



ANNO UNDECIMO

GEORGIIV. REGIS.

Cap. lix.

An Act for making a Railway from the Town of *Leeds* to the River *Ouse* within the Parish of *Selby* in the West Riding of the County of *York*.
[29th *May* 1830.]

WHEREAS the making and maintaining of a Railway or Railways, with proper Works and Conveniences connected therewith, for the Passage of Waggon and other Carriages, from at or near to the Town of *Leeds* in the West Riding of the County of *York*, in and through the several Parishes or Places herein-after mentioned, to the River *Ouse* at the Town and within the Parish of *Selby* in the same Riding, would be of great Advantage to the Inhabitants of the said Riding, Towns, Parishes, and Places, and also to the Merchants, Ship Owners, and other Inhabitants of the Town and Port of *Kingston-upon-Hull*, by opening a certain and expeditious Communication between the Towns and Neighbourhood of *Leeds* and *Selby*, and from thence by the Rivers *Ouse* and *Humber* with the Port of *Kingston-upon-Hull*, and by affording an additional Mode of Conveyance for Passengers and Merchandize, and other Articles and Matters, between these Places, and also to and from the neighbouring Country, would be of great public Utility: And whereas the several Persons herein-after named are willing, at their own Costs and Charges, to carry into execution the said Undertaking; but the same cannot be beneficially effected without the Aid and Authority

[*Local.*]

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of

Proprietors
incorporated.

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 the Right Honourable the Earl of *Mexborough*, the Right Honourable Lord *Reay*, the Honourable *Edward Robert Petre*, *John Atkinson*, *Joseph Robert Atkinson*, *George Alder*, *Obadiah Brooke*, *Richard Bramley*, T Benyon junior, *Thomas Bruce*, *Thomas Davison Bland*, *James Brook*, *William Williams Brown*, *John Broadley*, *Thomas Bell*, *Thomas Barkworth*, *John Beadle*, *Henry Broadley*, *Henry Blundell*, *Francis Chorley*, *Newman Cash*, *George Coulson*, *John Christopher Cankrien*, *Henry Duncombe*, *Thomas Slingsby Duncombe*, *Peter Ewart*, *Joseph Smyth Egginton*, *Samuel Hall Egginton*, *Charles Frost*, *Samuel Cook Frankish*, *Richard Oliver Gascoigne*, *Thomas Oliver Gascoigne*, *Richard Oliver Gascoigne junior*, *Benjamin Gott*, *John Gott*, *William Gott*, *William Gatliff*, *Edward Grace*, *Stephen Gee*, *John Hives*, *William Hey*, *William Hey junior*, *Robert Harrison*, *Adam Hunter*, *Joseph Holroyd*, *Stephen Todd Holroyd*, *Thomas Hirst*, *John Hirnaman*, *John Holmes*, *Francis Hall junior*, *Benjamin Horner*, *William Jarratt*, *Edward Knowsley*, *Richard Leonard Lee*, *John Levett*, *Henry Levett*, *Thomas Loft*, *George Liddell*, H C Marshall, *John Marshall junior*, *James Garth Marshall*, *Samuel Margerison*, *James Nelson*, *William Newman*, *James Ogle*, *Samuel Ogle*, *Thomas Benson Pease*, *Thomas Phillips*, *John Pollard*, *John Pearson*, *Thomas Procter*, *John Cowham Parker*, *Mary Robinson*, *Richard Ripley*, *Thomas Robinson*, *George Rudston*, *William Richardson*, *Jane Riddell*, *William Sheepshanks*, *Thomas W. Stansfield*, *George Silvertop*, *Samuel Smith*, *William Staniland*, *John Smith*, *Isaac Spencer*, *Joseph Sykes*, *Avison Terry*, *John Terry*, *Richard Tottie*, *Mathew Thomas Trigg*, *George Hamilton Thompson*, *Thomas Topping*, *Thomas Thompson*, *William Titley junior*, G N Tatham, *Thomas E Upton*, *George Vincent junior*, *John Wilson*, *Charles Weddall*, *Charles Whittaker*, *John Wormald*, *Benjamin Walker*, *Thomas Ward*, *John Yewdale*, and all other Persons and Bodies Politic and Corporate who have subscribed or shall hereafter become Subscribers to the said Undertaking, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they hereby are united into a Company for making and maintaining the said Railway and other Works by this Act authorized, according to the Provisions and Restrictions herein-after mentioned, and for that Purpose shall be One Body Corporate by the Name and Style of "The Leeds and Selby Railway Company," and by that Name shall have perpetual Succession and shall have a Common Seal, and by that Name shall and may sue and be sued, and also shall have Power and Authority to purchase and hold Lands and other Hereditaments to them and their Successors and Assigns for the Use of the said Undertaking, without incurring any of the Penalties, or Forfeitures of the Statutes of Mortmain, and also to sell and dispose of the said Lands and Hereditaments again in manner by this Act directed.

Company
empowered
to make the
Railway.

II. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to make and maintain a Railway or Railways, with proper Works and Conveniences connected therewith,

therewith, for the Passage of Waggon and other Carriages properly constructed, as delineated on the Plan and described in the Book of Reference deposited with the Clerk of the Peace of the West Riding of the County of *York* and with the Town Clerk of the Borough of *Leeds* in the said Riding; that is to say, commencing at or near the South or South-east Corner of a certain Field or Close of Land belonging to the Heirs of the late *William Hey* Esquire, deceased, lying on the Eastern Side of a certain Street called *Marsh Lane*, within the Township of *Leeds* and Parish and Borough of *Leeds*, where the same Field meets with and adjoins upon the North or North-east End of a certain Street or Road called *Richmond Road*, within the Township, Parish, and Borough of *Leeds* aforesaid, and passing thence through or into the several Parishes, Townships, Hamlets, or Places of *Leeds*, *Whitchurch* otherwise *Whitkirk*, *Oswin* otherwise *Osmondthorpe*, *Halton Dial*, *Halton*, *Seacroft*, *Crossgates*, *Temple Newsam* otherwise *Temple Newsham*, *Austhorpe* otherwise *Austhorp*, *Manston*, *Barwick-in-Elmet*, *Garforth* otherwise *Church Garforth*, *Barrowby*, *Moor Garforth*, *Church Garforth*, *Garforth*, *Stourton Grange*, *Aberford* otherwise *Abberford*, *Aberford* otherwise *Abberford-cum-Parlington*, *Lotherton-cum-Aberford* otherwise *Abberford*, *Sherburn*, *Micklefield*, *Newthorpe*, *Milforth* or *Milford* otherwise *South Milforth* or *Milford*, *Brayton*, *Hambleton*, *Thorp Willoughby* otherwise *Thorpe Willoughby*, and *Selby*, or some of them, and through or into the Liberty of *Saint Peter*, to and terminating at or near to the Western or South-western Bank of the River *Ouse* at a certain Place within the Township and Parish of *Selby* near to a certain House there occupied by *Mr. Christopher Paver*; all within the West Riding of the County of *York*.

III. And be it further enacted, That for the Purposes of this Act the said Company, their Deputies, Servants, Agents, Surveyors, and Workmen, shall be and they are hereby empowered to enter into and upon the Lands, Tenements, and Hereditaments of any Person, or Body Politic, Corporate, or Collegiate whatsoever, according to the Provisions and Restrictions of this Act, 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 they are by this Act empowered to take or use for the Purposes of this Act; and there to bore, dig, cut, embank, and sough, and also to remove or lay, and to use, work, and manufacture thereupon, or upon any Lands, Tenements, or Hereditaments adjoining thereto, any Earth, Stone, Rubbish, Trees, Gravel, or Sand, or any other Materials or Things which may be dug, gotten, or provided 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 according to the Intent and Meaning of this Act; and also, for the Purposes and according to the Provisions and Restrictions of this Act, to make or construct, in, under, upon, across, or over the said Railway or other Works, or in, under, upon, across, or over any Lands, Tenements, or Hereditaments, or any Streets, Hills, Vallies, Roads, Rivers, Canals, Brooks, Streams, or other Waters, such Inclined Planes,
Tunnels,

Power to take
Lands, &c.

Tunnels, Embankments, Bridges, Roads, Ways, Passages, Conduits, Drains, Piers, Arches, Cuttings, and Fences, and also erect and construct such Houses, 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 Brooks, Streams, or Watercourses during such Time as may be necessary for constructing Bridges or Passages over the same; 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 generally to do and execute all other Matters and Things necessary or convenient for making, maintaining, altering, or repairing, and using the said Railway, and the other Works by this Act authorized; they the said Company, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction in manner herein-after mentioned to all Persons interested in any Lands, Tenements, or Hereditaments which shall be taken, used, or injured, for all Damages to be by them sustained in or by 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 whomsoever 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 herein-after mentioned and contained.

Provision for
Deficiencies
of Land Tax.

IV. 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 Land Tax,) be subject and liable from Time to Time to pay and make good, to or in aid of the several Parishes or Townships, 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 or means 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 or Collectors of the said Assessments.

Width of
Rails of
Railway.

V. And be it further enacted, That the Distance between the Inside Edges of the Rails of the said Railway shall not be less than Four Feet Eight Inches, and the Distance between the Outside Edges of the Rails of the said Railway shall not be more than Five Feet and One Inch.

VI. And

VI. And be it further enacted, That in case it shall be found requisite to form Eyes or Openings 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 Eyes or Openings in such Places as the said Company shall think necessary, but such Eyes or Openings shall not be sunk or constructed in any public Highway.

Openings into Tunnels not to be made in public Highways.

VII. Provided always, and be it further enacted, That if any Person, or Body Politic, Corporate, or Collegiate, shall be applied to, by or on behalf of the said Company, to sell, dispose of, or convey, for any of the Purposes of this Act, any Part of any House or Building, or of any vacant Parcel of Land, within the Townships of *Leeds* and *Selby* aforesaid, and shall, by Notice in Writing to the said Company within Ten Days next after such Application, signify his, her, or their Inclination to sell, dispose of, and convey the Whole of such House, Building, or Land, and the said Company shall not be willing to purchase the Whole of such House, Building, or Land, then and in every such Case nothing in this Act contained shall extend to compel any Person or Body interested therein to sell, dispose of, or convey Part only or less than the Whole of any such House or Building, with the Offices and Appurtenances adjoining and belonging thereto, or to sell or dispose of and convey Part only or less than the Whole of such vacant Parcel of Land, provided such vacant Parcel of Land shall not exceed Seven Yards on each Side of the Line of the said Railway; any thing herein contained to the contrary in anywise notwithstanding.

Company in certain Cases to purchase the Whole of any Property in the Parishes of Leeds and Selby.

VIII. Provided always, and be it further enacted, That where the said Railway shall cross any Turnpike Road or public Highway the Ledge or Flanch of such Railway, for the Purpose of guiding the Wheels of the Carriages thereupon, shall not rise above nor sink below the Level of such Road more than One Inch.

Crossings of public Roads.

IX. Provided also, 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 Turnpike Road or public Highway, 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 Twenty-five Feet, and of a Height from the Surface of such Turnpike Road or public Highway to the Centre of such Arch of not less than Nineteen Feet, and the Descent under any such Bridge shall not exceed One Foot in Sixteen Feet.

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

X. Provided always, and be it further enacted, That where any Bridge shall be erected for carrying any public Carriage Road over the said Railway, the Ascent of every such Bridge for the Purpose of such Road shall not be more than One Foot in Sixteen Feet, and with respect to any private Carriage Road 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.

Ascent of Bridges for carrying public Roads over Railway.

Where the Railway crosses public Highways on a Level, Company to erect Gates at each Side.

XI. And be it further enacted, That in all Cases wherein the said Railway shall cross any Turnpike Road or public Highway on a Level, the said Company shall erect and at all Times maintain a good and sufficient Gate on each Side of such Turnpike Road or public Highway, where the said Railway shall communicate therewith; which Gates shall be constantly kept shut, except during the Times when Waggon and other Carriages passing along the said Railway shall have to cross such Turnpike Road or public Highway, and then the same shall be opened for the Purpose only of letting such Waggon and other Carriages pass through; and the Driver or Person entrusted with the Care of any Waggon or other Carriage, or with any Train of Waggon and other Carriages, shall cause every such Gate to be shut as soon as such Waggon or other Carriages shall have passed through, under the Penalty of Five Shillings for every Default therein.

Plans and Books of Reference to remain in Custody of Clerk of the Peace, and be open to Inspection.

XII. And whereas Maps or Plans describing the Lines of the said Railway, and the Lands, Tenements, and Hereditaments in, through, under, over, and upon which the same is intended to be carried or made, together with Books of Reference thereto, containing Lists of the Names of the Owners and Occupiers or reputed Owners and Occupiers of such Lands, Tenements, and Hereditaments, have been deposited with the Clerk of the Peace for the West Riding of the County of *York*, and with the Town Clerk of the Borough of *Leeds*; be it therefore enacted, That the said Maps or Plans and Books of Reference so deposited shall remain with and be kept by the said Clerk of the Peace and Town Clerk respectively; and all Persons interested in any Manner in such Lands, Tenements, or Hereditaments shall have Liberty to inspect and peruse and make Extracts from and Copies of the same, at all seasonable Times, paying to the said Clerks 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 and Books of Reference, or true Copies thereof, or of so much thereof respectively as shall relate to any Matter which may be in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Company not to deviate from Plan more than 100 Yards.

XIII. And be it further enacted, That the said Company in making the said Railway shall not deviate or extend beyond One hundred Yards from the Line delineated on the said Maps or Plans, nor shall any such Deviation or Extension enter the Lands, Tenements, or Hereditaments of any Person not mentioned in the said Books of Reference.

Unintentional Errors in Act, or Plans, or Books of Reference, not to prevent Execution of the Act.

XIV. Provided always, and be it further enacted, That it shall be lawful for the said Company to make the said Railway upon, in, over, or through the Lands, Tenements, or Hereditaments upon, in, over, or through which such Railway is delineated on the said Map or Plan, although such Lands, Tenements, or Hereditaments, or any of them, or the Situation thereof respectively, or the Name of the Owners or of the Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in this Act, or in the Schedule

Schedule thereto, or in the said Book of Reference, if it shall appear to any Two or more Justices of the Peace for the said Riding or Borough, as the Case may require, (in case of Dispute about the same,) and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description apparently proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerk of the Peace of the said Riding or Borough, as the Case may require.

XV. Provided also, and be it further enacted, That nothing herein contained shall authorize the said Company or any other Person to take, injure, or damage, for the Purposes of this Act, any House or other Building which was erected or built on or before the Thirtieth Day of *November* One thousand eight hundred and twenty-nine, 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, without the Consent in Writing of the Owner or Proprietor thereof, or other Persons interested therein respectively, other than and except such as are specified in the Schedule to this Act annexed.

Houses and Gardens not to be used, unless specified in Schedule.

XVI. And be it further enacted, That over the said Railway where it crosses an Occupation Road in the Land of *Thomas Walker* Esquire, and marked on the said Plans Number Eight, in the said Township of *Seacroft*, the said Company shall and they are hereby required, at their own Expence, to erect a good and sufficient Bridge, to preserve an open Communication of not less than Twelve Feet in Width, for Horses, Cattle, Carriages, and Foot Passengers, between the Land of the said *Thomas Walker* on the one Side of the said Railway and the Land on the other Side of the said Railway; and which said Bridge and Communication shall be maintained and kept in repair from Time to Time, and at all Times for ever hereafter, by and at the Expence of the said Company.

A Bridge to be built over the Railway where it crosses the Occupation Road of *Thomas Walker, Esq.*

XVII. Provided also, 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, 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 a good and sufficient Carriage or Horse Road (as the Case may require) to be set out and made instead thereof, as convenient for Passengers and Carriages as the Road to be cut through, raised, sunk, taken, or injured as aforesaid, and shall cause the same to be put into good and substantial Order and Condition, where the former Road cannot more easily be restored; and where the Road cut through, raised, sunk, or injured shall be a Turnpike Road, the temporary Road shall be so made and the principal Road restored within Six Calendar Months after the Commencement of the Operation; and the Railway, where

Providing for Injury to Roads.

it

it shall cross such Turnpike Road, shall be made and kept in repair so as to prevent, so far as may be practicable, any Inconvenience or Obstruction to the Passage along such Turnpike Road.

Railways of Sir Charles Ibbetson's Colliery to be made convenient at the Expence of the Company.

XVIII. And whereas the making of the said Railway in, over, and through the Lands of the said Sir *Charles Ibbetson* mentioned in or referred to by the said Plans, will intersect and interrupt the present Communications by Railways between different Parts of the Lands of the said Sir *Charles Ibbetson*, in which he or his Lessees are now working a Coal Mine or Coal Mines in his said Lands, near to the said Railway, to the Injury of the said Sir *Charles Ibbetson*, his Heirs, Executors, Administrators, and Assigns; be it therefore enacted, That the said Company shall and they are hereby required, at their own Expence, to make such Alterations in and Accommodations as may be necessary for the convenient Occupation and Enjoyment of the several Railways now in use for the Purposes of the Colliery working on the said Lands of the said Sir *Charles Ibbetson*.

Permanent Engines not to be set up within 800 Yards of the Residences herein mentioned.

XIX. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower, or be deemed, taken, or construed to authorize or empower, the said Railway Company, or any of their Agents, Servants, or Workmen, or any other Person or Persons whomsoever, by or under their or any of their Authority or Direction, to set up or make any fixed or permanent Steam Engine or Steam Engine Furnace within Eight hundred Yards of the Residences of the Most Honourable the Marchioness of *Hertford*, Sir *Charles Ibbetson* Baronet, *Thomas Walker* Esquire, *Thomas Mottley*, *James Mottley*, and *Joseph Mottley*, Esquires, *John Atkinson* Esquire, *Henry Manson*, *Michael Scholefield* Esquire, *Benjamin Atkinson* Esquire, *William Ingle*, *George Spink*, *Thomas Crossland*, *Richard Batman*, and *William Walton*, Esquires, or any of them, without the Licence and Consent in Writing of the present or future Owner or Owners of the same Residences respectively.

Steam Engines fixed, or locomotive, to consume their own Smoke, on Penalty not exceeding 20*l.*, upon Conviction before Two Justices.

