—	—	—
Chandler, Whin, Planta- tion, and Bog.	Rev. Edw. Trafford Leigh and Frances his Wife.	- -	Themselves.
Plantation - - -	Ditto - -	- -	Ditto.
York and Tadcaster Turn- pike Road.	—	—	—

Parish of Bishopthorpe, Township of Bishopthorpe.

York and Tadcaster Turn- pike Road.	—	—	—
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Parish of St. Mary Bishophill the younger, Township of Copmanthorpe.

Turnpike Road from York to Tadcaster.	—	—	—
House, Outhouses, Home- stead, and Garden.	Robert Lofthouse -	—	Catharine Lofthouse.
Occupation Road.	—	—	—
Road from Copmanthorpe to Acaster.	—	—	—
Garden - - -	The Rev. Francis Knyvett Leigh- ton.	- -	Dorothy Porters.
Road from Copmanthorpe to Appleton Roebuck.	—	—	—
Occupation Road.	—	—	—
Ditto.	—	—	—
Ditto.	—	—	—

Parish of Bolton Percy, Township of Colton.

Bridle Road from Colton to York.	—	—	—
Occupation Road.	—	—	—
Occupation Road called Brecks Lane.	—	—	—
Garden - - -	John Bacon Sawrey Morritt, Esq.	- -	Christopher Bootland.
Garden - - -	Ditto - -	- -	William Chambers.
Ditto - - -	Christopher Todd -	- -	George Mortimer.
Plantation - - -	Ditto - -	- -	Himself.
Occupation Road.	—	—	—
Road from Colton to Ap- pleton.	—	—	—

Parish of Bolton Percy, Township of Steeton.

Road from Bolton Percy to Steeton.	—	—	—
[Local.]			

Description of Property.	Owners or reputed Owners.	Lessees.	Occupiers.
Parish of Bolton Percy, Township of Bolton Percy.			
Bridle Road from Bolton Percy to Red House.	—	—	—
Pallithorpe Wood	Sir Will ^m Mordaunt Milner, Bart.	- -	Himself.
Farmhouse, Outhouses, Homestead, and Garden	Ditto - -	- -	John Tomlinson.
Road from Bolton Percy to Oxtou.	—	—	—
Two Plantations	Thomas Boyes, Esq.	- -	William Johnson.
Two Willow Garths	Ditto - -	- -	Himself.
Three Plantations	Ditto - -	- -	Ditto.
Mansion House, Outhouses, Gardens, Pleasure Grounds, and Plantations.	Thomas Boyes, Esquire.	- -	Himself.
Cottage and Garden	Ditto - -	- -	John Wilson.
Ditto	Ditto - -	- -	Mary Lamb.
Ditto	Ditto - -	- -	John Atkinson.
Plantation	Ditto - -	- -	John Shillito.
River Wharfe.	—	—	—

WEST RIDING OF THE COUNTY OF YORK.

Parish of Bolton Percy, Township of Bolton Percy.

River Wharfe.	—	—	—
Towing Path	The Right Honourable John Francis Lord Howden.	—	—

Parish of Kirby Wharfe, Township of Kirby Wharfe otherwise Kirby-cum-Milford.

River Wharfe.	—	—	—
Towing Path	Lord Howden.	—	—
Dwelling House, Outbuildings, Garden, and Croft.	Ditto - -	- -	Ann Johnson.
Dwelling House and Garth	Ditto - -	- -	John Mountain.
Garden	Ditto - -	- -	Samuel Smith.
Orchard	Ditto - -	- -	Ann Johnson.
House, Outbuildings, and Garth.	Ditto - -	- -	George Cawood.

Parish of Kirby Wharfe, Township of North Milford otherwise Kirby-cum-Milford.

Public Highway.	—	—	—
Two Farmhouses, Outbuildings, Orchards, Gardens, and Two Cottages.	Lord Howden -	- -	John and William Groves.
Grass Lane.	—	—	—
Wood or Plantation	Ditto - -	- -	Himself.

Description of Property.	Owners or reputed Owners.	Lessees.	Occupiers.
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Parish of Church Fenton, Township of Church Fenton.

Cottage and Field -	David Backhouse -	-	John Ambler.
Two Occupation Roads.	—	—	—
Highway.	—	—	—
Dwelling House, Outbuildings, Garden, and Orchard.	William Thompson, Esquire.	-	Richard Robinson.

Parish of Sherburn, Township of Sherburn.

Highway to Church Fenton.	—	—	—
House, Outbuildings, Orchard, and Garden.	Benjamin Hey -	-	Edward Smith.
Highway to Cawood.	—	—	—
House, Outbuildings, Garden, and Orchard.	John Brown -	-	William Sayner.
Wood or Plantation -	Richard Oliver Gascoigne, Esquire.	-	Himself.
Occupation Road.	—	—	—
Leeds and Selby Railway	The Leeds and Selby Railway Company.	-	Themselves.

