



ANNO TERTIO

GULIELMI IV. REGIS.

Cap. xxxv.

An Act for making a Railway from *Whitby* to *Pickering* in the North Riding of the County of *York*.
[6th May 1833.]

WHEREAS the making a Railway from or near the Town and Port of *Whitby* to or near the Market Town of *Pickering* in the North Riding of the County of *York* would be of much Advantage to the commercial, agricultural, and other Interests of the said Towns, and to the Neighbourhood thereof, and to the Public in general, by opening an additional, cheap, certain, and expeditious Communication between the said Towns and the intermediate and adjacent Parts of the Country: And whereas the King's most Excellent Majesty, in right of His Duchy of *Lancaster*, is entitled to certain Lands upon the Line of the proposed Railway: And whereas the several Persons herein-after named are willing, at their own Expence, to carry into execution the said Undertaking; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the Authority of the same, That *Joseph Addison, William Atkinson, Joseph Barker, Barker William Barker, Henry Barrick, John Barry, Robert Barry, William Barry Clerk, Charles Belcher, Thomas William Belcher, William Benson, David Bevan, Edward Bland, John Bolton, Thomas Bointon, William Breckon, William Brodrick, Robert Champion, John Champion Banker, Joseph Champion, James Carter, Abel*
[Local.] 8 C *Chapman,*

Subscribers
towards the
Undertaking
incorporated.

Chapman, William Chapman, Edward Chapman, Aaron Chapman, John Chapman, George Cholmley, Matthew Robinson Clarkson, Robert Coultman, John Davison, John Elgie, George James Farsyde, Thomas Fishburn, Thomas Fletcher, John Frankland, John Holt the younger, Thomas Hunter, Henry Hutton, Nicholas King, John Langborne, William Liddell, Martin Augustus Loy, Thomas Mathers, Wilkinson Mathews, William Miller, Richard Moorsom, Matthew Monkman, William Nicholson, George Pierson, Thomas Pierson, Isaac Pennock, William Richardson, Isaac Richardson, Richard Ripley, Thomas Simpson, Henry Simpson, Gideon Smales, William Henry Smith Clerk, George Trueman, Seaton Trattles, George Vazey, Robert Usherwood, Francis Wardale, Joseph Wardell, George Walker, John Watson, James Wilkinson, John Wilkinson, Richard Wilson, Henry Walker Yeoman, Thomas Yeoman, and all other Persons and Corporations who have subscribed or who shall hereafter subscribe towards 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 *Whitby and Pickering* 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 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 shall also have Power again to sell and dispose of the said Lands in manner by this Act directed.

Rules for the Interpretation of this Act.

II. And be it further enacted, That where in this Act any Word shall be used importing the Singular Number or the Masculine Gender only, the same shall be understood to include several Matters as well as One Matter, several Persons as well as One Person, and Females as well as Males; and where the Word “Lands” shall be used, the same shall be understood to include Tenements and Hereditaments; and where the Word “Corporation” shall be used, the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole, unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Proprietors to raise Money amongst themselves for the Undertaking, not exceeding 80,000*l.*, to be divided into Shares of 100*l.* each.

III. And be it further enacted, That it shall be lawful for the said Company to raise among 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 Eighty thousand Pounds, the whole to be divided into Eight hundred Shares of One hundred Pounds each, and such Eight hundred Shares shall be numbered, beginning with Number One, in arithmetical Progression; 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 Parties 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 Corporations and Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for
any

any Share, or such Sum as shall be demanded in lieu thereof, towards the said Undertaking and other the Purposes of the said Subscription, shall be entitled to and shall receive, at such Times as the said Company shall at any General or Special General Meeting to be convened for that Purpose in such Manner as Meetings on other Occasions are by this Act directed to be convened, or as the Directors of the said Company to be appointed as herein-after mentioned shall (after an Order for that Purpose shall have been made by the said Company) at any such General or Special General Meeting, 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 from or 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.

IV. 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 and Expences incurred in applying for, obtaining, and passing this Act, and all other Expences preparatory or relating thereto, and the Remainder of such Money shall be applied in and towards purchasing Lands, and making and maintaining the said Railway and other Works, and in otherwise carrying this Act into execution.