XX. And be it further enacted, That the Furnace of every Steam Engine to be erected or built by the said Company of Proprietors, and also every locomotive or moveable Engine that shall at any Time hereafter be used upon the said Railway, or any Part thereof, shall be constructed upon such a Principle as shall enable it to consume its own Smoke; and in case the said Company, or any Person or Persons whomsoever, shall at any Time hereafter use upon the said Railway, or any Part thereof, any locomotive or moveable Engine that shall not consume its own Smoke, the said Company, or such Person or Persons aforesaid, shall, upon being convicted of the same before any Two Justices of the Peace for the West Riding of the County of *York* or the Borough of *Leeds* aforesaid, upon the Oaths or solemn Affirmations of Two credible Witnesses, forfeit and pay for every such Offence any Sum of Money not exceeding Twenty Pounds or less than Five Pounds, to be levied as other Penalties are by this Act directed to be levied, and to be applied as the said Justices shall direct: Provided always, that no Part thereof shall be directed to be paid to the Informer.

XXI. And

XXI. And be it further enacted, That every such Conviction under this Act, together with the Complaint or Information on which the same shall be founded, shall be filed at the next General Quarter Sessions of the Peace, or any Adjournment thereof, for the said West Riding of the County of *York* or for the said Borough of *Leeds*, unless such General Quarter Sessions, or any Adjournment thereof, shall be held within Ten Days after such Conviction, and in that Case then the same shall be filed at the General Quarter Sessions of the Peace following the aforesaid next Sessions, or any Adjournment thereof; and the said Company, or any Body or Bodies, Person or Persons, who may think themselves, himself, or herself aggrieved by any such Conviction, shall be at liberty, within Four Calendar Months next after such Conviction shall have been made, to appeal to the Justices of the Peace at any such General Quarter Sessions of the Peace, or Adjournment thereof, for the said County or Borough, but of such Intention to appeal, and the Nature thereof, he, she, or they shall, within Seven Days next after such Conviction, give Ten Days Notice in Writing to the Person or Persons upon whose Complaint or Information the Conviction was obtained against which it is intended to appeal, and within such Seven Days aforesaid shall enter into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Award and Order of the said Court thereon; and the said Justices shall and they are hereby required, upon such Appeal, to hear and determine whether such locomotive or moveable Engine did, at the Time specified in the Information and Conviction, effectually consume its own Smoke, and thereupon shall either quash or confirm any Conviction that shall have been made, or mitigate any Penalty or Forfeiture, or may order any Money to be returned that shall have been levied in pursuance thereof, and may also order such Costs to be paid to the Party in whose Favour such Appeal shall be decided, as the said Justices in their Judgment shall think just and reasonable.

Convictions to be filed at the Sessions, and may be appealed against.

XXII. Provided always, and be it further enacted, That no such Conviction shall take place unless upon the previous Complaint or Information upon Oath or solemn Affirmation of some Person who previous to such Information shall have given Ten Days previous Notice to the said Company or to their Clerk, or to the other Person or Persons owning or using such locomotive or moveable Engine as aforesaid, that the said Complainant considers the Use of the same to be a Nuisance affecting the House or Land in his or her Possession or Occupation, and specifying the Length of Road, described by clearly defined Boundaries, along which the said Complainant considers the House or Land in his or her Occupation to be affected by the same.

Notice to be given to the Company previous to Information or Complaint being laid.

XXIII. And be it further enacted, That the Lands to be taken or used 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 Waggon and other Carriages to turn or pass each other, or for raising Embankments for crossing Vallies or low Grounds, or in Cuttings, and not above Two hundred Yards in any Place, except at or near to the Termination of the said Railway within the Parishes of *Leeds* and *Selby* respectively, where Places not

Breadth of Land to be taken for Railway.

[*Local.*]

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exceeding

exceeding Two hundred Yards in Length by One hundred Yards in Breadth may be set out and appropriated for Wharfs, Warehouses, and other Buildings and Conveniences, and also except on Commons, Downs, or Waste Lands, unless with the Consent of the Owners or Proprietors of and Persons interested in any Lands, Tenements, or Hereditaments through which the said Railway shall pass, where the said Company shall be desirous of appropriating Land of greater Width.

Convenient
passing
Places to be
made along
the Railway.

XXIV. And be it further enacted, That the said Company shall make, at convenient Distances along the said Railway, passing Places or Turn-outs for the enabling of Waggons and other Carriages using the said Railway to pass each other: Provided always, that there shall not be fewer than Three such passing Places or Turn-outs in each Mile of the said Railway.

Bodies Poli-
tic, &c. em-
powered to
sell and con-
vey Lands.

XXV. And be it further enacted, That after any Lands, Tenements, or Hereditaments 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 Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and Administrators, and all Trustees and 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, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Covert, or other Persons, and to and for all Femmes Covert seised, possessed of, or interested in their own Right or entitled to Dower or other Interest in, and for all other Persons whomsoever who are or shall be seised or possessed of or interested in, any such Lands, Tenements, or Hereditaments, to contract for, sell, and convey the same and every Part thereof unto the said Company; and all such Contracts, Sales, and Conveyances shall be made at the Expence of the said Company, and shall be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; (namely,)

Form of
Conveyance
to the Com-
pany.

‘ I of in consideration of the Sum of
‘ I to me, [or, as the Case may be, into the Bank of England, in the
‘ Name and with the Privy of the Accountant General of the Court
‘ of Exchequer; *ex parte* the Leeds and Selby Railway Company,]
‘ pursuant to the Act after mentioned, paid by the said Company,
‘ established and incorporated by an Act of Parliament passed in the
‘ Eleventh Year of the Reign of His Majesty King George the Fourth,
‘ intituled [*here set forth the Title of this Act*], do hereby grant and
‘ alien to the said Company, their Successors and Assigns, all
‘ [*describing the Premises to be conveyed*], 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

‘ Act capacitated or empowered to convey; to hold the 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 .’

And all such Conveyances and Assurances as aforesaid shall be valid and effectual in the Law to all Intents and Purposes, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Estates, Interest or Interests so thereby conveyed or aliened, and to bar and destroy all such Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever.

XXVI. Provided always, and be it further enacted, That if any Contract or Agreement shall be made or entered into for or in respect of any Lands, Tenements, or Hereditaments, to be taken or used by virtue of the Powers of this Act for the Purposes thereof, which shall be of Copyhold or Customary Tenure, or in the Nature thereof, every such Contract and Agreement shall be executed and completed by Surrender thereof in the Court of the Manor of which the same may be held or Parcel, according to the Custom of such Manor, which Surrender shall have like Force and Effect in respect of such Copyhold or Customary Estate and Interests as such Conveyance as aforesaid made by the same Person would have had over the Hereditaments comprised in such Surrender in case the same had been of Freehold Tenure in the same Person, and such Lands, Tenements, and Hereditaments 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, unless the Lord or Lady for the Time being of such Manor, or if infant, lunatic, or idiot, his or her Guardian or Committee, shall be willing to enfranchise the same, in which Case such Lord or Lady, whether sole or married, and his or her Guardian or Committee, if infant, lunatic, or idiot, is hereby empowered so to do by such or the like Form of Conveyance as aforesaid, notwithstanding he or she shall be seised of or entitled to the same Manor for a less Interest than an Estate of Inheritance in Fee Simple; 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 or Lady from receiving the same Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation as he or she 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 or Lady shall be paid by the said Company a reasonable Recompence and Satisfaction for the Loss which may arise to him or her 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; which Recompence and Satisfaction, and also the Appointment or Apportionment of the certain Copyhold or Customary Rents issuing out of such Copyhold or Customary Tenements of which a Part only shall be taken for the Purposes of this Act, shall, if not settled by Agreement between the Parties, be ascertained

Conveyance
of Copy-
holds.

ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Lands, Tenements, or Hereditaments to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof.

Application
of Money
belonging to
Lords of Ma-
nors under
Incapacity,
in respect of
the Enfran-
chisement of
Copyholds.

XXVII. And be it further enacted, That in all Cases where the Lord or Lady of any Manor whereof any Copyhold or Customary Lands or Tenements required to be taken or used for the Purposes of this Act are held or Parcel, or being infant, lunatic, or idiot, his or her Guardian or Committee, shall be willing to enfranchise such Copyhold or Customary Lands or Tenements, and such Lord or Lady shall be seised of or entitled to such Manor for a less Interest than an Estate in Tail General or Special in Possession, or where he or she shall be unable, by levying a Fine or suffering a Common Recovery, to enfranchise the same Lands or Tenements, or shall, whether having such limited or the entire Interest in such Manor, be infant, lunatic, or idiot, then the Money agreed or assessed to be paid for the Enfranchisement thereof shall be paid and disposed of, under the Direction and Approbation of the Court of Exchequer, or without such Direction or Approbation, according to the Amount thereof, in the same Manner in all respects as in this Act is directed and provided with respect to Money agreed or assessed to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes thereof, which shall belong to any Person under any Disability or Incapacity whatsoever; and in all Cases in which the Appointment or Apportionment of the certain Copyhold or Customary Rents issuing out of such Copyhold or Customary Lands and Tenements, of which a Part only shall be taken for any of the Purposes of this Act, 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 or Lady of the Manor whereof the same Copyhold or Customary Lands and Tenements are held or Parcel, and if not so settled, the same shall then be assessed and determined by the Verdict of a Jury, if required, in such Manner as in and by this Act is directed and provided; and the Apportionment of such Copyhold or Customary Rents as aforesaid shall not in any Manner invalidate, prejudice, or destroy the Custom or Customs in other respects by or under which the Copyhold or Customary Lands or Tenements not taken for the Purposes of this Act shall be held, or the Remedy or Remedies for the Recovery of the Rent for the same after the Apportionment thereof; and in all Cases where the Lord or Lady of any Manor, whereof any Copyhold or Customary Lands or Tenements purchased by the said Company for the Purposes of this Act shall be Parcel, shall have declined to enfranchise the same, and shall in consequence thereof 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 or Tenements in a Body Corporate, then and in every such Case, if the same Lands or Tenements, or any Part thereof, shall not be ultimately required for the Purposes of this Act, and 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 and Tenements

ments which shall be 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.

XXVIII. And be it further enacted, That in all Cases wherein, in the Execution of the Powers of this Act, there shall be Occasion to cut through, take, or use any Common or Waste Land, or any other Lands, Tenements, or Hereditaments which shall be charged with or subject or liable to the Exercise of any Right or Privilege of Common thereupon, whether of Pasture, Turbary, Estover, Piscary, or Easement, and whether such Common or Commonable Rights be appendant, appurtenant, or in gross, and whether the same be created or be then subsisting by Grant, Prescription, Custom, or otherwise howsoever, the Conveyance of such Common or Waste Land, or other Lands, Tenements, or Hereditaments as aforesaid, by any Body Politic, Corporate, or Collegiate, or other Person having such Estate or Interest in the Manor wherein such Common or Waste Land 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, Tenements, or Hereditaments,) as the Bodies and Persons who are herein-before enabled to sell other Lands, Tenements, and Hereditaments have in such Lands, Tenements, or Hereditaments, 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, Tenements, or Hereditaments, as fully and effectually as if every Person having Right of Common upon such Common or Waste Land, or other Lands, Tenements, or Hereditaments, 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 as aforesaid shall be paid by the said Company to the Churchwardens for the Time being of the Parish wherein such Common or Waste Land 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 thereof, to be convened by such Churchwardens for that Purpose, shall direct; and in all Cases where any such Commonable or other Rights shall extend over and be exercised or enjoyed out of or upon any other Lands, Tenements, or Hereditaments than such Common or Waste Land, the Compensation for the Relinquishment thereof shall be paid to the Party or Parties having such Estate or Interest as aforesaid in the said Commonable or other Rights, or in any Lands, Tenements, or Hereditaments whereunto the same shall be appendant or appurtenant, or otherwise shall be deposited in the Bank of *England* in manner by this Act directed (as the Case may be); provided that in all Cases where any such Manor is vested in Freeholders or Inhabitants at large, or in any greater Number of Persons than Four, or where it is not known to what Lord or Lady such Manor belongs, or in what Manor such Common or Waste Lands are situate, the Conveyance by Four at least of the Freeholders whose Lands or Tenements, whether absolute in them or such as would capacitate them to

Waste Lands
to be conveyed by
Lords of
Manors.

[*Local.*]

20 H

convey

convey such Lands and Tenements if wanted for the Purposes of this Act, have Common Right in or over such Common or Waste Lands, and whose said Lands and Tenements in the Rate for the Relief of the Poor amount in yearly Value to Three Fifth Parts at least of the whole of the Lands and Tenements 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 such Common or Waste Lands.

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

XXIX. And be it further enacted, That if, in the Execution of any of the Powers of this Act, any Land (except such Parcels of Land as lie within the Townships of *Leeds* and *Selby*, herein-before provided for,) shall be cut through and divided so that what shall be left thereof on both or on either Side of the said Railway shall be less than One 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 either of the Sides of the said Railway, being less than One Statute Acre in Quantity as aforesaid, the Value thereof to be ascertained 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 as aforesaid shall have any other Land adjoining to that which shall be so left, he or she may require the said Company, at the Expence of such 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.

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

XXX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to give to the said Company any Mines, or any Coals, Stone, Slate, or other Minerals, under any Land purchased by the said Company under the Provisions of this Act, except only so much of such Coals, Stone, Slate, or Minerals as may be necessary to be dug or carried away or used for the Purposes of this Act, but all such Mines, Coals, Stone, Slate, or Minerals shall be deemed to be excepted out of the Purchase of such Land, and may 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 passed, so that no Damage or Obstruction be thereby done or occur to or in such Railway or Works: Provided nevertheless, that in case any Damage or Obstruction shall be so done or occur to or in such Railway or Works, the same shall be forthwith repaired or removed (as the Case may be) by and at the Expence of the respective Owners or Lessees of such Mines, Coals, Stone, Slate, or Minerals as aforesaid; 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, by Distress and Sale of the Goods and Chattels of such respective Owners or Lessees, or by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

XXXI. And

XXXI. And be it further enacted, That all Bodies and other Parties herein-before capacitated to sell and convey any Lands, Tenements, or Hereditaments, and the respective Owners and Occupiers of any Lands, Tenements, or Hereditaments through, under, in, or upon which the said Railway or other Works hereby authorized are intended to be made, may accept and receive Satisfaction for the Value of such Lands, Tenements, and Hereditaments, or the Interest or Interests therein by them, him, or her 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, Tenements, or Hereditaments, and also for and on account of any Damage, Loss, or Inconvenience which may be sustained by such Bodies or other Parties 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, or Compensation, the same respectively, or either of them concerning which they do not so agree, shall be ascertained and settled by the Verdict of a Jury, if required, as herein-after is directed.

Satisfaction to be made for Lands taken for the Railway.

XXXII. And for settling all Differences which may arise between the said Company and the several Owners of or Persons interested in any Lands, Tenements, or Hereditaments which shall or may be taken, used, damaged, or injuriously affected by the Execution of any of the Powers hereby granted; be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee or other Person so interested or entitled, and capacitated to sell or agree as aforesaid, shall not agree with the said Company as to the Amount of such Purchase Money or Satisfaction or other Compensation as aforesaid, or if any such Party shall refuse to accept such Purchase Money or Satisfaction or other Compensation 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 such Party 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 Body, or to such Trustee or Person respectively, or left at his last or usual Place of Abode, or with the Tenant or Occupier of any Lands, Tenements, or Hereditaments required for the Purposes of this Act,) neglect or refuse to treat or shall not agree with the said Company for the Sale and Conveyance of their respective Estates and Interests, or the respective Estates or Interests which they, he, or she are or is capacitated to convey therein, or shall by reason of Absence be prevented from treating, or shall by reason of any Impediment or Disability not provided for by this Act be incapable of making such Agreement as shall be expedient for enabling the said Company 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, he,

In case the Parties refuse, or are incapable to treat, the Value to be settled by a Jury.

or

Manner of
Proceeding
as to the sum-
moning of
Jury and
Witnesses.

or she may be in possession, and 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 cannot be made, then in every such Case the said Company shall and they are hereby required from Time to Time to issue a Warrant under their Common Seal to the Sheriff of the County in which the Lands, Tenements, and Hereditaments 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 ways interested in the Matter in question, then to any of the Coroners of such County 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 interested as aforesaid, (a Person having more recently served either Office being always selected in preference to a Person having more anciently served the same Office,) 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 so to be 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 directed, 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, or 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 of others 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 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 of the Society of Persons called *Quakers*, upon their solemn Affirmations, (which Oaths and solemn Affirmations, as well as the Oaths and solemn 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 or Sums of Money to be paid for the Purchase of such Lands, Tenements, and Hereditaments, except for such Interest or Interests therein as shall

have been of right purchased by the said Company from any other Person or Persons, and also the separate and distinct Sum or Sums of Money to be paid by way of Satisfaction 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 which shall have been 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; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Satisfaction, 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 Bodies and other Persons whatsoever: Provided always, 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 or Parties with whom any such Controversy shall arise, by leaving such Notice at the Dwelling House of the Person or Persons, or of the Clerk or Agent or principal Officer of the 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.

XXXIII. Provided also, and be it further enacted, That in ascertaining the Money to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, the Jury shall also ascertain and assess the Compensation and Satisfaction to be made by the said Company for any Damage which shall or may be sustained by any Bodies Politic, Corporate, or Collegiate, or by any Persons, being respectively Owners or Occupiers of or interested in such Lands, Tenements, or Hereditaments, for or by reason of the severing or dividing the same from other Lands, Tenements, or Hereditaments whereof, wherein, or whereto any such Body or Person as aforesaid shall be seised, possessed, interested, or entitled, and also for or on account of any Injury or Loss whatsoever which shall or may accrue to or be sustained by such Body or other Person by reason of the Execution of any of the Powers of this Act, such Damages, Compensation, and Satisfaction to be settled and ascertained separately and distinctly from the Value of the Lands, Tenements, and Hereditaments so to be taken or used as aforesaid.

Value of Land and Damages to be ascertained separately.

XXXIV. 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 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, for his or her Interest therein.

Compensation Money to be apportioned.

XXXV. 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

Verdicts to be recorded.

of the Peace for the County in which the Matter of Dispute shall have arisen, among the Records of the Quarter Sessions for 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 Sheriff, &c., or Jurors or Witnesses, making Default.