Parish of Sherburn, Township of Huddleston-cum-Lumby otherwise Lumby.

Public Highway called Lumby Common Road.	—	—	—
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Parish of Sherburn, Township of South Milford.

Public Road.	—	—	—
Plantation, Two Orchards, Foldyard, Farm Buildings, Cottage, and Stackyard.	John Gouthwaite -	-	Himself.
Two Woods or Plantations and Two Cottages.	Abraham Rhodes -	-	Himself.
Occupation Lane.	—	—	—
Public Bridle Road.	—	—	—
Wood or Plantation -	Richard Oliver Gascoigne, Esquire.	-	Himself.
House, Outbuildings, and Garden.	Ditto -	-	James Cooper.
Leeds and Selby Railway	The Leeds and Selby Railway Company.	-	Themselves.

Parish of Brayton, Township of Hambleton.

House, Outbuildings, Yard, Garden, Wood or Plantation, and Two Orchards.	Samuel Smith	-	Thomas Nixon.
Leeds and Selby Railway	The Leeds and Selby Railway Company.	-	Themselves.
Occupation Road.	—	—	—

Description of Property.	Owners or reputed Owners.	Lessees.	Occupiers.
<i>Parish of Monkfryston, Township of Monkfryston.</i>			
Public Bridle Road.	—	—	—
Fryston Ing's Lane Road.	—	—	—
Public Highway called Milford Road.	—	—	—
House, Shop, Garth, Orchard, and Quarry.	William Dixon -	-	Himself.
Quarry - - -	Thomas Exley, as Surveyor of the Highways.	-	Himself.
Cottage - - -	Thomas Atkinson	-	Himself.
Ditto.	Mary Athorne -	-	Herself.
Leeds and Selby Turnpike Road.	—	—	—
Three Cottages - -	William Dixon -	-	Margaret Wilson, John Sweeting, and Richard Longhorne.

Parish of Monkfrystone, Township of Hillam.

Public Highway called Betteras Hill Road.	—	—	—
Quarry - - -	William Butler, as Surveyor of the Highways.	—	—

Parish of Monkfrystone, Township of Burton Salmon.

Public Highway, called Hillam Road.	—	—	—
Public Highway.	—	—	—
Doncaster and Tadcaster Turnpike Road.	—	—	—
Occupation Road.	—	—	—
Public Highway leading to Fairburn.	—	—	—

Parish of Brotherton, Township of Brotherton.

Occupation Road in Lumby Field.	—	—	—
Ferrybridge and Boroughbridge Turnpike Road.	—	—	—
Occupation Road adjoining Roundacre Flatt.	—	—	—
Occupation Road.	—	—	—

Parish of Ledsham, Township of Fairburn.

River Aire - -	The Aire and Calder Navigation Company.	—	—
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Parish of Ferryfrystone, Township of Ferryfrystone otherwise Water Frystone.

River Aire - -	The Aire and Calder Navigation Company.	—	—
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Description of Property.	Owners or reputed Owners.	Lessees.	Occupiers.
Four Woods or Plantations, Towing Path, Cottage, Garden, and Outhouse.	Robert Pemberton Milnes, Esquire.	- -	Himself.
Quarry - - -	Ditto - -	- -	William Brooke.
House, Garden, Farmyard, Farm Buildings, and Cottage.	The Provost and Scholars of Queen's College, Oxford.	Robert Pemberton Milnes, Esquire.	Robert Pemberton Milnes, Esquire.
Cottage - - -	Ditto - -	Ditto -	Matthew Appleyard.
Quarry and Cottage Road.	Ditto - -	Ditto -	William Brooke.

Parish of Castleford, Township of Castleford.

Occupation Lane.	—	—	—
Pottery, Ponds, Stables, and Outbuildings.	Isaac Fletcher -	- -	Himself.
Orchard - - -	George Shaw -	- -	Himself.
Two Cottages and Two Gardens.	Martha Judson -	- -	Joseph Altha and Thomas Heslop.
House, Garden, and Outbuildings.	Isaac Fletcher -	- -	Himself.
Garden - - -	George Etherington -	- -	Himself.
Cottage and Garden -	William Cockram -	- -	Richard Gledall.
Garden, House, and Shop	Devises of the late John Watson.	- -	Elizabeth Clayton, Thomas Turpin, and John Bedale.
Four Cottages - - -	Thomas Hanson -	- -	Robert Ramskill, William Walker, Richard Waud, and Joseph Williamson.
Cottage - - -	William Burn -	- -	Himself.
House, Shop, and Garden	John Burn -	- -	Himself.
Garden - - -	George Taylor -	- -	Himself.
Orchard - - -	Charles Simpson -	- -	Richard Robinson.
Ditto - - -	Ditto - -	- -	John Burn.
House, Garden, and Outbuildings.	Ditto - -	- -	Hannah Turner.
House and Outbuildings	Ditto - -	- -	William Glue.
House, Garden, Orchard, Garth, and Outbuildings.	Ditto - -	- -	Himself.
Pontefract and Aberford Turnpike Road.	—	—	—
Garden. - - -	The Reverend T. Woodcock.	- -	Matthew England.
Ditto - - -	T. Davidson Bland, Esquire.	- -	William Sykes.
Plantation - - -	Thomas Powell -	- -	Himself.
Orchard, Garden, and Eight Cottages.	Sarah Avison, Charles Fletcher and Charlotte his Wife, and Amelia Jackson.	- -	John Wood, George Arlin, Benjamin Marshall, Richard Wainwright, Ann Appleyard, Thomas Purshon, Sarah Avison, and Joseph Loriman.