Application of Money to be raised.

V. 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 (with all proper Works and Conveniences connected therewith) in the Line or Course, and upon, across, under, or over the Lands delineated on the Plan and described in the Book of Reference which have been deposited with the Clerk of the Peace for the North Riding of the County of *York*; (that is to say,) commencing at or near the Western Bank of the River *Esk*, and on the South Side of the Town of *Whitby* in the Township of *Ruswarp* in the Parish of *Whitby* in the North Riding of the County of *York*, and passing through or into or within the several Parishes of *Whitby*, *Sneaton*, *Lyth*, *Pickering*, *Levisham* otherwise *Leavisham*, and *Middleton*, or some of them, and the several Townships, Chapelries, Hamlets, or Places of *Ruswarp*, *Hawsker-cum-Stainsacre*, *Sneaton*, *Uggelbarnby*, *Eskdale* otherwise *Eskdaleside* otherwise *Sleights*, *Aislaby*, *Egton*, *Goadland* otherwise *Goathland*, *Lockton*, *Newton*, *Levisham* otherwise *Leavisham*, *Kingthorpe*, *Blansby Park*, and *Pickering*, or some of them, all in the said North Riding of the County of *York*, and terminating at or near the North-western Side of a certain Street or public Highway in the Town of *Pickering* commonly called *Bakehouse Lane*, situate in the Township of *Pickering* in the said North Riding of the County of *York*.

Company empowered to make Railway and necessary Works connected therewith.

VI. And be it further enacted, That it shall be lawful for the said Company, and they are hereby empowered (with the Consent of the Lords Commissioners of His Majesty's Admiralty), permanently to divert and alter the Course or Channel of the River *Esk* at the Place, and from, in, through, and into the Lands delineated on the Plan of the said Railway, and described in the Book of Reference to such Railway, which have been deposited with the Clerk of the Peace of the North Riding of the County of *York* as herein-before mentioned, the said Company making full

Company empowered to divert a certain Portion of the Channel of the River *Esk*.

full Satisfaction to the Owners and Persons interested in the Lands adjoining the said River, at the Place of such Diversion or Alteration of the Course or Channel of the said River, for all Injury to be by them respectively sustained.

Plan and Book of Reference to remain in the Custody of the Clerk of the Peace.

VII. And whereas a Map or Plan describing the Line of the said Railway, and the Lands upon or through which the said Railway and the Works connected therewith are intended to be carried or made, together with a Book of Reference thereto containing Lists of the Names of the Owners and Occupiers or reputed Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the North Riding of the County of *York*; be it therefore enacted, That the said Map or Plan and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace; and all Persons interested in any Manner in such Lands shall have Liberty at all reasonable Times to inspect and to make Extracts from or Copies of the said Map or Plan and Book of Reference, paying to the said Clerk of the Peace for every Inspection the Sum of One Shilling, and for Copies of or Extracts from the said Book of Reference after the Rate of Sixpence for every One hundred Words; and the said Map or Plan and Book 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.

Unintentional Errors in Act or Plan or Book of Reference not to prevent Execution of Act.

VIII. Provided always, and be it further enacted, That it shall be lawful for the said Company to make the said Railway and other Works in the Line or Course and upon or through the Lands delineated on the said Map or Plan, although such Lands or any of them, or the Situation thereof respectively, or the Names of the Owners or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in this Act, or in the Schedule thereto, or in the Book of Reference to the said Map or Plan, if it shall appear to any Two or more of His Majesty's Justices of the Peace for the said North Riding of the County of *York*, in case of Dispute about the same, and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake; and the Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerk of the Peace for the North Riding of the said County of *York*.

Enabling the Chancellor and Council of the Duchy of Lancaster to contract with the Company for the Sale of Lands belonging to the King.