XXXVI. And be it further enacted, That if the said Sheriff or his Deputy, 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; and if any Person so summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or being of the Society of Persons called *Quakers* to make his solemn Affirmation, or 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 or her Costs and Expences, or appearing shall refuse to be sworn 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, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Ten Pounds, to be levied, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the County or Riding in which the said Lands, Tenements, or Hereditaments 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 or her the Overplus of the Money thereby produced, after such Penalty and the Charges and Expences of such Distress and Sale shall have been deducted.

Jurors to be under the same Regulations as in Courts at Westminster. Witnesses punishable for false Evidence.

XXXVII. And be it further enacted, That every such Jury and Jurymen as aforesaid shall also be subject to the same Regulations, Pains, and Penalties as if such Jury and Jurymen 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 of the Society of Persons called *Quakers* upon their solemn 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 are by the Laws in being subject.

Expences of Jury how to be paid.

XXXVIII. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands, Tenements, or Hereditaments to be used or taken by them

them for the Purposes of this Act, or as Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning such Jury and the Expences of Witnesses shall be defrayed by the said Company; and such Costs and Expences shall be settled and determined by the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid; and in case such Costs 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 or of the Treasurer of the said Company, (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, and which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the West Riding of the said County of *York*, 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 the Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall be given for an equal or less Sum than shall have been previously offered by the said Company, One Moiety of the Costs and Expences 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 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 Party as aforesaid as so much Money advanced to and for his or her 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 where, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Company.

XXXIX. And be it further enacted, That all Parties with whom the said Company shall have any such Dispute shall, at their own Costs, before the said Company shall be obliged to issue out their Warrant for the summoning of such Jury, enter into a Bond, with Two sufficient Sureties, to the Treasurer of 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 of the Attendance of Witnesses, in case any Part of such Costs and Expences shall fall upon them.

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

XL. 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, to receive or take notice of any Complaint to be made by any Body or Person for any Loss or Injury by them, him, or her sustained or supposed to be sustained, or having been discovered to be

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

be sustained, in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing, signed by the chief Clerk or Treasurer or other proper Officer of such Body, or by such Person, stating the Particulars of such Loss or Injury, and the Amount of the Compensation claimed in respect thereof, shall have been given by such Body or Person to the said Company within the Space of Six Calendar Months after the Time of such supposed Loss or Injury having been sustained, or the doing or committing thereof shall have ceased.

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

XLI. And be it further enacted, That upon Payment or legal Tender of such Sums of Money as shall have been agreed for between the Parties, or determined by a Jury in manner aforesaid, for the Purchase of any Lands, Tenements, or Hereditaments, or as a Satisfaction or Compensation for any Loss or Damage, as hereinbefore mentioned, to the Proprietors of such Lands, Tenements, or Hereditaments, or other Persons interested therein, or entitled to receive such Money or Satisfaction or Compensation respectively, within One Calendar Month after the same shall have been so agreed for or determined; or if the Parties so entitled or interested as aforesaid cannot be found, or shall refuse to receive the same, or shall refuse, neglect, or be unable to make a good Title to or shall refuse to execute the necessary Conveyances of the Premises; or in case such Money shall be liable to be invested in the Purchase of other Lands, Tenements, or Hereditaments, then upon Payment of such Money into the Bank of *England*, as herein-after directed, within Three Calendar Months after the same shall have been so agreed for or determined, for the Use of the Party or Parties entitled thereto, it shall be lawful for the said Company immediately to enter upon such Lands, Tenements, and Hereditaments, and then and thereupon such Lands, Tenements, and Hereditaments, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all Persons 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 or Investment shall not only bar all the Right, Title, Interest, Claim, and Demand of all such Persons as aforesaid, and operate to merge all outstanding or other Terms of Years, but also shall bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder, or otherwise, of his, her, or their Issue, and of every other Person whomsoever therein: 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 any Person acting under their Authority, to bore under, dig, or cut into such Lands, Tenements, or Hereditaments, for any of the Purposes of this Act, without the previous Consent of the respective Owners and Occupiers thereof.

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

XLII. And be it further enacted, That all Tenants at Will, Lessees for a Year, and other Persons in possession of any Lands, Tenements, or Hereditaments through, in, under, or upon which the said Railway and other Works hereby authorized to be made are intended to pass or be made, and who shall have no greater Interest
in

in the Premises than as Tenants at Will or Lessees for a Year or from Year to Year, shall respectively deliver up the Possession of such Premises to the said Company, or to such Persons as they 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 such respective Tenants or Lessees, or Persons in Possession, or left upon the said Premises, whether such Notice be given with reference to the Time of the Commencement of such Tenant's 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 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 to the Sheriff of the County in which the Premises shall be situate, to deliver Possession of the said Premises to such Persons 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 satisfy such Costs as shall accrue from the issuing and Execution of such Precept on the Person or Persons so refusing to give Possession, by Distress and Sale of his, her, or their Goods.

XLIII. Provided also, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver up Possession of any Premises so occupied by him or her, before the Expiration of his or her Term or Interest therein, the said Company shall and they are hereby required to make or tender unto 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 or Compensation for the Value of his or her unexpired Term or Interest in the said Premises; which Satisfaction or Compensation, in case of Difference, shall be ascertained and determined in the same Manner as any other Satisfaction or Compensation for any Lands, Tenements, or Hereditaments taken or used by the said Company is by this Act directed to be made or determined.

Interests of such Tenants may be settled by a Jury.

XLIV. Provided always, and be it further enacted, That in all Cases where any Party shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he or she shall claim to be possessed of or entitled unto in any Lands, Tenements, or Hereditaments through, in, under, or upon which the said Railway or other Works hereby authorized are intended to pass or be made, under or by virtue of any Demise, Lease, or Grant thereof, the said Company are hereby authorized to require such Party to produce or show the Lease, Demise, or Grant in respect of which such Claim to Satisfaction or Compensation shall be made; and if such Lease, Demise, or Grant shall not be produced or shown, the Party claiming such Compensation or Satisfaction shall be considered as holding only from Year to Year.

Persons holding under Leases to produce the same.

XLV. And be it further enacted, That all Persons having any Mortgage on any Lands, Tenements, or Hereditaments to be taken

Mortgagees to convey to Company

[*Local.*]

20 K

or

after Tender
of Principal
and Six
Months
Interest.

or used for the Purposes of this Act, (not being in Possession thereof by virtue of such Mortgage,) shall, on Tender 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 by the said Company, immediately assign and transfer such mortgaged Tenements or Hereditaments to the said Company, or to such Persons as they shall appoint; or in case such Mortgagee 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 or Expiration 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 Mortgagee shall assign and transfer his or her Interest in the mortgaged Premises to the said Company, or as they shall direct; and in case such Mortgagee shall refuse to assign and transfer as aforesaid, on such Tender or Payment, then all Interest on every such Mortgage Debt shall from thenceforth cease and determine: Provided always, that in case the Sum due on any such Mortgage shall amount to more than the real Value of the Premises to be taken or used for the Purposes of this Act, or otherwise of the Estate or Interest therein mortgaged, and which shall be ascertained in manner herein-before directed, then the said Company shall not be liable to pay to such Mortgagee more than the real Value of such Premises or Estate or Interest so mortgaged, or than the Residue thereof after such Allowance and Payment thereof to any Lessee or Tenant, as herein-before directed, occupying or holding the Estate or Interest so in Mortgage: Provided also, that in case any such Mortgagee shall neglect or refuse to 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 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, 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 is by this Act 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 or her, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the Premises and Estate comprised in such Mortgage, to all Intents and Purposes whatsoever: Provided also, that if such Mortgage shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so taken or used by the said Company, such Mortgagee shall, upon Payment of the Sum so ascertained to be the Value of the said Lands, Tenements, or Hereditaments as aforesaid, forthwith assign and transfer his or her Interest in such Lands, Tenements, and Hereditaments to the said Company; and in default of such Assignment or Transfer, and on Payment of such Money into the Bank of *England*, for the Use of such Mortgagee, the Cashier of the said Bank shall give such Receipt as above mentioned, 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 or her, in the said Lands, Tenements, or Hereditaments the Value whereof, or of the Estate or Interest therein mortgaged, shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the said Company, and they shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Money due to such Mortgagee by virtue of such Mortgage.

XLVI. And be it further enacted, That in all Cases where a Part only of any Lands, Tenements, or Hereditaments 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, Tenements, or Hereditaments 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 Part of the said Lands, Tenements, or Hereditaments as shall be so required for the Purposes aforesaid, or (as the Case may be) of the Estate or Interest therein mortgaged, and also the Compensation, if any, for any Damage done, shall be settled and agreed upon by and between such Mortgagee and the Person or Persons entitled to the Equity of Redemption of such Lands, Tenements, or Hereditaments on the One Part, and the said Company on 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 or her Claim, so far as the same will extend, or in case of his or her neglecting or refusing to assign or transfer as herein-before directed, then into the Bank of *England*, as by this Act is provided; 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 shall be so taken or used, from all Principal and Interest and other Money due or secured thereon: Provided nevertheless, that notwithstanding any thing herein-before contained, all such Mortgagees shall have the same Powers and 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, Tenements, or Hereditaments 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, Tenements, or Hereditaments originally comprised in such Mortgage.

Directing in what Manner Disputes between the Mortgagee, &c. and the Company shall be determined.

XLVII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be taken or used by virtue of the Powers of this Act, which any Body Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or

Application of Compensation Money amounting to 200*l.*

in

1 G. 4. c. 35.

in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or any Person whose Lands, Tenements, or Hereditaments 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 *Leeds* and *Selby* Railway Company, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present 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 the said Court made upon Petition to be presented to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, 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, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments 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 in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, 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, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid 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 Order can be made the said Money may, by Order of the said Court, upon Application thereto, be invested by the 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 or called in or cancelled, for the Purposes aforesaid, the Dividends or Interest and annual Produce thereof shall from Time to Time be paid, by the Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased and settled.

Application
of Compen-
sation Money
when less

XLVIII. Provided always, and be it further enacted, That if any Money agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, and belonging

belonging to any Corporation, or to any Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then the same shall, at the Option of the respective Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, 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 their Common Seal, be paid into the said 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 Persons exercising such Option, (such Nomination being approved of by the said Company,) and such Nomination and Approbation to be signified in Writing under the Hands or Common Seals of the nominating and approving Parties; 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, but without being required to obtain any Order of the said Court touching the Application thereof.

than 200*l.*
and not less
than 20*l.*

XLIX. Provided also, and be it further enacted, That where any Money so agreed or awarded to be paid as last herein-before mentioned shall be less than Twenty Pounds, then the same shall be paid to the respective Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so taken or used for the Purposes of this Act, for their own Use and Benefit; or in case of Coverture, Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to their respective Husbands, Guardians, Committees, or Trustees, to and for the Use and Benefit of the Persons respectively entitled thereto.

When less
than 20*l.*

L. And be it further enacted, That in case any Person to whom any Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be taken or used under or by virtue of the Powers of this Act, shall refuse to accept the same, or shall refuse, neglect, or be unable to make a good Title to the Premises to the Satisfaction of the said Company, for the Purposes of this Act, or shall be absent from *England*, or cannot be found, or if any Person entitled unto or to convey such Lands, Tenements, or Hereditaments be not known or discovered, or be not shown to the Satisfaction of the said Company, or be absent from *England*, then and in every such Case it shall be lawful for the said Company to order the Money so 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 said Lands, Tenements, or Hereditaments, (describing them so far as the said Company can do so,) subject to the Controul and Disposition of the said Court; which said Court, on

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

the Application of any Person making claim to such Money or any Part thereof by Petition, is hereby empowered, in a summary Way of Proceeding, 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 other 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 Person paying any Money into the Bank of *England* under or pursuant to this Act.

Persons in Possession presumptively entitled.

LI. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money 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, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be taken or used in pursuance of this Act for the Purposes aforesaid, or to any Annuities or Securities to be purchased with any such Money as aforesaid, or to the Dividends or Interest of any such Annuities or Securities, the Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Persons, or under or consistently with the Possession of such Persons, shall be deemed to have been lawfully entitled to such Lands, Tenements, or Hereditaments 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, unless it shall be made to appear to the Satisfaction of the said Court that such Possession was a wrongful Possession, and that some and what other Person or Persons was or were lawfully entitled to such or to some and what Part of such Lands, Tenements, or Hereditaments, or to some and what Estate or Interest therein.

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

LII. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands, Tenements, or Hereditaments to be taken or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England*, or to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all such Purchases, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, 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 Purposes as the said Court shall direct.

LIII. And whereas by means of the Purchases which the said Company are empowered and are required to make by virtue of this Act, they may happen to be seised of more Lands, Tenements, or Hereditaments than will be necessary for effecting the Purposes of this Act, or of Lands, Tenements, or Hereditaments not wanted or not applicable for the Purposes hereof; be it therefore enacted, That it shall be lawful for the said Company to sell, and by any Deed under their Common Seal to convey, any Part of such Lands, Tenements, or Hereditaments, or of any Estate or Interest purchased by the said Company in such Lands, Tenements, or Hereditaments, or any Part thereof, either together or in Parcels, by public Auction or by private Contract, as they shall deem most advantageous, to such Persons as shall be willing to contract for and purchase the same; and such Conveyances from the said Company shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom to the contrary notwithstanding: Provided always, that the said Company, before they shall dispose of any such Lands, Tenements, or Hereditaments, shall first offer to sell the same to the Person, or to the Persons successively in such Order as the Company shall deem meet, of whom the same shall have been purchased, provided such Persons be in *England*, and be conveniently found, but if such Persons be not so found, then the said Company shall offer to sell such Lands, Tenements, or Hereditaments to the Person, or to the Persons successively in such Order as the said Company shall deem meet, whose Lands or Premises shall immediately adjoin the Lands, Tenements, or Hereditaments so proposed to be sold; and such respective Persons, in case they shall be desirous of purchasing the same, (Preference in Pre-emption of such respective Persons, if more than One, being according to the Order of making such Offers,) shall signify such their Desire and Intention in that Behalf to the said Company within Fifteen Days after such Offer of Sale shall have been made; and in case such Persons shall refuse or decline to avail themselves of such Offer, or shall neglect or omit to signify their Desire and Intention to purchase such Lands, Tenements, or Hereditaments, for the Space of Fifteen Days, an Affidavit, made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before any Justice of the Peace for the said West Riding of the County of *York*, by some Person not interested in the same Lands, Tenements, or Hereditaments, stating that such Offer was made by or on behalf of the said Company, and that such Offer was refused or declined, or was not accepted or agreed to by the Person or Persons to whom the same was made, within the Space of Fifteen Days from the Day or Time of making the same, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or declined or was not accepted and agreed to within the Time aforesaid (as the Case may be,) by the Person or Persons to whom such Offer was made; and in case such Person or Persons shall be desirous of purchasing the same, and he, she, or they 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 Premises to be purchased by the said Company in pursuance thereof; and the Expence of hearing and determining such Difference shall be borne
and

Enabling the
Company to
sell Lands
not wanted.

and paid in like Manner as in this Act is directed with respect to Purchases made by the said Company, *mutatis mutandis*; and the Money produced by the Sale which may be made by the said Company of any such Lands, Tenements, and Hereditaments as aforesaid, shall be applied to the Purposes of this Act.

Treasurer,
upon Pay-
ment of
Money, to
give Receipts.

LIV. Provided always, and be it further enacted, That upon Payment of the Money which shall arise from the Sale of any such Lands, Tenements, or Hereditaments, or any Interest belonging to the said Company therein, or of any Lands, Tenements, or Hereditaments authorized by this Act to be sold by the said Company, or upon Payment of any Money under this Act, it shall be lawful for the Treasurer for the Time being to the said Company to sign and give Receipts for the Money so paid, which Receipts shall be sufficient Discharges to all Persons for the Purchase Money for such Lands, Tenements, or Hereditaments, or Interests, as shall be sold, or for so much thereof, and for such Sums of Money, as in such Receipts respectively shall be expressed to be received; and such Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money or other Monies, or any Part thereof.

Empowering
Company to
purchase 20
Acres of
Land.

LV. 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 any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, (who shall be willing to sell the same,) for the Purchase of any Lands, Tenements, or Hereditaments, (not exceeding in the whole Twenty Statute Acres, in addition to the Lands, Tenements, and Hereditaments herein-before authorized to be taken and used,) in such Places as shall be deemed eligible for the Purpose of making and providing Coal or other Yards, Staiths, Wharfs, Warehouses, and other Buildings and Conveniences, for the Purpose of receiving, depositing, or keeping any Goods, Merchandizes, or other 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 Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons whomsoever, (including especially such or the like Corporations and Persons as are herein-before capacitated to sell and convey other Lands, Tenements, and Hereditaments for the Purposes of this Act,) to sell and grant or convey to the said Company and their Successors any Lands, Tenements, or Hereditaments whatsoever for the Purposes mentioned in this Clause, or any of them, in the same Manner as is herein-before directed concerning Lands, Tenements, and Hereditaments to be taken or used for the Purpose of making and maintaining the said Railway.

Company
may sell
Lands, &c.
not required,
and after-

LVI. And be it further enacted, That it shall be lawful for the said Company from Time to Time to sell and dispose of such additional Lands, Tenements, and Hereditaments as they are in the Clause last herein-before empowered to purchase, and shall have
actually

actually purchased, for the Purposes of this Act, or such Parts thereof as the said Company shall think proper, and either together or in Parcels, by Public Auction or by Private Contract, as shall be thought expedient, and again from Time to Time to contract for the Purchase of any other Lands, Tenements, or Hereditaments which the said Company shall deem more eligible for the Purposes aforesaid, and afterwards to sell and dispose of the same as aforesaid, so that the total Number or Quantity of Acres to be purchased and held by the said Company for any of the Purposes in the Clause last herein-before mentioned shall not exceed at any one Time the Quantity or Number of Acres for those Purposes expressly specified or allowed.

wards purchase and sell again, within the prescribed Limit.

LVII. And whereas the said Company are enabled to purchase Twenty Statute Acres of Land by virtue of this Act, for the Purpose of providing Coal or other Yards, Staiths, Wharfs, Warehouses, and other Buildings and Conveniences, in addition to the Lands, Tenements, and Hereditaments authorized to be used or taken for making the said Railway, and all Corporations and all Persons whomsoever are empowered to sell such Quantity or Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands so purchased 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 Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, 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, and again purchasing other Lands from the same or from any other Corporation or Persons being under legal Disability or Incapacity, in lieu or instead of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said Company to purchase from any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of Infants, Lunatics, Idiots, Femes Covert, 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 Twenty Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Twenty 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 Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, or 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, nor for the same or any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator,

Restraining the Company from purchasing more than Twenty Acres of Land from incapacitated Persons.