Description of Property.	Owners or reputed Owners.	Lessees.	Occupiers.
Public High Road.	—	—	—
House, Shop, and Garden	George Dobson -	-	William Walker.
Garden - - -	John Sagar -	-	Joseph Stead.
Orchard - - -	Amelia Jackson -	-	Herself.
Two Cottages - -	Ditto - -	-	Sarah Pollett and John Chappell.
Three Cottages and Garden.	Martin Horsfall -	-	David Jepson, Hannah Middleton, and Thomas Flowitt.
Three Cottages and Three Gardens.	John Wadsworth -	-	William Izard, Thomas Wilson, and Joseph Barran.
Public Highway.	—	—	—
House and Garden -	The Reverend Theophilus Barnes, Rector of Castleford.	-	Arthur Fleetham.
House and Garden -	John Bateson -	-	James Winterbottom.
Two Houses, Two Gardens, Pottery, Clay-yard, and Outbuildings.	Cuthbert Bateson, Christopher Bateson, John Bateson, and William Bateson.	-	Themselves.
Public High Road.	—	—	—
Ditto.	—	—	—

Parish of Featherstone, Township of Whitwood.

Plantation - -	John Bramley and Thomas Everard Upton.	-	Henry Smith.
Leeds and Pontefract Turnpike Road.	—	—	—
Plantation - -	The Earl of Mexborough.	-	Himself.
Towing Path - -	Ditto - -	—	—
The River Calder -	The Aire and Calder Navigation Company.	—	—
Stack-yard - -	The Earl of Mexborough.	-	William Moor.
House, Homestead, Garden, and Stack-yard.	Ditto - -	-	Mary Sanderson and George Sanderson.
Willow Garth - -	Ditto - -	-	Joseph Warde.
Ditto - -	Ditto - -	-	William Wiggins.
Ditto - -	Ditto - -	-	Mary Sanderson and George Sanderson.
Garden - -	Sir Thomas Gery Cullum, Baronet.	-	Joseph Dunhill.
Blacksmith's Shop -	The Earl of Mexborough.	-	William Wiggins.
Public High Road.	—	—	—
Ditto.	—	—	—
House and Homestead -	Ditto - -	-	Ditto.

Description of Property.	Owners or reputed Owners.	Lessees.	Occupiers.
<i>Parish of Normanton, Township of Altofts.</i>			
Wood - - -	Lady William Gordon	- -	Herself.
Farmhouse, Homestead, Orchard, and Outbuildings.	Ditto - -	- -	Robert Nalsone.
Occupation Road.	—	—	—
Public High Road.	—	—	—
Willow Garth - - -	Lady William Gordon	- -	Charles Foxcroft.
Ditto - - -	Ann Bayldon	- -	John Denison.
Canal - - -	Aire and Calder Navigation Company.	—	—
River Calder - - -	Ditto.	—	—
<i>Parish of Methley, Township of Methley.</i>			
House, Garden, Barn, Stables, and Outhouses.	Robert Smirthwaite	- -	John Wilton.
House, Garden, and Cowhouse.	The Earl of Mexborough.	- -	Robert Wilson.
Leeds and Pontefract Turnpike Road.	—	—	—
House, Garden, Orchard, Barn, Stables, and Stack-yard.	The Earl of Mexborough.	- -	Thomas Robinson.
Public High Road.	—	—	—
House and Garden -	The Earl of Mexborough.	- -	John Smirthwaite, James Middleton, Under-tenant.
Willow Garth - - -	George Higham -	- -	Himself.
House, Garden, and Two Cottages.	Ditto - -	- -	George Higham, Joseph Raby, and John Moorhouse.
Brick-yard - - -	Richard Webster -	- -	John Fletcher.
Occupation Road.	—	—	—
Plantation - - -	The Earl of Mexborough.	- -	Himself.
Willow Garth - - -	Ditto - -	- -	Thomas Robinson.
Ditto - - -	Ditto - -	- -	John Smirthwaite.
River Calder - - -	The Aire and Calder Navigation Company.	—	—