IX. And whereas it may be expedient that the Chancellor and Council of the Duchy of *Lancaster* should be authorized and empowered to sell to the said Company all such Lands of and belonging to the King's most Excellent Majesty in right of His Duchy of *Lancaster* as may be necessary to be purchased, taken, or used for the Purpose of making such Railway; be it therefore enacted, That it shall be lawful for the Chancellor and Council of His Majesty's Duchy of *Lancaster* for the Time being to contract and agree with the said Company for the Sale of any Lands which by the said Company shall be thought necessary to be purchased, taken, or used for the Purposes of this Act, in the Line of the said intended Railway, belonging to His Majesty, or His Heirs and Successors, in right of His said Duchy, at and for such Price, and upon such Terms and Conditions, as shall be settled and agreed upon between the said Chancellor and Council and the said Company; and upon Payment

of such Sums of Money as shall be settled and determined upon as and for the Price and Consideration for such Lands it shall be lawful for the said Chancellor and Council of the said Duchy for the Time being, by any Deed or Writing under the Seal of the said Duchy, and in the Name of His Majesty, His Heirs and Successors, to grant and convey the same Lands, and the Fee Simple and Inheritance thereof, to the said Company, for the Uses and Purposes of this Act; which said Deed or Writing under the Seal of the said Duchy, being inrolled in the Court of the Duchy Chamber of *Lancaster* within Six Calendar Months from the Date thereof, shall be sufficient and effectual to vest in the said Company the Fee Simple and Inheritance thereof for the Uses and Purposes of this Act, any thing contained in the Act passed in the First Year of *Queen Ann*, intituled *An Act for the better Support of Her Majesty's Household, and the Honor and Dignity of the Crown*, or in any other Act, to the contrary thereof in anywise notwithstanding; and all Sums of Money to be paid as and for the Purchase or Consideration Money for the Lands so to be sold and conveyed as last mentioned, under and by virtue of this Act, shall be paid by the said Company or their Treasurer into the Hands of the Receiver General of the said Duchy for the Time being, or his Deputy, and shall be by him paid, applied, and disposed of according to the Provisions and Regulations contained in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George the Third*, intituled *An Act to improve the Land Revenue of the Crown in England, and also of His Majesty's Duchy of Lancaster*, or any other Act or Acts now in force for that Purpose.

1 Ann. c. 7.

48 G.3. c. 73.

X. And be it further enacted, That for the Purposes and subject to the Provisions and Restrictions of this Act it shall be lawful for the said Company, their Agents and Workmen, and all other Persons by them authorized, and they are hereby empowered, to enter into and upon the Lands of any Person or Corporation whatsoever, and to survey and take Levels of the same or of any Part thereof, and to set out and appropriate for the Purposes of this Act such Parts thereof as they are by this Act empowered to take or use, and in or upon such Lands, or any Lands adjoining thereto, to bore, dig, cut, embank, and sough, and to remove or lay, and also to use, work, and manufacture, any Earth, Stone, Rubbish, Trees, Gravel, or Sand, or any other Materials or Things which may be dug or obtained therein, or otherwise in the Execution of any of the Powers of this Act, and which may be necessary or proper 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 of the same respectively, according to the true Intent and Meaning of this Act; and also to construct or make upon, across, under, or over the said Railway or other Works, or any Lands, Streets, Hills, Valleys, Roads, Railroads, or Tramroads, Rivers, Canals, Brooks, Streams, or other Waters, such Inclined Planes, Tunnels, Embankments, Bridges, Roads, Ways, Passages, Conduits, Drains, Piers, Arches, Cuttings, and Fences as the said Company shall think proper; and also to alter the Course of any Rivers, Canals, Brooks, Streams, or Watercourses during such Time as may be necessary for constructing Tunnels, Bridges, or Passages under or over the same, and also to divert or alter the Course of any Roads or Ways or Fords, or to raise or sink any Roads or Ways, in order the more conveniently to carry the same over or under or by the Side of the said Railway, and to make Drains

Power to take Lands, &c. for the Purposes of the Act.