[*Local.*]

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Husband,

Husband, Guardian, Committee, or other Trustee for Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, or 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, to sell to the said Company any other Lands in lieu or instead of those Twenty Statute Acres or any Part thereof so sold or disposed of by the said Company.

The Word
"grant" in
Conveyances
from the
Company to
amount to
certain
Covenants.

LVIII. 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 Grantees therein, and the Successors, Heirs, Executors, Administrators, or Assigns of such Grantees, according to the Quality or Nature of the Grantees 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, Tenements, and Hereditaments, 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, that the Purchaser or Purchasers thereof, his, her, or their 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, their Successors and Assigns, 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 of such Hereditaments and Premises by the said Company, their Successors and Assigns, 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 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 thereupon as they might do in case such Covenants were expressly inserted in such Conveyances.

The whole
of the Ex-
pence to be
subscribed
before the
Work is com-
menced.

LIX. And whereas the probable Expence of making the said Railway and the other Works hereby authorized will amount to the Sum of Two hundred thousand Pounds, and the Sum of One hundred and seventy-seven thousand Pounds, being more than Four Fifth Parts 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 subscribed for respectively; be it therefore enacted, That the whole of the said Sum of Two hundred thousand Pounds shall be subscribed for in like Manner before any of the Powers given by this Act shall be put in force.

LX. And

LX. And be it further enacted, That it shall be lawful for the said Company to raise amongst themselves any Sum of Money for making and maintaining the said Railway and other Works by this Act authorized, not exceeding in the whole the Sum of Two hundred and ten thousand Pounds, the whole to be divided into Two thousand one hundred Shares of One hundred Pounds each, and such Two thousand one hundred Shares shall be numbered, beginning with Number One, in Arithmetical Progression whereof the common Excess or Difference shall be One, and every such Share shall be distinguished by the Number to be applied to the same; and the said Shares shall be and are hereby vested in the several Persons so raising the same, and their several and respective Successors, Executors, Administrators and Assigns, to their proper Use and Benefit, proportionably to the Sum they shall severally contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Undertaking, and other the Purposes of the said Subscription, shall be entitled to and shall receive, at such Time or Times as the said Company, or the Directors of the said Company to be appointed as herein-after mentioned, shall at any General or Special Meeting, to be convened for that Purpose in such Manner as Meetings on other Occasions are by this Act directed to be convened, direct and appoint, in proportionable Parts, according to the respective Sums so by them respectively paid, the net Profits and Advantages which shall arise or accrue by the Rates, Tolls, and other Sums of Money to be received by the said Company, as and when the same shall be divided by the Authority of this Act; and every Body Politic, Corporate, and Collegiate, and Person, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same.

Proprietors to raise amongst themselves 210,000*l.* to be divided into Shares of 100*l.* each.

LXI. And be it further enacted, That all the Shares and Proportions of and in the said Undertaking, or the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and be transmissible as such, and shall not be deemed to be of the Nature of Real Property.

Shares to be Personal Property.

LXII. 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 respective 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 and Directions of this Act, at such Times and Places as shall be directed by the said Directors; and in case any Party shall refuse or neglect to pay the Money by him or her so subscribed for, or the Part thereof so called for, at the Time and in the Manner required for that Purpose, it shall be lawful for the said Company or for the said Directors to sue for and recover the same in any Court of Law or Equity.

To compel Payment of Subscriptions.

LXIII. And

Directing
how Sub-
scribers shall
vote.

LXIII. And be it further enacted, That all Bodies Corporate and Persons who shall have duly subscribed for or become entitled to any Share or Shares (not exceeding Ten) in the said Undertaking, and their respective Successors, Executors, Administrators, and Assigns, shall have a Vote for each such Share; and all such Bodies and Persons as aforesaid as shall have subscribed for or become entitled to Ten Shares and upwards in the said Undertaking, their respective Successors, Executors, Administrators, and Assigns, shall, over and above the Ten Votes which they shall respectively have for or in respect of the first Ten Shares, have an additional Vote for every Five Shares which they shall have subscribed for or become entitled to in the said Undertaking beyond the Number of Ten Shares; and such Vote or Votes may be given by such respective Parties, or by their respective Proxies constituted under the Seals of such Bodies, or under the Hands of the other Proprietors appointing such Proxies, all such Proxies being Proprietors of Shares in the said Undertaking; and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if the Principal had voted in Person; and every Question, Matter, or Thing which shall be proposed in any General or Special General Assembly of the said Company shall be determined by the Majority of Votes and Proxies then present; and at every such Meeting the Chairman thereof shall and may not only vote as a Principal and Proxy, but in case of an Equality of Votes shall and may also have the decisive or casting Vote; and the Appointment of every such Proxy may be made according to the Form following, or as near thereto as the Quality, Nature, and Number of the Appointor or Appointors of the Proxy thereby substituted and other Circumstances will admit; (that is to say,)

Form of
Proxy.

‘ *A. B.* of One of the Proprietors of the
‘ *A. Leeds and Selby Railway Company*, doth hereby appoint *C. D.*
‘ of to be the Proxy of the said *A. B.*, in his
‘ Name or otherwise, and, in his Absence, 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 Assembly of the said Company, in such Manner as he the
‘ said *C. D.* shall think proper, according to his Judgment, for the
‘ Benefit of such Undertaking, or any thing appertaining thereto. In
‘ witness whereof the said *A. B.* hath hereunto set his [*or her*] Hand
‘ [*or Common Seal*], the Day of

Penalty on
fraudulent
Assignment
or Transfer
of Shares.

LXIV. Provided always, and be it further enacted, That if any Body Corporate or Person, their, his, or her respective Successors, Executors, Administrators, or Assigns, who shall have subscribed for or become entitled to any Number of Shares in the said Undertaking, shall fraudulently or collusively assign or transfer any of such Shares to any other Person or Persons, in Trust for them, him, or her, for the Purpose of obtaining a greater Number of Votes at any General or Special General Meeting of the said Company than they, he, or she would have had or have been entitled to by virtue of this Act if the same had remained standing in their, his, or her own Names or Name in the Book of the said Company, every such Body or Person, being convicted

convicted of the same on the Oaths or Affirmations of Two or more credible Witnesses before any Two or more Justices of the Peace for the said West Riding of the County of *York* or Borough of *Leeds*, not being interested in the Matter in question, shall forfeit and pay to the Use of the said Company the Sum of Fifty Pounds for each and every Share so assigned and transferred as aforesaid.

LXV. 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 and taken to be the Proprietor of such Share; and 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 at 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 to such Person shall be deemed and taken to be sufficient Notice to all 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, &c.

LXVI. And be it further enacted, That in case any Proprietor entitled to vote at such Meeting as aforesaid shall be a Lunatic or a Minor, such Lunatic shall or may vote at such Meeting by his or her Committee or any such Committee, and such Minor shall and may vote by his or her Guardian or any of such Guardians; provided that every such Committee or Guardian may also vote in Right of his own Shares, as well as in the Character of Committee of any Lunatic, or of Guardian of any Minor, on the same Occasion.

Lunatics and Minors to vote by Committees and Guardians.

LXVII. And be it further enacted, That the said Company shall and they are hereby required, at some General Meeting, to cause the Names of the several Bodies, and the Names and Additions of the several Persons who respectively shall then be entitled to Shares in the said Undertaking, with the Number of Shares which they are then respectively entitled to hold, 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 Clerk of the said Company, and after such Entry made to cause their Common Seal to be affixed thereto, and also to cause a Certificate or Ticket, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber, on Demand, specifying the Share or Shares to which they, he, or she are or is entitled in the said Undertaking, such Proprietor paying to the Clerk to the said Company the Sum of Two Shillings and Six-

Names of Proprietors to be entered, and Certificates of their Shares delivered to them.

[*Local.*]

20 N

pence,

pence, 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 Subscribers, 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,)

Form of Certificate.

The *Leeds and Selby* Railway Company.

Number

THESE are to certify, That *A. B.* of _____ is a
 Proprietor of the Share Number _____ of the *Leeds and
 Selby* Railway, subject to the Rules, Regulations, and Orders of the
 said Company; and that the said *A. B.*, his Executors, Adminis-
 trators [*or Successors*], and Assigns, is and are entitled to the Profits
 and Advantages of such Share. Given under the Common Seal of
 the said Company, the _____ Day of _____ in the Year
 of our Lord _____

For granting new Certificates when old ones are destroyed or worn out.

LXVIII. And be it further enacted, That if any such Certificate or Ticket as aforesaid shall be worn out or damaged, then, upon the same being brought and shewn at some Meeting of the Directors of the said Company, such Certificate or Ticket may be cancelled and destroyed, and another similar Certificate or Ticket be given, under the Common Seal of the said Company, to the Party in whom the Property of such Certificate or Ticket, and the Shares therein mentioned, shall be at that Time vested; or in case such Certificate or Ticket shall be lost or burnt or totally destroyed, then, upon due Proof thereof, a similar Certificate or Ticket shall be given to the Party who was the Proprietor of or entitled to the Certificate or Ticket so lost, burnt, or destroyed; and a due Entry of the Transfer of such Certificate or Ticket (if any such have been made) shall be entered by the Clerk of the said Company in manner herein directed, the said Clerk receiving for every such Certificate or Ticket which shall be so given or exchanged the Sum of Two Shillings and Sixpence, and no more.

Proprietors may raise an additional Sum, if necessary, by Mortgage.

LXIX. 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, by an Order of any General or Special General Meeting of the said Company, from Time to Time to borrow and take up at Interest any further or additional Sum, not exceeding in the whole the Sum of Ninety thousand Pounds, on the Credit of the said Undertaking, as to them shall seem proper; and the said Company, or the Directors of the said Company, after an Order shall have been made for that Purpose by any General or Special General Meeting of the said Company, are hereby empowered to 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 such further Sum of Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the Party, or to his or her Trustee, who shall advance the same; all which said Mortgages, Assignments, or 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,)

‘ Number
 ‘ **BY** virtue of an Act passed in the Eleventh Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act*], we, the Company of Proprietors of the *Leeds* and *Selby* Railway, 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 arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of, 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 _____

Form of Mortgage.

And the respective Parties to whom such Assignments shall be made shall be entitled, one with the other, to their 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 in the Date of any such Order of Meeting, or Priority in Date of any such Mortgage or Assignment, or on any other Account whatsoever; and an Entry or Memorial of every such Mortgage or Assignment, containing the Number and Date 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, shall, within Fourteen Days next after the Date thereof, be entered in some Book to be kept by the Clerk of the said Company; which said Book may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all Persons 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 and may be in the Words or to the Effect following; (that is to say,)

Memorials of Mortgages to be made by the Clerk.

Mortgages may be transferred.

‘ **I** *A. B.* of _____, in consideration of the Sum _____ of _____ paid by _____ of _____, do hereby transfer a certain Mortgage, Number _____, made by the Company of Proprietors of the *Leeds* and *Selby* Railway to _____, bearing Date the _____ Day of _____ for securing the Sum of _____ and Interest, and all my _____

Form of Transfer of Mortgage.

‘ my Right, Estate, and Interest in and to the Money thereby
 ‘ secured, and in and to the Rates and Property thereby assigned, to
 ‘ the said _____, his Executors, Administrators,
 ‘ and Assigns. Dated this _____ Day of _____ in the
 ‘ Year of our Lord _____’

• Entries of
 Transfers of
 Mortgages to
 be made by
 the Clerk.

And every such Transfer shall within Twenty-eight Days after the Date thereof, if executed in *England*, or otherwise within Twenty-eight Days next after the Arrival thereof in *England*, if executed elsewhere, be produced to the 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 Clerk shall be paid such Sum as the said Company shall appoint, not exceeding Two Shillings and Sixpence; and after such Entry made every Transfer shall retrospectively entitle such Assignee, or his or her 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 same, or any Sum of Money thereon due or thereby secured, or any Part thereof.

Interest of
 Money bor-
 rowed to be
 paid in pre-
 ference to
 Dividends.

LXX. And be it further enacted, That the Interest of the Money which shall be raised by Mortgage or Charge as aforesaid shall be paid half-yearly to the several Persons 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 the same Interest or any Part thereof shall be behind and unpaid by the Space of Twenty-one Days next after the same shall have become due and payable as aforesaid, and the same shall not be paid within Seven Days next after Demand thereof in Writing shall have been made to the said Company, or left at the Office of the said Company, it shall be lawful for Two or more Justices of the Peace acting in and for the said West Riding of the County of *York*, or for the Borough of *Leeds*, not being interested in the Matter in question, and they are hereby respectively required, on Request to them made by or on behalf of any Mortgagee whose Interest shall be so in arrear, by an Order under their Hands, to appoint some Person 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 satisfied and paid; 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, with Costs, by an Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Creditors not
 to vote.

LXXI. Provided always, and be it further enacted, That no Person to whom any such Mortgage or Assignment shall be made, shall be deemed a Proprietor of any Share, or shall be capable of acting

acting or voting as such at any Meeting of the said Company, for or on account of his or her having advanced any Money on such Mortgage or Assignment.

LXXII. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the said additional Sum of Ninety thousand Pounds by Mortgage, and shall afterwards be required or shall be desirous to pay off or shall have paid off all or any Part of the Principal Sum secured by such Mortgages or any of them, 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 or to be paid off by them, such Sums of Money as they shall from Time to Time have paid off or be required or be desirous to pay off to the Holders of the Mortgages or any of them or any Part thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Company shall not in any Event borrow upon Mortgage in such Manner or to such Extent as that more than the Sum of Ninety thousand Pounds in the whole shall be owing at any one Time on Mortgage of or as a Charge upon the said Undertaking.

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

LXXIII. And be it further enacted, That all 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, Charges, and Expences incurred in applying for, obtaining, and passing this Act, and all other Expences preparatory or relating thereto, and all the Remainder of such Money shall be applied in and towards purchasing Lands, Tenements, and Hereditaments, and making and maintaining the said Railway and other Works, and in otherwise carrying this Act into execution.

Application of Money to be raised.

LXXIV. And be it further enacted, That the said Company shall meet together at some convenient Place within the Town of *Selby* within Three Calendar Months next after the passing of this Act, between the Hours of Ten and Four, and shall then and there proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Time and from Place to Place as they shall think fit; and from and after the said First Meeting of the said Company there shall be a General Meeting of the said Company on the Fifteenth Day of *June* in each and every Year, or within the Space of Fourteen Days next thereafter, and also such and so many Special General Meetings of the said Company as shall be called as herein-after provided; of which said General Meetings and Special General Meetings Ten Days public Notice at the least shall be given by Advertisement in some One or more Newspaper usually circulated in *Leeds* aforesaid, and in some One or more Newspaper usually circulated in the Town of *Hull*; and which said Notice of a Special General Meeting shall specify the Purpose for which any such Special General Meeting is called; and all such General Meetings and Special General Meetings may be adjourned from Time to Time and from Place to Place as shall be found expedient.

First and other General Meetings.

Treasurer
and Clerk to
be appointed.

LXXV. And be it further enacted, That the said Company shall at some General Meeting elect a Treasurer and One or more Person or Persons as Clerk or Clerks for transacting the Business of the said Company; and it shall be lawful for the said Company, at any subsequent General or Special Meeting, from Time to Time to remove and displace any such Treasurer or Clerk, or any Persons who shall be hereafter elected and appointed to their respective Offices, and elect in manner aforesaid any other Person to act as Treasurer or other Person or Persons to act as Clerk or Clerks of the said Company, in the Room of such of the said Officers as shall die or resign, or be removed from their respective Offices; and it shall be lawful for the said Company to allow such Salaries or other Emoluments to the said Officers or either of them as they shall from Time to Time think proper and appoint: Provided always, that the said Company shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Company, and from every Receiver, Collector, or other Officer appointed by them or by the said Directors, having the Custody or Controul of any Money received by virtue of this Act, for the faithful Execution of his Office, before he shall enter thereupon.

Clerk not to
be Treasurer,
and vice
versâ.

LXXVI. Provided also, and be it further enacted, That it shall not be lawful for the said Company to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk of the said Company for the Purposes of this Act; 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 Partner of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, 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, or if any such Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

General
Meetings
may make
Bye Laws.

LXXVII. And be it further enacted, That the said Company shall have full Power and Authority, from Time to Time at any such General or Special Meeting as aforesaid, to fix and order what
Remu-

Remuneration (if any) shall be allowed to the Directors of the said Company, and to make such Bye Laws, Orders, and Rules as to them shall seem right and proper, for the good Government of the Officers and Servants of the said Company, and for regulating the Proceedings of the 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 Offence, such Fines and Forfeitures to be levied and recovered as other Penalties 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, and printed and published, and painted on Boards, shall be 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, Tolls, or other Sums shall be received under the Authority of this Act, and 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 any Court 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 shall be subject to Appeal in manner herein-after mentioned.

LXXVIII. And be it further enacted, That it shall be competent for any General annual Meeting to call for and examine the Accounts of the said Company, and of the Directors, and of the Treasurers, Receivers or Collectors of the Rates, and other Officers of the said Company.

General Meetings may call for Accounts.

LXXIX. And be it further enacted, That at such First General Meeting to be held as herein-before is mentioned, or at some Meeting to be held by Adjournment from such General Meeting, Twelve Persons, who shall be Proprietors and respectively possessed in their own Right of Ten Shares at the least in the said Undertaking, shall be elected Directors to manage the Affairs of the said Company by the other Proprietors present at such Meeting, either personally or by Proxy; and of the Twelve Directors so elected as aforesaid Six shall be competent to act; and the several Persons so to be elected, being neither removed nor disqualified, and not resigning, shall continue in Office and be respectively Directors until the annual General Meeting of the said Company which shall be held in the Month of *June* in the Year of our Lord One thousand eight hundred and thirty-two, and until others shall be elected in their Stead, in pursuance of this Act.

First General Meeting to choose Directors.

LXXX. And be it further enacted, That at the General Meeting to be held in the Month of *June* which will be in the Year of our

Service of Directors.

Lord

Lord One thousand eight hundred and thirty-two, Four of the Directors who shall have been so elected as aforesaid (to be determined by Lot among themselves,) shall go out of Office and cease to be Directors of the said Company, and Four Persons shall be elected by the said Company to be Directors in their Place and Stead; and at the General Meeting to be held in the Month of *June* which will be in the Year of our Lord One thousand eight hundred and thirty-three, Four other of the Directors who shall have been so primarily elected as aforesaid (to be determined by Lot among themselves,) shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner; and at the General Meeting to be held in the Month of *June* which will be in the Year of our Lord One thousand eight hundred and thirty-four, the remaining Four of the Directors who shall have been so primarily elected as aforesaid shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner; and at the General Meeting to be held in the Month of *June* in every subsequent Year Four of the Directors who shall have been longest in Office shall go out of Office and cease to be Directors of the said Company, and their Places be supplied in like Manner.

Directors
going out of
Office re-
eligible.

LXXXI. Provided always, and be it further enacted, That every Director who shall, by Ballot or Rotation, 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.

No Person
holding
Office
capable of
being a Di-
rector.

LXXXII. Provided always, and be it further enacted, That no Person holding any Office, Place, or Employment, or being concerned or interested in any Contract, under the said Company, shall be capable of being chosen or being so chosen of continuing a Director of the said Company.

For supply-
ing Vacan-
cies in the
Direction.

LXXXIII. And be it further enacted, That when and so often as any Director elected by virtue of this Act 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 Ballot or Rotation as aforesaid, it shall be lawful for the remaining Directors to elect some other Proprietor duly qualified to be a Director; and every such Proprietor so elected to fill up any such Vacancy shall continue in Office so long only as the Person in whose Place or Stead he may be elected would have been entitled to continue had he lived and remained in Office.

Business at
Special and
adjourned
General
Meetings.

LXXXIV. And be it further enacted, That no Business shall be transacted at any Special General Meeting other than the Business for which it shall have been called, and no Business shall be transacted at any adjourned Special or General Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

General
Meetings
for choosing
Directors

LXXXV. Provided always, and be it further enacted, That if at any such General Meeting there shall not be Twenty Persons present who shall be possessed of or entitled to at least One hundred and fifty

fifty Shares in the said Undertaking, within Two Hours from the Time appointed for such Meeting, no Choice of Directors shall be made, nor shall any Business be transacted, but in such Case there shall be another Meeting of the said Company at the same Place at the Expiration of Seven Days then next; and if such sufficient Number of Proprietors shall not then attend thereat, such Meeting shall stand adjourned to the Seventh Day next following, and so from Time to Time as often as the same shall happen, until at some Adjournment of such General Meeting there shall be a sufficient Number of Proprietors present, when, and not before, the Meeting shall proceed to Business; and the Directors for the Time being shall continue to act and have the same Powers as they had and were possessed of until new Directors shall be appointed as aforesaid.

to consist of
Twenty Per-
sons possess-
ed of 150
Shares.

LXXXVI. And be it further enacted, That the Directors present at the first Meeting of Directors which shall be held next after the First General Meeting of the said Company, and so at the first Meeting of the Directors which shall be held next after the annual Meeting in the Month of *June* in each and every Year, or at the first Meeting held next after the Election of the said Four Directors in the Place of the like Number of Directors hereby required to go out of Office by Ballot or Rotation as aforesaid, or the Majority of the Directors present at such Meeting of Directors, shall choose, out of the Directors of the said Company, a Chairman and Deputy Chairman of the said Directors: 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 in like Manner, at the Meeting to be held next after such Vacancy, to choose some other of the said Directors to be Chairman or Deputy Chairman; and every such Chairman or Deputy Chairman so to be chosen as last aforesaid to fill such Vacancy shall continue in his 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 Death, Resignation, Disqualification, or Cesser had not happened.

Chairman
and Deputy
Chairman of
Directors.

LXXXVII. And be it further enacted, That at all General and Special General Meetings of the said Company the Chairman of the said Directors, or in his Absence the Deputy Chairman of the said Directors, or in his Absence any 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.

Chairman
or Deputy
Chairman of
Directors to
preside at
Meetings.

LXXXVIII. Provided always, and be it further enacted, That if any Person who shall be elected Director of the said Company, or Chairman or Deputy Chairman of the said Directors, 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 for any Article to be used or consumed by the said Company, or shall offer to take and succeed in taking, or shall participate in any Manner

Directors
contracting
for Works,
&c. to be
disqualified
from acting.

in any Work to be done for the said Company, or shall at any Time cease to be a Proprietor of Ten Shares in the said Undertaking, every such Person shall thereby become disqualified from voting or acting at any succeeding Meeting of such Directors, and his Office shall thereupon become vacant.

Powers and
Duties of
Directors.

LXXXIX. And be it further enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Authority to meet and adjourn from Time to Time and from Place to Place, and also at any Time to call Special General Meetings of the said Company for any Purpose they may think proper, and to appoint the Times and Places of holding General or Special Meetings; 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 there shall be Six Directors at the least present to constitute a Meeting; and no Director, although possessed of many Shares in the said Undertaking, shall have more than one Vote at any such Meeting, except the Chairman of such Meeting, who, in case of an equal Division, shall always have a second or casting Vote as such Chairman; and such Directors shall have full Power and Authority to direct and manage the Affairs of the said Company, and for that Purpose to purchase Lands, Tenements, and Hereditaments, and Engines and Materials for the Use of the said Undertaking, and to sell Lands, Tenements, and Hereditaments hereby authorized to be sold, and to employ and direct the Works and Workmen, and to appoint or displace the Officers and Servants of the said Company, (except the Treasurer and Clerk herein-before directed to be appointed by a General Meeting of the said Company,) with such Salaries, Gratuities, or Recompences as to the said Directors shall seem proper; and upon the Death or Removal of any of the said Officers or Servants from Time to Time to appoint others in their respective Places, and also to make Contracts and Bargains touching the said Undertaking; and the said Directors may require such Security to be given to the said Company, from any Officer or other Person, for the faithful Execution of his Duty, as they may think proper; and the said Directors shall keep a regular Minute and Entry of their Proceedings at every Meeting of the said Directors, and from Time to Time make report thereof to the said annual General Meetings; and, if required, to the Special General Meetings of the said Company, and shall obey their Orders and Directions; and the said Directors shall 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 authorized, or other Officer, or from any other Person employed in or having any Concern, Dealing, or Transaction with the said Undertaking, or from any other Person on any Account, for the Use of the said Company, and shall regularly enter in some Book, 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 every such Appointment, Contract, Bargain, Receipt, and Disbursement, and of other

other their Orders and Proceedings, which Book shall be deposited with and be kept locked up under the Care or Direction of the said Directors.

XC. And be it further enacted, That Twenty-five or more Proprietors of the said Company, holding in the Aggregate Two hundred Shares or upwards in the said Undertaking, upon which all Calls actually previously made shall have been paid and satisfied, may 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 their last or usual Places of Abode, require the Directors of the said Company to call a Special General Meeting of Proprietors of the said Company, so as such Requisition fully express the Object for which such Special General Meeting is required to be called; and in case of Neglect or Refusal of the said Directors to call such Meeting for the Space of Twenty-one Days next after such Notice given as aforesaid, the same may be called by such Twenty-five or more Proprietors, by giving Fourteen Days Notice thereof in some Newspaper usually circulated in *Leeds*, and in some Newspaper usually circulated in *Hull* aforesaid; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of the Proprietors thereof as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company with respect to the Matters so specified in such Notice; and all Acts of the major Part in Votes of the Proprietors of the said Company, met together at any such Special General Meeting, shall be as valid with respect to the Matters specified in such Notice as if the same had been done at a General Meeting held at the Time herein-before appointed for holding the same.

Meetings of Proprietors may be specially convened.

XCI. 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 Directors or by the said Company, make out and deliver to the said Directors, or to the said Company, or to such Persons as they shall respectively for that Purpose appoint, a true and perfect Account in Writing under his or her Hand of all Monies which shall have been by him or her 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 or her to the Treasurer of the said Company, or to such Persons as the said Directors or 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 Directors, or to the said Company, or to such Persons as they respectively shall appoint, within Seven Days after being thereunto required by the said Directors, or by the said Company, or by such other Persons as last aforesaid, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution

Officers to account.

Proceedings in case of Default.

Execution of this Act, then and in every such Case, Complaint being made thereof by the said Directors or by the said Company, or by any other Person on their Behalf, to any Justice of the Peace for the West Riding of the said County of *York* or for the Borough of *Leeds*, 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 or her 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 Directors or 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, 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 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 no Goods or Chattels shall be found sufficient 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 as aforesaid, then and in every 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 of the said West Riding of the County of *York*, or of the said Borough of *Leeds*, (as the Case may require,) there to remain, without Bail or Main-prize, until he or she shall have made 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 or her, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he or she shall have compounded with the said Directors or with the said Company for such Money and Charges, and have paid the Composition Money to the said Directors or to the said Company, (and which Composition the said Directors and the said Company are hereby respectively empowered to make,) or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings to the said Directors or 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 Six Calendar Months.

Orders and
Proceedings
to be entered
in a Book.

XCII. And be it further enacted, That the Orders and Proceedings of every Meeting, as well General as Special, of the said Company and of the Directors, shall be entered in some Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of each respective Meeting; and such Orders and Proceedings,

ceedings, when so entered and signed, shall be deemed and taken to be 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 Meeting being duly convened, or of the Persons making or entering such Orders or Proceedings being Proprietors or being Directors, as the Case may be.

XCIII. And be it further enacted, That the said Directors shall cause a Book or Books to be kept by a Book-keeper, who shall be expressly appointed by the said Directors for that Purpose; and such Book-keeper shall enter or cause to be entered in the said Book or Books 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 or Books shall at all reasonable Times be open to the Inspection of any of the Proprietors of the said Company, or of any Creditor for any Money to be borrowed under this Act, without Fee or Reward; and the said Proprietors, or any Creditor as aforesaid, shall and may take Copies of or Extracts from the said Book or Books or of any Part thereof, without paying any thing for the same; and in case the said Book-keeper shall refuse to permit or shall not permit the said Proprietors or any such Creditor to inspect any such Book or Books, or to take such Copies or Extracts as aforesaid, such Book-keeper shall forfeit and pay 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.

Directors
to cause Ac-
counts to be
kept.

XCIV. Provided always, and be it further enacted, That all Notices herein directed to be given of any General or Special Meeting of Proprietors, or of any Adjournment thereof respectively, or to any of the said Proprietors, and not herein otherwise provided for, shall be signed by the Chairman or Deputy Chairman of the Directors of the said Company, or by the Proprietor who may be elected Chairman of any such Meeting, or by the Clerk of the said Company, and shall be given by Advertisement inserted in some Newspaper usually printed or circulated in *Leeds*, and also in some Newspaper usually printed or circulated in *Hull*; and such Notices, when so published and given, shall be deemed and considered the same as personal Notices.

Notice of
Meetings
how to be
given.

XCV. And be it further enacted, That the Clerk of 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 Locality or Places of Abode of the several Proprietors (whether Corporations or Individuals) of the said Undertaking, and of the several Bodies and Persons who shall from Time to Time become Proprietors thereof, or be entitled to any Share therein; and every Proprietor of the said Undertaking (or being a Corporate Body by their Clerk or Agent duly appointed) may at all convenient Times have recourse to and peruse the same, *gratis*, and may demand and have Copies thereof or of any Part thereof, paying at and after the Rate of Sixpence for every One hundred Words so to be copied; and if any such Clerk of the Company hereby incorporated shall refuse to permit any such

Clerk of the
Company to
enter and
keep List of
Proprietors.

Proprietor or Agent as aforesaid to peruse such Book at all convenient Times, or refuse to make such Copy within a reasonable Period at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds for the Benefit of the said Undertaking.

Directors may appoint temporary Treasurer or Clerk.

XCVI. And be it further enacted, That in case any Treasurer or Clerk of the said Company shall die, or be removed from or quit the Service of the said Company, it shall be lawful for the said Company, at their Stated or Special General Meetings, or for the Directors of the said Company, to appoint some other fit and proper Person to execute such Office in the Place of the Person who shall so die, or be removed from or quit the Service of the said Company; and in case any such new Appointment shall be made by the said Directors, the same shall only continue until the next Annual General Meeting of the said Company, when the Appointment of such Person to such Office shall either be confirmed, or such other fit Person be appointed to succeed to such Office, as the said Company at such Meeting shall think proper.

Power of Directors to make Calls.

XCVII. 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, to defray the Expences of or to carry on the same, as they from Time to Time shall find necessary for those Purposes, so that no such Call shall exceed the Sum of Twenty Pounds upon each Share which any Person shall or may be possessed of or entitled unto in the said Undertaking; and such Calls shall not be made but at the Distance of Three Calendar Months at the least from each other, and Twenty-one Days Notice at the least shall be given of all such Calls, by Advertisement in some Newspaper usually circulated in Leeds, and also in some Newspaper usually circulated in Hull aforesaid; which Monies so called for shall be paid to such Persons and in such Manner as the said Directors shall from Time to Time direct and appoint, for the Use of the said Undertaking; and every Owner of any Share in the said Undertaking shall pay his or her rateable Proportion of the Monies to be called for as aforesaid to such Persons and at such Times and Places as the said Directors shall from Time to Time direct and appoint; and if any Owner of any such Share shall not so pay such his or her rateable Proportion, then and in such Case, and so often as the same shall happen, such Owner 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 of any such Share shall neglect or refuse so to pay such his or her rateable Proportion, together with the Interest, if any accrue, for the same, for the Space of Two Calendar Months after the Day appointed for the Payment thereof, then it shall be lawful for the said Company or for the said Directors 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, wherein no Essoign, Wager, or Protection of Law, or more than One Imparlanche, shall be allowed; or the said Company or the said Directors may and they are hereby

In case of Neglect to pay Calls, the same may be sued for, or the Shares forfeited, after Notice given.

authorized

authorized to declare the Shares belonging to any Person so refusing or neglecting to pay any such Calls, together with Interest, in manner last aforesaid, to be forfeited and to be sold, subject to the Provisions of this Act: 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 or Treasurer of the said Company, of such Share having been declared by the Directors forfeited, shall have been given or sent by the Post unto or left at 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 an Annual General Meeting of the said Company or at a Special General Meeting of the said Company to be called for that Purpose, and to be respectively held after the Expiration of Three Calendar Months at the least from the Day on which such Notice of Forfeiture shall have been given; and after such Forfeiture shall have been confirmed by such Annual or Special General Meeting, the said Company, by an Annual or Special General Meeting, shall have Power to direct the said Directors to dispose of the Shares so forfeited.

XCVIII. Provided always, and be it further enacted, That in case the Money produced by the Sale of any such Share as shall be forfeited by reason of the Nonpayment of any Call as herein authorized shall be more than sufficient to pay all such Arrears or 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 such forfeited Share shall have belonged: Provided also, that the said Company or the said Directors shall not by virtue of this Act sell or transfer more of the Shares of such Defaulter in Payment of Calls than shall be sufficient, as near as may be at the Time of such Sale, to pay the Arrears due from such Defaulter for or on account of such Call and the Interest and Expences attending the same; and from and after Payment of such Call, and the Interest and Expences aforesaid, any Share vested in the said Company as aforesaid which shall 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 Call had been duly paid.

If Purchase Money for Shares so sold be more than sufficient to pay the Arrears of Calls, &c. Surplus to be paid to Owners.

XCIX. And be it further enacted, That in any Action to be brought by the said Company or by the said Directors against any Proprietor of any Share in the said Undertaking, to recover any Money due and payable to the said Company or to the said Directors for or by reason of any Call made by virtue of this Act, it shall be sufficient for the said Company or the said Directors to declare and allege that the Defendant, being a Proprietor of so many Shares in the said Undertaking, is indebted to the said Company or to the said Directors in such Sums of Money as the Calls in arrear shall amount to, for so many Calls of such Sums of Money upon so many Shares belonging to the said Defendant whereby an Action hath accrued to the said Company or to the said Directors 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

Proceedings in Actions for Calls.

Calls

Calls was a Proprietor of some Share in the said Undertaking, and that such Calls were in fact made, and that such Notice thereof 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 or the said Directors, Plaintiffs therein, 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 Twenty Pounds for every Share of One hundred Pounds, or was made within the Distance of Three Calendar Months from the last preceding Call, or without Notice given in any Newspaper as aforesaid; and in order to prove that such Defendant was a Proprietor of some Share in the said Undertaking, as alleged, the Production of the Book in which the Clerk of the said Company is by this Act directed to enter and keep the Names and Additions of the several Proprietors of Shares in the said Undertaking, with the Number of Shares they are respectively entitled to hold, and of the Locality or Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons and Bodies who shall from Time to Time become Proprietors thereof or be entitled to any Share therein, shall be *prima facie* Evidence that such Defendant is a Proprietor, and of the Number or Amount of his Shares therein.

For ascertaining the Proprietorship of Shares in certain Cases.

C. And whereas in Cases where any Proprietor of any Share in the said Undertaking shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his or her Right and Interest therein to some other Person, and no Register shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of any Officer acting for the said Company to ascertain who is the Proprietor of such Share, in order to give him or her, or his or her Executors, Administrators, Successors, or Assigns, Notice of Calls to be made on such Share, or to maintain any Action, Suit, or other Proceeding against him or her, or his or her Executors, Administrators, Successors, or Assigns, for the Recovery of the same; be it therefore enacted, That in all the Cases aforesaid, where the Right of Property of any Share in the said Undertaking shall pass from the original Subscriber, or any Proprietor thereof, to any other Person, or to any Body Corporate, by any other legal Means than by a Transfer or Conveyance thereof in the Form and Manner herein specified or herein otherwise provided, an Affidavit shall be made and sworn to by some credible Person, before any of His Majesty's Justices of the Peace, or before any Master or Master Extraordinary in the High Court of Chancery, stating the Manner in which such Share hath been passed to such other Person, or to such Body Corporate, and such Affidavit shall be delivered to and left with the Clerk of the said Company, to the Intent that he may preserve the same, and enter and register the Name of every such other Proprietor, or the Description of every such Body Corporate, in the Register Book or List of Proprietors of the said Undertaking to be kept in the Office of the said Company; and in all or any of the said Cases, after Thirty Days Notice in Writing shall have been given by the said Directors, under the Hand of the Clerk or Treasurer of the said Company, to the Person or Corporation stated or claiming in such Affidavit to be the Proprietor or Proprietors of such Share, or left at the last or usual Place

Place of Abode of such Person, or of the Clerk of such Corporation, to pay his, her, or their Proportion of Money to be called for, and such Person or Corporation shall not have paid such his, her, 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 such Shares to be forfeited, and in such Case the same shall become forfeited, and shall and may be sold and disposed of in such Manner as the said Company at any Meeting shall direct, or otherwise become consolidated in the General Fund of the said Company; and in case there shall be no such Affidavit made as aforesaid, then such Notice as is herein-before directed to be given shall be served upon or be left at the last Place of Abode of the Executors or Administrators of such Proprietor so dying, or of the Assignees or Trustees of such Proprietor so becoming bankrupt or insolvent, or, in the event of the Share or Shares being 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, such Notice shall be inserted once in the *London Gazette*, and in case any Proprietor shall go out of the Kingdom such Notice shall be inserted in the *London Gazette* as aforesaid; and in all such Cases, and after such Notices, on Default being made, the said Shares shall be forfeited in manner aforesaid, except only 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 left at their last or usual Place of Abode in *England*, and inserted in the *London Gazette* as aforesaid.

CI. Provided also, and be it further enacted, That no Proprietor of any Share on which any Call made shall remain unpaid shall at any Meeting of the Proprietors of the said Company be allowed to vote, either personally or by Proxy, until the Money payable in respect of such Share pursuant to such Call shall have been fully paid, although the Time limited for Payment thereof may not have expired.

Proprietors
in arrear not
to vote.

CII. And be it further enacted, That it shall be lawful for the said Directors to nominate and appoint, out of their own Body, a Committee or Committees, who shall have full Power and Authority to enter into and make any Contracts or Agreements on behalf of the said Company, and to hire and employ any Agents, Workmen, or Servants in or about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever in or about the said Undertaking which the said Directors themselves are herein-before authorized to do, or such of them as the said Directors shall think proper to intrust to the Care and Management of any such Committee or Committees (save and except nevertheless the making of Calls for Money upon the Proprietors of the said Undertaking); and it shall be lawful for the said Directors for the Time being to order and direct such Compensation or Recompence to be made to the Committee or Committees from Time to Time as they shall think reasonable; and it shall be lawful for the said Directors, by an Order or

Directors
may appoint
Committees,
with Power
to make Con-
tracts, &c.

[Local.]

20 R

Resolution

Resolution for that Purpose, to break up and dissolve any such Committees, or to remove and displace any Members thereof, and to appoint some others in their Place and Stead, when and as often as such Directors shall think proper; and such Committees shall have full Power and Authority 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 Powers aforesaid; and all Powers and Authorities hereby vested or, which shall by the said Directors be confided to any such Committee, within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at the respective Meetings of such Committee.

Shares may be sold.

CIII. And be it further enacted, That it shall be lawful for the several Proprietors of Shares in the said Undertaking, and their respective Executors, Administrators, and Successors, to sell and dispose of any Shares to which they shall be entitled therein, subject to the Rules and Conditions herein mentioned; and the Form of Conveyance of Shares may be in the following Words or to the like Effect, varying the Names and Descriptions to the contracting Parties as the Case may require:

Form of Conveyance.

‘ I of the Sum of of in consideration
 ‘ of the Sum of paid to me by
 ‘ of do hereby assign
 ‘ and transfer to the said Share [or Shares,
 ‘ as the Case may be], numbered , of and in the Undertaking
 ‘ called the Leeds and Selby Railway, to hold unto the said
 ‘ his Executors, Administrators, and Assigns,
 ‘ [or Successors and Assigns,] subject to the same Conditions as I
 ‘ held the same immediately before the Execution hereof; and I the
 ‘ said. do hereby agree to accept and take the
 ‘ said Share [or Shares] subject to the same Conditions. As witness
 ‘ our Hands and Seals, the Day of .’

Memorials of Transfers of Shares to be kept.

And in every such Sale the Deed or Conveyance (being executed by the Seller and Purchaser of such Share) shall be kept by the Clerk of the said Company, who shall enter in some Book to be kept for that Purpose a Memorial of such Transfer and Sale, and indorse the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Two Shillings and Sixpence shall be paid; and the said Clerk is hereby required to make such Entry or Memorial accordingly, and, on Request, a Certificate of each Share shall be delivered by him to the Purchaser for his or her Security, and for which Certificate no more than Two Shillings and Sixpence shall be paid; and after such Deed of Transfer shall have been made and entered as above directed, the Seller of every such Share shall thenceforth be released from all Liability in respect of the Share thereby transferred, any thing in this Act contained to the contrary notwithstanding; and until such Memorial shall have been made and entered as above directed, such Purchaser shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share, paid to him or her, nor any Vote in respect thereof as a Proprietor of the said Undertaking.

CIV. And

CIV. And be it further enacted, That no Person shall sell or transfer any Share which he or she shall possess in the said Undertaking, after any Call shall have been made by the said Directors for any Sum of Money in respect of such Share, unless he or she at the Time of such Sale or Transfer, shall have paid the full Sum of Money which shall have been called for in respect of each Share so to be sold or transferred.

After a Call, no Share to be sold until Call shall be paid.

CV. And be it further enacted, That the said Company or the Directors of the said Company shall and they are hereby required to cause a true, exact, and particular Account to be kept, and annually made up and balanced on the Thirty-first Day of *March* in each Year, of the Money received by the said Company, or by the Directors or Treasurer of the said Company, or otherwise, 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 or the said Directors up to that Period; and at the next subsequent Yearly Meeting of the Proprietors of the said Undertaking to be from Time to Time held as aforesaid, or at some Adjournment thereof, a Dividend shall be made out of the clear Profits of the said Undertaking, unless such Yearly Meeting shall declare otherwise; and such Dividend shall be at and after the Rate of so much *per* Share upon the several Shares held by the Members thereof in the Joint Stock of the said Company, as such Meeting shall determine: Provided always, that no Dividend shall be declared or paid until the Yearly General Meeting which shall be held next after the Expiration of Four Years from the passing of this Act: Provided also, that no Dividend shall be made whereby the Capital of the said Company shall be in any Degree 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.

Accounts to be made up annually.

CVI. And whereas by the Death of or by other after-mentioned Events happening to Proprietors, or by the Marriage of Female Proprietors of Shares in the said Undertaking, it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid or may belong; be it therefore enacted, 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, an Affidavit, or solemn Affirmation by any Person of the Society of Quakers, in Writing, containing a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, and identifying the Wife as the Proprietor of the Share in respect whereof any such Claim may be made, shall be made and sworn to or solemnly affirmed by some credible Person, before some Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company, who shall file the same, and make an Entry thereof in the Book which shall be kept by the said Clerk for the Entry of Transfers or Sales of Shares; and before any Person

For ascertaining the Proprietorship of Shares in case of the Marriage or Death of the Proprietors.

who

who shall claim any Part or Share of the Profits of the said Undertaking by virtue of any Bequest or Will or in the Course of Administration shall be entitled 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 Administration, shall be produced and shewn to the said Clerk, or a Copy of so much of such Will as shall relate to the Share of the Testator or Intestate shall be made and sworn to or solemnly affirmed to by the Executors of the said Will, or the Administrators of the Intestate, before some Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, and shall also be transmitted to the said Clerk, who shall file and enter the same as herein-before mentioned; and in all Cases other than as herein-before mentioned, when the Right and Property of any Share in the said Undertaking shall pass from any Proprietor thereof to any other Person by any other legal Means than by a Transfer and Conveyance thereof duly made and executed as herein-before directed, an Affidavit or solemn Affirmation in Writing shall be made and sworn to or solemnly affirmed to by some credible Person before some Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share hath been passed to such other Person; and such Affidavit or solemn Affirmation shall be transmitted to the Clerk of 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 Clerk 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 Trust, whether express or constructive, to which any Share aforesaid shall be subject or liable.

Tonnage
Rates may be
taken.

CVII. And be it further enacted, That it shall be lawful for the said Company, from Time to Time and at all Times hereafter, 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 carried or conveyed upon or along the said Railway, or upon or along any Part thereof, any Rates or Tolls not exceeding the following; (that is to say,)

Rates.

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

For Coal, Lime, Limestone to be used otherwise than as Manure, Coke, Culm, Charcoal, Cinders, Stone, Sand, Clay, Fullers Earth, Building, Pitching, and Paving Stones, Flags, Bricks, Tiles, and Slates, Pig Lead, Pig and old Iron, the Sum of One Penny Halfpenny *per Ton per Mile*:

For Sugar, Corn, Grain, Flour, Dyewoods, Timber, Staves, Deals, Lead, Bar Iron, and other Metals, the Sum of Two-pence Halfpenny *per Ton per Mile*.

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

charge for
Carriage.

upon the said Railway all such Goods, Wares, and Merchandize, Articles, Matters, and Things, as shall be offered to them for that Purpose, and to demand, receive, and recover, to and for the Use and Benefit of the said Company, for such Carriage and Conveyance as aforesaid of all Goods, Wares, Merchandize, Articles, Matters, or Things carried and conveyed upon the same, for the whole Length or Distance thereof, including the several Rates or Tolls herein-before authorized to be charged and received as and for Tonnage and Tolls, any Sum not exceeding the following Sums; (that is to say,)

Tolls.

For Lime, Limestone, Dung, Compost, and other Manure, and for Materials for the Repair of public and private Roads, and for Stone, Sand, Clay, Building, Pitching, and Paving Stones, Tiles and Slates, and for Timber, Staves, and Deals, the Sum of Six Shillings *per* Ton:

For Sugar, Corn, Grain, and Flour, Dyewoods, Lead, Iron, and other Metals, the Sum of Seven Shillings *per* Ton:

For Cotton and other Wool, Hides, Drugs, Groceries, and manufactured Goods, the Sum of Eight Shillings and Sixpence *per* Ton:

For Hops, Tea, Wines, Spirits, Vitriol, Glass, and other hazardous Goods, the Sum of Ten Shillings and Sixpence *per* Ton:

And for any Distance short of the whole Length of the said Railway, not exceeding a rateable Proportion of such several Sums according to the Distance:

And for Coal, Coke, Culm, Charcoal, and Cinders, carried or conveyed along the said Railway or any Part thereof, the Sum of Two-pence Halfpenny *per* Ton *per* Mile:

And for Persons, Cattle, and other Animals, such reasonable Charge as shall from Time to Time be determined by the said Company.

Company not
to be com-
pelled to
receive less
than Nine-
pence *per*
Ton for short
Distances.

CXII. Provided always, and be it further enacted, That in all Cases where any Article, Matter, or Thing shall be carried or conveyed upon the said Railway for so short a Distance that the Rate or Toll or Sum of Money authorized by this Act to be demanded or received for the Carriage of the same shall not amount to Nine-pence *per* Ton, the said Company are hereby empowered to demand the Sum of Nine-pence *per* Ton thereon; any thing in this Act contained to the contrary thereof notwithstanding.

Power to
reduce the
Tolls.

CXIII. And be it further enacted, That it shall be lawful for the said Company, from Time to Time and as often as they shall think fit, to reduce all or any of the Rates, Tolls, or Sums by this Act authorized to be taken for or in respect of all or any of the Articles, Matters, or Things in this Act specified or mentioned, which shall be conveyed upon the said Railway or any Part thereof, and afterwards from Time to Time again to raise the same or any of them, so that the same shall not at any Time exceed the Amount by this Act authorized.

Company
may fix the
Prices of
small Parcels.

CXIV. Provided always, and be it further enacted, That it shall be lawful for the said Company from Time to Time at any General Meeting of the said Company to make such Orders for ascertaining
and

and fixing the Price or Sum to be charged or taken by the said Company for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight) upon the said Railway or upon any Part thereof, and from Time to Time to repeal or vary the same, as to them shall seem proper.

CXV. Provided always, and be it further enacted, That the said Company shall cause to be painted on Boards, and affixed and continued, and renewed as often as the same shall be obliterated or defaced, to or upon every public Wharf at which any of the Tolls, Rates, or Sums by this Act authorized shall be collected or received, and to or upon every Stop Gate or Toll House on the said Railway, in some conspicuous Place, in large and legible Characters, an Account or List of the several Rates and Tolls which the said Company shall from Time to Time direct and appoint to be taken, and of the Prices or Sums of Money to be taken for the Carriage of Parcels as aforesaid, upon the said Railway or any Part thereof; and in case any Owner or Master of or Person having or assisting in the Charge of any Waggon or other Carriage passing upon the said Railway, or any Collector of the Rates, Tolls, or Sums 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.

A List of the Tolls to be printed on Boards and placed in conspicuous Places.

CXVI. Provided also, and be it further enacted, That it shall not be lawful for the said Company to demand or take any Rates, Tolls, or Sums for or in respect of any Articles, Matters, or Things, or any Carriage, Passenger, Horse, Beast, or Cattle, but for and during such Time as the Board on which such Rates, Tolls, or Sums shall be so painted as aforesaid shall remain affixed to such public Wharf, Stop Gate, or Toll House as aforesaid.

Tolls only payable whilst Board remains.

CXVII. And be it further enacted, That if any Person shall wilfully pull down, deface, or destroy any Board whereon any Rules, Orders, Bye Laws, Rates, Tolls, or Sums shall have been painted as aforesaid, or shall concur or aid therein, he or she shall, on Conviction, forfeit and pay a Sum not exceeding Five Pounds for every Offence, to be levied and applied as other Penalties are by this Act directed to be levied and applied.

Penalty on Persons defacing Boards.

CXVIII. And be it further enacted, That every Toll Collector 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 Stop Gate, Toll House, or Toll Gate, or Wharf, 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 Length 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, Tolls, or Sums 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

For preventing Toll Collectors misbehaving.

take a greater or less Rate, Toll, or Sum from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the said Company made in pursuance thereof, or shall demand or take a Rate, Toll, or Sum from any Person who shall be exempt from the Payment thereof and claim such Exemption, 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 and placed as aforesaid, or shall refuse to tell his Christian or Surname to any Person who shall demand the same on having paid the legal Rates, Tolls, or Sums, or shall in answer to such Demand give a false Name or Names, or upon the legal Rate, Toll, or Sum being paid or tendered, shall unnecessarily detain or wilfully obstruct or prevent any Passenger from passing through any Stop Gate or Toll Gate, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Engineer, or other Officer of the said Company, or to any Passenger upon the said Railway, then and in every such Case every such Toll Collector shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Recovery of Rates.

CXIX. And be it further enacted, That the Rates of Tonnage, Tolls, and other Sums 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 at some General or Special Meeting or as the said Directors shall, by Notice to be annexed to the Account or List of Rates, Tolls, or Sums, direct or appoint; and in case of Refusal or Neglect, on Demand, to pay such Rates, Tolls, or Sums as may have accrued due unto the Persons appointed to receive the same as aforesaid, the said Company may, in case such Rates, Tolls, or Sums shall amount to the Sum of Ten Pounds or upwards, sue for and recover the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record, or the Persons to whom such Rates, Tolls, or Sums ought to have been paid may and they are hereby respectively empowered to seize the Goods, Chattels, and other Things for or in respect whereof any such Rates, Tolls, or Sums ought to be or to have been paid, or any Part thereof, and the Waggon or other Carriage laden therewith, and detain the same until such Payment shall be made, together with reasonable Charges for such Seizure and Detention; and if such Goods shall not be redeemed within Twenty-one Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent: Provided always, that in case such Rates, Tolls, or Sums so due as aforesaid shall not amount to the Sum of Ten Pounds, it shall not be lawful for the said Company to sue for the same by Action of Debt or on the Case, but the same shall and may be recovered by Distress and Sale only, as is herein mentioned.

Disputes about the Amount of Rates to be settled by Justices.

CXX. Provided also, and be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates, Tolls, or Sums 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

of the Rates, Tolls, or Sums due, or, as the Case may require, the Amount of the Charges of seizing, distraining, keeping, or selling such Distress, shall be ascertained by some Justice of the Peace for the said West Riding of the County of *York* or for the Borough of *Leeds*, within their respective Jurisdictions, 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, Tolls, or Sums due, or (as the Case may be) of the said Charges; 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 Non-payment 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.

CXXI. And be it further enacted, That it shall be lawful for the said Company at any of their General Meetings, by Writing under their Common Seal, at any Time to let to farm the Rates, Tolls, and Sums hereby made payable, or any Part thereof, upon the Whole or any Part of the said Railway, unto any Person 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 effectual, and the respective Lessees thereof, and also such Persons as such Lessees shall appoint to collect and receive the Rates, Tolls, or Sums so let, shall during the Continuance of any such Lease be deemed Collectors of the Rates, Tolls, or Sums so let, but for the proper Use of the Lessees, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company; provided that public Notice of the Intention to let the said Rates, Tolls, and Sums, or the Part thereof intended to be let, shall be given in Writing by the said Directors, or by the Clerk of the said Company, by Advertisement published in some Newspaper or Newspapers circulated within the said West Riding of the said County of *York* and the said Town of *Kingston-upon-Hull*, at least Thirty Days prior to any General Meeting at which it may be in Intention, or proposed, that the said Rates, Tolls, and Sums, or any Part thereof, shall be let as aforesaid.

Company
empowered
to lease the
Rates, &c.

CXXII. And be it further enacted, That the respective Owners or Persons having the Care of Waggon or other Carriages passing upon the said Railway shall give an exact and true Account in Writing signed by them to the Collectors of the Rates, Tolls, or Sums, at the Places where they shall attend for that Purpose, of the Quantity of Goods and other Things as aforesaid which shall be in the Waggon or other Carriages so belonging to or under their Care, and from whence such Waggon or other Carriages are brought, and where the same are intended to be unloaded or left; and if the Goods or other Things contained in any such Waggon or other Carriage shall be liable to the Payment of different Rates, Tolls, or Sums, then such Owners or other Persons shall specify the respective Quantities liable to each or any of the said Rates, Tolls, or Sums; and in case

Owners or
Conductors
of Waggon
to give Ac-
count of
Lading.

[*Local.*]

20 T

any

any such Owner or other Person as aforesaid shall neglect or refuse to give and deliver such an Account, or to produce his Bill of Lading, to any Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading or Goods at any other Place than is mentioned in such Account, with an Intent to avoid the Payment of any of the said Rates, Tolls, and Sums, and shall be thereof convicted before any Justice of the Peace for the said West Riding of the said County of *York* or for the said Borough of *Leeds*, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings for every Ton of Goods, or for every Parcel not exceeding Five hundred Pounds Weight, and so in proportion for any less Quantity than a Ton or Five hundred Pounds Weight, as the Case may be, which shall be in such Waggon or other 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 delivered out as aforesaid, as the Case shall happen, over and above the Rate, Toll, or Sum to which such Articles or Things may be liable.

Weight of
Tonnage
ascertained.

CXXIII. And for better ascertaining the Tonnage of Goods and other Things to be charged with the Payment of such Rates or Tolls, be it further enacted, That One hundred and twelve Pounds Weight shall be deemed One Hundred Weight, and Twenty such Hundred Weight shall be deemed One Ton; and for ascertaining the Tonnage of 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; any Usage to the contrary notwithstanding.

In case of
Difference
concerning
the Weight
of Waggons
Collector
may weigh
or measure
them.

CXXIV. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, Tolls, or Sums, or any Toll Keeper, Officer, or Servant of the said Company, and any Owner of or Person having the Charge of any Waggon or other Carriage passing upon the said Railway, or any Goods or other Things in or on such Waggon or Carriage, it shall be lawful for such Collector or other Officer as aforesaid to stop and detain any such Waggon or other Carriage, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, such Waggon or other Carriage, and all such Goods and other Things as shall be therein or thereon; and in case the same shall, upon such weighing, measuring, and gauging, appear to be of greater Weight or Quantity 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 Waggon or other 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 weighing, measuring, and gauging; all which Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered and levied by and in such Ways and Manner as the said Rates, Tolls, and Sums are herein authorized to be recovered and levied; but if such Goods or other Things shall appear to be of the same 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 weighing, measuring, or gauging, and shall also pay to such Owner of or Person having Charge of such Waggon or Carriage, and to the respective Owners of such Goods or other Things, such Damage as shall appear to any Justice of the Peace for the West Riding of the County of *York* or for the Borough of *Leeds*, on the Oath 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, that such Detention, and weighing, measuring, 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 weighing, measuring, and gauging, and shall also pay to such Owner or Person, or to the respective Owners of such Goods or other 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 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 be).

CXXV. And be it further enacted, That the respective Owners of Waggons or other Carriages passing upon the said Railway shall cause their Names and Places of Abode, and the Numbers of their respective Waggons or other Carriages, to be entered with the Clerk of the said Company, and shall also cause such Names, Places of Abode, and Numbers to be painted and continued in large White Capital Letters and Figures on a Black Ground, Two Inches in Length at least and of a proportionate Breadth, on some conspicuous Part of the Outside of every such Waggon or other Carriage, so as to be always open to View, and shall permit every such Waggon or other Carriage to be weighed, measured, and gauged, at the Expence of the said Company, whenever it shall be required by them, or by any Person by them appointed for that Purpose, and shall mark in like Manner the Weight and Gauge of every such Waggon or other Carriage on some conspicuous Part of the Outside thereof; and every Owner of or other Person having the Care of any Waggon or other Carriage or who shall conduct the same upon the said Railway, without having such Waggon or other Carriage previously weighed, measured, and gauged, or without having such Weight and Gauge, and such Names, Residence, and Figures, marked thereon respectively, as herein-before directed, or who shall alter, erase, deface, or hide such Weight or Gauge, or Names, Residence, or Figures, or any of them, or any Part thereof, or shall fix thereon any false Weight, Gauge, Name, Residence, or Figure, or shall refuse to permit any such Waggon or other Carriage to be weighed, measured, or gauged, shall forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings for every such Offence.

Owners to
put their
Names on
the Outside
of their
Waggons.

CXXVI. And

Owners of
Waggons to
be account-
able for Da-
mage done
by their Ser-
vants.

CXXVI. And be it further enacted, That the respective Owners of Waggons or other Carriages passing upon the said Railway shall be and they are hereby made answerable for any Trespass, Damage, or Mischief which may be done by their Waggons or other Carriages, or by any of the Waggoners or Drivers or other Persons belonging to or employed by them, to the said Railway, or to any Bridges, Engines, Embankments, Cuttings, Inclined Planes, Tunnels, or other Works or Conveniences made by virtue of this Act, either by loading or unloading such Waggons or other Carriages, or by any Means whatsoever; and every such Owner shall, for every such Trespass, Damage, or Mischief, upon Conviction of any such Waggoner, Driver, or other Person before some Justice of the Peace, either by the Confession of the Party offending or upon the Oath of some credible Witness, pay to the said Company or to the Person injured 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 Five Pounds, and all Costs, Charges, and Expences attending such Conviction; all which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of such Waggon or other 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, and Costs, together with the Costs and Charges of such Distress and Sale, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; but if the Value or Amount of such Trespass, Damages, or Mischief shall exceed the Sum of Twenty Pounds, the Owner or Owners of such Waggon or other Carriage, and his, her, or their Executors or Administrators, may 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, her, or them, 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 to
recover from
their Ser-
vants Money
paid for their
Neglect, &c.

CXXVII. Provided always, and be it further enacted, That in case any Owner of any Waggon or other Carriage passing upon the said Railway 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 or her 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 made by such Owner of the Payment by him or her of such Penalty and Satisfaction, or either of them, (as the Case may be,) and that the same have not or hath not been repaid to him or her by such Servant, although demanded, (such Oath being made before some Justice of the Peace for the County or Place in which such Penalty or Damages was or were 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

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 or her 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 is hereby required to commit such Servant to some Common Gaol or House of Correction for the said County or other Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

CXXVIII. And be it further enacted, That if any Person shall throw or place or wilfully scatter or drop any Gravel, Stone, Rubbish, or other Matter or Thing upon any Part of the said Railway, unless by Authority of the said Company, or shall wilfully obstruct or prevent any Person in the 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 or she shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds for every such Offence.

Penalty on Persons obstructing the free Course of Railway.

CXXIX. And be it further enacted, That if any Person shall wilfully, and to the Injury 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, every Person being lawfully convicted of any such Offence shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be transported for the Term of Seven Years, or, in mitigation of such Punishment, such Court may, if they think fit, award such Sentence as the Law directs in Cases of Larceny.

Penalty on destroying Works.

CXXX. 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 or relating to Waggons or other Carriages passing upon the said Railway, and for or relating to the Power to be used for propelling such Waggons or Carriages, and also for or relating to the Speed with which they shall travel, and also for the loading thereof respectively, and for passing upon or using the said Railway or other Works by this Act authorized, and also for the Delivery of Goods, Merchandize, and other Matters and Things which shall be conveyed in or upon such Waggons or other Carriages, and generally for using and working such Railway; and all such Orders and Regulations shall be submitted to Two or more Justices of the Peace for the said West Riding of the said County of *York*, and when ratified by such Justices shall be binding upon and be conformed to by the said Company, and by all Owners of and Persons having the Care or Conduct of such Waggons or other Carriages, and by all Persons using or working the said Railway, upon pain of forfeiting a Sum not exceeding Forty Shillings for every Default.

Company to regulate the Passage on the Railway.

Penalty for obstructing Railway by leaving Waggon, &c.

CXXXI. And be it further enacted, That if the Loading of any Waggon or other Carriage using the said Railway shall be suffered to extend more than Two Feet over and beyond the Flanch or Lip of each or any Wheel of such Waggon or other Carriage, or if any Waggon or other Carriage, or any Goods, Merchandize, Article, Matter, or Thing 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 Waggon or other Carriage, Goods, Merchandize, Article, Matter, or Thing, shall not immediately upon Request made remove the same, then and in every such Case, and without Prejudice to any other Clause 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 Waggon or other Carriage, Goods, Merchandize, Article, Matter, or Thing, 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 Waggon or other Carriage, Goods, Merchandize, Article, Matter, or Thing, or any Part thereof, until the Charges occasioned by such unloading or Removal 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 or Removal, or for any Delay occasioned thereby, nor in any other Way relating thereto, except for wilful Damage done to any Waggon, Carriage, or Goods so unloaded or removed, nor shall they or he be liable for the safe Custody of any such Waggon or other Carriage, or any Goods which shall be so removed, 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.

Company to erect Gates, &c. for Protection of adjoining Lands.

CXXXII. And be it further enacted, That the said Company shall, at their own Expence, after any Part of the said Railway shall be laid out and formed, forthwith make and set up, and from Time to Time maintain, such and so many convenient Gates in and upon or adjoining the said Railway, and such Bridges, Arches, 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 for the said West Riding of the County of *York* or for the said Borough of *Leeds*, within their respective Jurisdictions, shall from Time to Time judge necessary and appoint, (in case there shall be any Dispute about the same,) for the Use of the Owners and Occupiers of the Lands and Grounds through which such Railway shall be made, or for protecting the said Lands and Grounds 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 other 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 set up 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, Surveyors, and Workmen, are hereby authorized and empowered to enter into and upon all Lands and Grounds 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 or along such Lands or Grounds, 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 set up 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 or Grounds who shall find themselves aggrieved by such Neglect or Refusal to make and set up, 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 set up as aforesaid, so that in making or repairing and 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 and erected by the said Company, shall not be obstructed for any longer Space of Time or be injured in any other Manner than shall be unavoidably necessary for the doing thereof ; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices, shall be repaid to the respective Owners or Occupiers of the said Lands or Grounds who shall have so made and set up, repaired or 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 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), after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices ; and 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 Bridge or Arch 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

If Company neglect to erect Gates, &c. the Owners or Occupiers may, and charge the Expences to the Company.

any Place or Manner at or in which the same would if so made prevent or obstruct the working or using of the said Railway.

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

CXXXIII. Provided always, and be it further enacted, That if any of the Owners or Occupiers of any Lands, Tenements, or Hereditaments through which the said Railway shall be made shall at any Time apprehend that any of the Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, or Passages which the said Justices shall have so directed or appointed to be made by the said Company are insufficient, either in Number or Situation, for the commodious Use or Occupation of the respective Lands, Tenements, or Hereditaments 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 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, to make and erect, at the Costs and Charges of such Owners or Occupiers, any other Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, or Passages, of the same or like Construction or Form with those made and erected by the said Company, in, upon, along, or near to the said Railway, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands, Tenements, or Hereditaments, which shall thenceforth be repaired and maintained by and at the Costs and Charges of the respective Owners or Occupiers for the Time being of the respective Lands, Tenements, or Hereditaments the respective Owners or Occupiers of which shall have made or erected the same, so that the Passage through or along the said Railway be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if such Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, and Passages had been made or erected by the said Company.

Owners and Occupiers of adjoining Lands to pass along Railway without Payment of Toll.

CXXXIV. Provided always, and be it further enacted, That it shall be lawful for the respective Owners and Occupiers of any Lands through which the said Railway shall be made, and their Servants and Workmen, at all Times to pass and repass directly over and across such Part of the said Railway as shall be made in or upon the said Lands, and also along and upon the same, so far only as their own Lands extend and adjoin such Railway, not damaging or obstructing the same or the Passage thereof, without Payment of any Toll or Tonnage for the same, provided they shall not pass across, along, or upon any other Part of the said Railway: Provided also, that it shall be lawful for the respective Occupiers of any Lands through which the said Railway shall be made, and their Servants, to ride, lead, or drive any Horse, Mule, or Ass, Cow or any other Neat Cattle, Sheep, Swine, or any other Beast, along and upon the said Railway as far only as the Lands in their Occupation shall extend, for the Purpose only of occupying the same Lands, such Persons not damaging or obstructing the said Railway or the Passage thereof.

CXXXV. And

CXXXV. And be it further enacted, That all Persons shall have free Liberty to use, with Carriages, all Roads, Ways, and Passages, for the Purpose of conveying Goods, Wares, Merchandize, or other Things, or Passengers, or Cattle, to or from the said Railway and every Part thereof, and also to pass along and upon and use the said Railway with Waggon or other Carriages properly constructed as by this Act directed, upon Payment only of such Rates, Tolls, and Sums as shall be demanded by the said Company, not exceeding the respective Rates, Tolls, or Sums herein-before mentioned or referred to, and subject to the Rules and Regulations which shall from Time to Time be made by the said Company by virtue of the Powers herein granted.

Railway to be free on Payment of Tonnage.

CXXXVI. And be it further enacted, That if any Person (save and except the said Company, and their Agents and Servants employed by them, and by them only for the Purposes of the said Railway,) shall ride, lead, or drive, or cause to be ridden, led, or driven, or aid or assist in leading or driving, upon such Railway or on any Part thereof, without the Licence and Consent of the said Company, any Horse, Mule, or Ass, or shall lead or drive or cause to be led or driven thereon, or aid or assist in leading or driving thereon, any 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, and except also in passing along the same as aforesaid for the necessary Occupation of the respective Lands through which the said Railway may be laid, every Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings nor less than Twenty Shillings for every such Offence.

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

CXXXVII. And whereas it might be very injurious to the said Railway, and inconvenient and dangerous to the Public, if the said Railway were permitted to be used by Persons on Foot; be it therefore further enacted, That if any Person shall travel or pass on Foot upon the Railway by this Act authorized to be made, without the Licence and Consent of the said Company, (except for the Purpose of attending any Waggon or other Carriage under his Care, and also except the Owners or Occupiers of any of the Lands or Premises adjoining to the said Railway, their Families, Agents, or Servants, in passing across or along the same, as herein-before authorized, to and from the respective Lands or Grounds through which the said Railway may be made,) every Person so offending shall forfeit and pay to the said Company any Sum not exceeding Twenty Shillings for every such Offence.

Penalty on Persons on Foot using the Railway.

CXXXVIII. And be it further enacted, That no Person shall pass upon the said Railway with any Waggon or other Carriage, unless the same shall be constructed agreeably to the Orders and Regulations and approved of by the Engineer of the said Company, which Orders and Regulations shall be fixed on a conspicuous Part of every Toll House erected on such Railway, except in crossing or passing along the same, as herein-before authorized, for the convenient Occupation of the respective Lands through which such Railway shall be laid, or in passing any public or private Carriage Road which

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

may happen to cross the said Railway; and if any Person shall pass upon any Part of the said Railway with any Waggon or other Carriage not constructed in the Manner herein-before directed (except as aforesaid), he or she shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds for every such Offence.

Weights allowed to be carried on the Railway.

CXXXIX. And be it further enacted, That no Waggon or other Carriage shall carry at any One Time upon any Part of the said Railway, including the Weight of such Waggon or Carriage, more than Four Tons, 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 Waggon or Carriage, and for the Tonnage or Carriage of which the said Company are hereby authorized to receive and take such Rates as they may from Time to Time direct or appoint, not exceeding Four-pence *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 Waggon or other Carriage, shall be carried upon any Part of the said Railway without the special Licence of the said Company or their Agents, and for the Tonnage or Carriage of which the said Company are hereby authorized to receive and take such Rates as they may deem proper.

For fencing off Railway through private Lands.

CXL. Provided always, and be it enacted, That the said Company shall and they are hereby required, at their own proper Charges, after any Land shall be taken for the Use of the said Railway and other Works, to divide and separate the same, and to keep the same constantly divided and separated, from the Lands adjoining to such Railway and other Works, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, in case the Owners of such Lands adjoining to such Railway and other Works, or any of them respectively, shall at any Time desire the same to be fenced off, or in case the said Company shall think proper to fence off the same, instead of erecting Gates across the same as aforesaid; and the said Company shall also 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 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 to be shut after Waggons shall have passed through them.

CXLI. And be it further enacted, That all Persons opening any Gate set up across the said Railway shall and they are hereby respectively required, as soon as they, and the Waggon or other Carriage under their Care, or which they may accompany, shall have passed through the same, to shut and fasten the said Gate; and every Person neglecting so to do shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings; and the Money to arise by such

such Forfeitures shall be paid, One Half Part thereof to the Informer, and the Residue thereof to the Poor of the Township or Parish wherein such Offence shall be committed.

CXLII. And be it further enacted, That it shall be lawful for the Owners and Occupiers of the respective Lands, Tenements, or Hereditaments adjoining or lying near to the said Railway, and for all other Persons, to lay down, either upon their own Lands or upon the Lands of any other Persons, with the Consent of such other Persons, any collateral Branches from their respective Lands, Tenements, or Hereditaments, 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 Branches so to be made by any such Owner or Occupier or Person as aforesaid.

Allowing the Owners of Land to make Branches to communicate with the Railway.

CXLIII. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent any Owner of any Lands, Tenements, or Hereditaments lying adjoining or near to the said Railway, from making any Railway, Tramroad, Common Road, or Watercourse to, from, across, or under the said Railway hereby authorized to be made, and to use such first-mentioned Railway, Tramroad, Common Road, or Watercourse for the Benefit of himself or herself and of all other Persons to whom he or she may from Time to Time give Leave, so that such Railway, Tramroad, Common Road, or Watercourse do no Injury to and do not prevent the free Passage upon the said Railway hereby authorized to be made by the said Company, for any greater Length of Time than shall be absolutely necessary for executing the necessary Works, which shall be done under the Superintendence, Direction, and to the Satisfaction of the said Company's Engineer: Provided nevertheless, that in case any Damage or Obstruction shall be thereby done or occur to or in such Railway or Works, the same shall be forthwith repaired or removed (as the Case may be) by and at the Expence of the respective Owners of the Land for whose Benefit any such Railway, Road, or Watercourse may be made; 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, by Distress and Sale of the Goods and Chattels of such respective Owners, or by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

Roads may be made across the Railway by the Owners of adjoining Lands.

CXLIV. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized, in the Name of the said Company or of such Person or Persons as they shall for that Purpose appoint, to contract and agree with any Person or Persons for making the said Railway or any Part thereof, or any other of the Works

Company may contract for the Works.

Works hereby authorized to be made or done by the said Company, and that in such Manner and for such Sums, and under such Regulations and Restrictions, as the said Company shall think proper; and all Contracts in Writing for any of the Purposes aforesaid 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, against the said Company or any of the Parties failing in the Execution thereof.

Company to
make suffi-
cient Drains,
&c. to carry
the Water off
the Lands.

CXLV. And be it further enacted, That the said Company shall and they are hereby required, at their own proper Costs and Charges, 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 or Grounds 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 or Grounds; 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 or Grounds adjacent thereto shall be deprived of as easy Access as before to their ancient Watering Place, 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 readily 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, along, or under the said Railway, or in, through, over, and across any Lands or Grounds thereto adjoining, of such Dimensions, and in such Manner, and with such proper and convenient Bridges over and Tunnels for the same respectively, as any Two or more Justices of the Peace for the said West Riding of the said County of *York* or for the said Borough of *Leeds* (as the Case may require) 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 from such Rivers, Brooks, or Springs, or other Sources or Feeders, 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 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, it shall be lawful for any Person to apply for an Order in Writing from any Two or more Justices of the Peace for the said West Riding of the said County of *York* or for the said Borough of *Leeds* (as the Case may require), from Time to Time, as often as there shall be Occasion, and the said Justices are hereby authorized

authorized and empowered, at their Discretion, to make and grant such Orders as aforesaid, enabling such Person to make or cleanse and repair such Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages accordingly, and the reasonable Expences thereof (to be ascertained by such Justices) shall be defrayed by the said Company; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Five Days after Demand thereof made upon the said Company, such Expences shall and 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.

CXLVI. And be it further enacted, That in all Cases wherein it may be necessary for any Person or Party to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon the said Company, Service thereof respectively upon any Two of the Directors of the said Company, or left at their last or usual Places of Abode, or upon the Clerk or Treasurer of the said Company, or left at the Office of such Clerk or Treasurer, or at his last or usual Place of Abode, or at the Office of the said Company, or in case the same respectively shall not be found or known, then Service upon any other Agent of or Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company; and in all Cases wherein it may be necessary for the said Company to give any Notice to any Body Politic, Corporate, or Collegiate, or to any Person whomsoever, under the Provisions or Directions contained in this Act, such Notice shall or may be in Writing or in Print, or partly in Writing or partly in Print, and be signed by the Clerk for the Time being of the said Company, or by the Treasurer of the said Company, without being required to be under the Common Seal of the said Company, and such Notice shall be delivered to such Person, or be left at his or her last or usual Place of Abode, or be delivered to some Member of such Corporation, or be left at his last or usual Place of Abode, or to some Clerk or other Officer of such Corporation, or be left at the Office of such Clerk or Officer, or at his last or usual Place of Abode, except in Cases in which any other Mode of giving such respective Notices is by this Act particularly directed.

CXLVII. Provided also, and be it further enacted, That unless the said Company shall within the Space of Three Years, to be computed from the passing of this Act, agree for or cause to be valued, and pay for, as in this Act is mentioned, the Lands, Tenements, and Hereditaments 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 Twenty Acres of Land which the said Company are by this Act authorized to purchase, in addition to the Lands, Tenements, and Hereditaments hereby authorized to be taken or used for making the said Railway or other Works), then and from thenceforth the Powers

[Local.]

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which

Service of
Notice on
the Company.Service of
Notice by
the Company.If Land not
contracted
for within
Three Years,
Power of
purchasing to
cease.

which are hereby granted to them for taking or using such Lands, Tenements, or Hereditaments shall cease and be utterly void.

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

CXLVIII. Provided also, and be it further enacted, That in case the said Railway and Works shall not have been made and completed (unless prevented by inevitable Accident) within the Space of Five Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Five 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 have been declared and certified to be completed within the said Term by the Justices of the Peace of the said West Riding of the said County of *York* or for the Borough of *Leeds*, assembled at any Quarter Sessions of the Peace to be holden in and for the said West Riding of the said County of *York* or Borough of *Leeds*, as the Case may be, at any Time before the Expiration of the said Term of Five Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses upon Oath or Affirmation to be produced before them for that Purpose.

If Railway abandoned, the Land to vest in the Owners of adjoining Land proportionately.

CXLIX. Provided also, 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, Tenements, and Hereditaments so purchased or taken by the said Company for the Purposes of this Act, or otherwise the Part or Parts thereof over which the said Railway, or any Part or Portion of such Railway which shall be so abandoned or given up by the said Company, shall pass, shall vest in the Person or Persons of whom the same shall have been purchased, if such Person or Persons be in *England*, and be conveniently found, but if such Person or Persons be not so found, then the same shall vest in the Owner or Owners of the Land adjoining that which shall be so abandoned or given up in manner following; that is to say, a Moiety thereof in the Owner or Owners of the Land on the one Side, and the Remainder thereof in the Owner or Owners of the Land on the other Side thereof.

Power of Re-entry.

CL. And be it further enacted, That in case any of the Rates, Tolls, or Sums arising by virtue of this Act shall be demised or let to farm to any Person 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 such Lessee or Farmer shall be in arrear or unpaid for the Space of Fourteen 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, Tolls, or Sums, or in case any temporary or other Collector of any of the said Rates, Tolls, or Sums shall be discharged from his Office by virtue of this Act, 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, or abscond, absent himself, or be discharged, or any other Person, being in Possession thereof, shall refuse to deliver up or shall not deliver up Possession of any Toll House, Weighing Machine, or other Building, with the Gardens and other Appurtenances thereto respectively belonging, to be erected or provided under the Powers of this Act, for or within the Space of Three Days after Demand thereof made in Writing given or left at such Toll House, Weighing Machine, or Building, or at any of such Toll Houses, Weighing Machines, or Buildings which shall be or have been in the Possession or Occupation of such Collector or other Person, such Demand in Writing to be signed by any Two or more of the Directors (although not assembled at a Meeting), or by the Clerk or Treasurer 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 for the said West Riding of the County of *York* or for the said Borough of *Leeds*, within their respective Jurisdictions, upon Application made by the said Directors, or by the Treasurer or Clerk for the Time being of the said Company, by Warrant under the respective 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, Weighing Machine, or other Building, with the Gardens and all other the Appurtenances thereto belonging, and to remove and put such Lessee or Farmer or other Person who shall be found therein, together with his or her Goods, from and out of the same and the Possession thereof, and from the Collection of such Rates, Tolls, or Sums, and to put the said Company, or their Agent, or their new Lessee, Farmer, or Collector, into the Possession thereof; and thereupon it shall be lawful for the said Directors, if they shall see fit, 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 or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part); and it shall be lawful for the said Company or Directors in every such Case, either during such Proceedings or on the Termination thereof, again to demise or let to farm the said Rates, Tolls, and Sums to 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.

CLI. 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 or Complaint for any Offence committed against this Act, 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 or her Costs and Charges, without a reasonable Excuse for his or her Refusal or Neglect,

For compelling Witnesses to attend, and give Evidence.

Neglect, or appearing shall refuse to be examined upon Oath or (in the Case of a Quaker) on solemn 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 Five Pounds for every such Offence.

The Com-
pany may
grant Re-
leases to
Witnesses.

CLII. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, for any Claim or Compensation against or for or on behalf of the said Company, and also in all Prosecutions commenced or instituted 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 one of the Directors of the Company, for and on behalf 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, and discharging any Person who shall or may be produced as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding as aforesaid, from any Claim or Demand which may be necessary to be released by the said Company, so as to qualify such Person to give Evidence as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding aforesaid, and also to do, with the Approbation aforesaid, any other Act, Matter, or Thing in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding which any Plaintiff or Defendant may do in any Action, Suit, or Prosecution, 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.

In case of
Nonpayment
of Compen-
sation for
Damages, &c.
the same to
be levied by
Distress of
the Goods of
the Company
or of their
Treasurer.

CLIII. And be it further enacted, That when and so often as 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 Damage 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 from 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 the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, 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 as or by way of Compensation or Satisfaction for any such Materials, Costs, Damage, or Injury as aforesaid; 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,

dispute, and also the Costs and Expences of such Distress and Sale; then and in such Case such Overplus of the Money arising from such Sale shall be returned, on Demand, to the Treasurer of the said Company, for the Use of the said Company, or of their Treasurer for the Time being, as the Case may be: Provided always, that it shall be lawful for such Treasurer to retain, out of any Monies which he shall have received or shall receive in pursuance of this Act, all such Damages, Costs, Charges, and Expences as he shall have sustained or have been put unto by virtue of any such Warrant as aforesaid.

CLIV. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or by virtue of any Bye Law, Rule, or Order 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 Justices of the Peace for the said West Riding of the County of *York* or for the said Borough of *Leeds*, (as the Case may require,) on Complaint to them for that Purpose made, and afterwards be levied, as well as 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 Treasurer or Treasurers of some One or more charitable Institution or Institutions, at the Discretion 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 or Place within which the Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish 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 authorized and required, to order the Offender so convicted to be detained and kept 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 for his or her Appearance before such Justices, or before some other Justices of the Peace having Jurisdiction, on such Day as shall be appointed for the Return of such Warrant of Distress (such Day not being 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 can be had whereupon to levy the said Penalties 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 or she hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and

Recovery and
Application
of Penalties.

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 in such Case it shall be lawful for such Justices, and 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, Riding, or Place within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be sooner 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.

Damages and Charges, in case of Dispute, to be settled by Two Justices.

CLV. 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 or of any Dispute respecting the same, shall be ascertained and determined by some Two or more Justices of the Peace; 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 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.

Justices may proceed by Summons in the Recovery of Penalties.

CLVI. 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, 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 or her to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing shall have been exhibited before such Justice; and all such Proceedings by Summons without Information in Writing shall be as valid and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

For securing unknown Offenders.

CLVII. And be it further enacted, That it shall be lawful for any Collector, Surveyor, or other Officer of the said Company, and all such Persons as he shall call to his Assistance, to seize and detain any Person, being unknown to such Collector, Surveyor, or other Officer, who shall commit any Offence against this Act, and to convey him or her before some Justice of the Peace for the County, Riding, or Place where the Offence shall be committed, without any other Warrant or Authority than this Act for so doing; and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

CLVIII. And

CLVIII. And be it further enacted, That all 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, One of His
 ‘ Majesty’s Justices of the Peace for that
 ‘ of [here describe the Offence, with the Time and
 ‘ Place,] contrary to an Act passed in the Eleventh Year of the
 ‘ Reign of His Majesty King *George* the Fourth, intituled [insert the
 ‘ Title of this Act], which hath imposed a Forfeiture of
 ‘ for the said Offence.
 ‘ Taken the Day of before me ’

Form of Information.

‘ to wit. } **BE** it remembered, That on the Day of
 ‘ in the Year of our Lord
 ‘ *A. B.* is convicted before me *C. D.*, One of His Majesty’s Justices
 ‘ of the Peace for the County [or Borough, as the Case may be,] of
 ‘ [specifying the Offence, and the Time and Place when
 ‘ and where the same was committed, as the Case may be,] contrary to
 ‘ an Act passed in the Eleventh Year of the Reign of King *George*
 ‘ the Fourth, intituled [here set forth the Title of this Act]. Given
 ‘ under my Hand and Seal, the Day and Year first above written.’

Form of Conviction.

CLIX. 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 any Party making the same deemed a Trespasser, on account of any Defect or Want of Form in the Summons, 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 shall and may recover full Satisfaction for the special Damage by an Action upon the Case.

Distress not unlawful for Want of Form.

CLX. And be it further enacted, That all Bodies and Persons who may think themselves aggrieved by any Order or Judgment made or given in pursuance of any Bye Law, Rule, or Order of the said Company or of the said Directors, and the said Company and all other Bodies and Persons 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 Three 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, Riding, or Place where the Cause of Appeal shall happen to arise, first giving Fourteen 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

Persons aggrieved may appeal to the Quarter Sessions.

the said Company, as the Case may be, and forthwith after such Notice 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, adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County, Riding, or Place; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, or may order any Money to be returned which shall have been levied in pursuance of such Bye Law, Rule, Order, 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 in their Judgment shall think just and reasonable.

Authenti-
cated Bye
Laws to be
Evidence.

CLXI. Provided always, and be it further enacted, That in all Cases of Prosecution for Offences against the Bye Laws, Rules, or Orders of the said Company, the Production of a written or printed Paper purporting to be the Bye Laws, Rules, or Orders of the said Company, and authenticated by having the Common Seal of the Company affixed thereto, shall be Evidence of the Existence of such Bye Laws, Rules, or Orders; and it shall be sufficient to prove that a Board, painted according to the Directions of this Act, purporting to be a Copy of such Bye Laws, Rules, or Orders, hath been affixed and published in manner by this Act directed, and in case of its being afterwards displaced or damaged, hath been replaced by another such Board as soon as conveniently might be, unless Proof shall be adduced by the Defendant that such Board is not a Copy of such Bye Laws, Rules, or Orders, or hath not been duly affixed and generally continued in manner by this Act directed.

Proceedings
not to be
quashed for
Want of
Form.

CLXII. 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.

Limitation of
Actions.

CLXIII. Provided also, 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 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, or Information, to the intended Defendant or Defendants, nor unless such Action, Suit, or Information shall be brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damage then within Six Calendar Months next after the doing or committing such Damage shall have ceased, nor unless

such Action, Suit, or Information shall be laid and brought in the County, Riding, or Place where the Matter in dispute or Cause of Action shall arise; and the Defendant or Defendants in such Action, Suit, or Information 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 same was done by the Authority of this Act; and if it shall appear to have been so done, or that such Action, Suit, or Information shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant or Defendants; upon which Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or shall suffer a Discontinuance of his, her, or their Action, Suit, or Information after the Defendant or Defendants shall have appeared thereto, or if a Verdict shall pass against the Plaintiff or Plaintiffs therein, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have his, her, or their Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases.

CLXIV. Provided also, 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 execution of this Act, if Tender of 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 or she 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.

Plaintiff not to recover after Tender of Amends.

CLXV. And be it further enacted, That in all Cases where any Justice of the Peace is authorized by this Act to examine any Person, 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 or she shall be examined by or before such Justice.

General Power to Justices to administer Oaths.

CLXVI. 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, without being specially pleaded.

Public Act.

SCHEDULE referred to in the Act.

OWNERS.	OCCUPIERS.	Description of Property.
PARISH OF LEEDS.		
<i>Township of Leeds.</i>		
William Robinson	- { John Hammond and Joseph Stock - }	House.
Evelyn Denison and Edward Wilkinson	- { George Bradley - - Himself - - - }	House and Garden, &c.
Thomas Giles	- - -	Field, with a Building.
PARISH OF LEEDS.		
<i>Township of Temple Newsam.</i>		
John Hatfield	- - Abraham Croisdale -	Garden and Garth.
Sir Charles Ibbetson, Baronet	- { Sarah Green, Henry Tay- lor, William Brown- ridge, John Glenton, and William West, under George Bates and Company - - }	Cottages.
Ditto	- - Ellen Simpson - - }	Field, with small Building.
PARISH OF WHITCHURCH.		
<i>Township of Seacroft.</i>		
John Atkinson	- - Himself - - -	Plantation.
PARISH OF WHITCHURCH.		
<i>Township of Austhorpe.</i>		
John Wilson	- - William Pearson -	Wood.
PARISH OF BARWICK IN ELMIT.		
<i>Township of Ditto.</i>		
Richard Oliver Gas- coigne Esquire	- { William Backhouse - }	Cottages, Sheds, and Gardens, &c.
Ditto	- - George Gibson - -	Cottage and Garden.
Ditto	- - { William Vince, under Leonard Sampson - }	Garden.
Ditto	- - John Benton - -	Garden.
Ditto	- - Thomas Houson - -	Garden.
Ditto	- - Lydia Simpson - -	Garden and Cottage.

OWNERS.	OCCUPIERS.	Description of Property.
PARISH OF GARFORTH.		
<i>Township of Ditto.</i>		
Richard Oliver Gas- } coigne Esquire - } Ditto - - - - }	William Tomlinson - Sarah Goodall - -	Cottage and Gardens. Cottage and Garden.
PARISH OF ABERFORD.		
<i>Township of Sturton Grange.</i>		
Richard Oliver Gas- } coigne Esquire - } Ditto - - - - }	Himself - - - - Thomas Wade - -	Wood. Garden.
PARISH OF SHERBURN.		
<i>Township of Micklefield.</i>		
Thomas Davison Bland } Esquire - - - - }	Himself - - - - Ditto - - - -	Plantation and Quarry. Wood.
PARISH OF SHERBURN.		
<i>Township of Newthorpe.</i>		
Richard Oliver Gas- } coigne Esquire - } Ditto - - - - }	Job Barker - - - Samuel Barker, under } Job Barker - - - }	Homestead. Field, with Building therein.
PARISH OF SHERBURN.		
<i>Township of South Milford.</i>		
Thomas Crosland - Henry Gamble - -	Himself - - - - Joseph Baker - - -	Plantation. Wood.
PARISH OF SHERBURN.		
<i>Township of Ditto.</i>		
John Nordin - - -	Himself - - - -	Barn.
PARISH OF BRAYTON.		
<i>Township of Thorpe Willoughby.</i>		
Trustees for Doctor Col- } ton's Hospital, York }	Richard Wilson - -	Garden.
Richard Ellison - -	Himself - - - -	{ Homestead and Orchards.
Elizabeth Richardson -	Richard Wilson - -	Homestead and Garth.
Honourable Edward Ro- } bert Petre, under the } Honourable and Re- } verend George Pellew, } as Prebend ^y of Wistow }	Thomas Clayton -	Garden.
Ditto - - - -	James Bearchill and } Mary Milner, under } William Ellison - }	Cottage and Gardens.

OWNERS.	OCCUPIERS.	Description of Property.
PARISH OF SELBY.		
<i>Township of Ditto.</i>		
The Executors or Trustees of the late George Lyon Weddall	Barnard Clarkson junior William Lee	Shed.
Ditto - - -	John Palframan - -	Garden.
Thomas Proctor - -	Himself - - -	Plantations.
Joseph Gibson - -	Himself - - -	Plantation.
The Honourable Edward Robert Petre, under the Honourable and Reverend George Pellew, as Prebendary of Wistow - -	Edward Parker - -	Garden.
Ditto - - -	Matthew Pearson - -	Garden.
Ditto - - -	Christopher Paver -	Orchard, Garden, Houses, and Yards.
Ditto - - -	William Burton, John Appleyard, and James Nappy - - -	Cottages, Gardens, and Yards.
Ditto - - -	William Thompson and Mary Annelay -	Cottages.

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