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or Conduits into, through, or under any Lands adjoining the said Railway, for the Purpose of conveying Water from or to the said Railway; and also in or upon the said Railway, or any Lands adjoining or near thereto, to erect and make such Toll and other Houses, Warehouses, Yards, Stations, Engines, and other Works and Conveniences connected with the said Railway, as the said Company shall think proper; 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 constructing, maintaining, altering, or repairing and using the said Railway and other Works by this Act authorized; they the said Company, their Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and the said Company making Satisfaction in manner herein-after mentioned to all Persons and Corporations interested in any Lands which shall be taken, used, or injured for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company and all other Persons for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as are herein-after mentioned and contained.

No Buildings to be erected on the Property of Edmund Turton Esq.

XI. Provided always, and be it further enacted, That it shall not be lawful for the said Company or any other Person to erect any House, Wharf, Warehouse, Toll House, or other Building upon any Part of the Lands or Grounds on the West Side of the new intended Cut of the River *Esk*, belonging to *Edmund Turton* Esquire, or other the Owner of the *Larpool* Estate for the Time being.

Power to divert Goadland and Pickering Becks, &c. at certain Places.

XII. And be it further enacted, That it shall be lawful for the said Company permanently to divert and alter the Course of a certain Beck called *Goadland Beck* otherwise *Goathland Beck*, and also of a certain other Beck called *Pickering Beck*, as the same respectively are delineated on the Plan deposited with the Clerk of the Peace for the North Riding of the County of *York*, and also of any other Becks at the several Places marked or set out in the said Plan.

Persons under legal Disability empowered to sell Lands.

XIII. And be it further enacted, That after any Lands intended to be taken or used for the Purposes of this Act shall have been set out and ascertained it shall be lawful for all Corporations, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Executors, Administrators, and Committees, 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 for and on behalf of 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 seised or possessed of or interested in any such Lands, to contract for, sell, and convey the same or any Part thereof unto the said Company;

pany; 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,)

‘ I A. B. of in consideration of the Sum of
 ‘ to me [or, as the Case may be] into the Bank of England in the Name
 ‘ and with the Privity of the Accountant General of the Court of Exche-
 ‘ quer, *ex parte* “The Whitby and Pickering Railway Company,” [or to
 ‘ C. D. of and E. F. of Two Trustees appointed
 ‘ to receive the same], pursuant to the Act after mentioned, paid by the
 ‘ Whitby and Pickering Railway [or the said] Company, established and
 ‘ incorporated by an Act of Parliament passed in the Third Year of the
 ‘ Reign of His Majesty King William the Fourth, intituled [here set forth
 ‘ the Title of this Act], do hereby convey [or, in Cases of Copyhold or
 ‘ Customary Lands requiring Surrender, do hereby agree to surrender] to
 ‘ the said Company, their Successors and Assigns, all [describing the
 ‘ Premises to be conveyed], together with all Ways, Rights, and Appur-
 ‘ tenances thereunto belonging, and all such Estate, Right, Title, and
 ‘ Interest in and to the same and every Part thereof as I am or shall
 ‘ become seised or possessed of, or am by the said Act capacitated or
 ‘ 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 .’

Form of
 Conveyance
 to the Com-
 pany.

And all such Conveyances as aforesaid shall be valid and effectual in 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 Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the same.

XIV. Provided always, and be it further enacted, That if any Contract shall be made for or in respect of any Lands to be taken or used by virtue of the Powers of this Act which shall be of Copyhold or Customary Tenure, or in the Nature thereof, every such Contract shall be executed and completed by Surrender of such Lands in the Court of the Manor of which the same may be held or Parcel, according to the Custom of such Manor, which Surrender shall and may be made by all Corporations and Persons by this Act empowered to make Conveyances of other Lands, and shall have like Force and Effect, in respect of such Copyhold or Customary Estates and Interests, as such Conveyance as aforesaid made by the same Corporation or Person would have had over the Lands comprised in such Surrender in case the same had been of Freehold Tenure in the same Corporation or Person; and such Lands shall continue subject to the same Fines, Rents, and Services as may be then due and payable and of Right accustomed, in the same Manner as if this Act had not been passed, until such Lands shall have been enfranchised by virtue of the Powers herein-after contained; but inasmuch as the vesting and continuing of such Copyhold or Customary Premises in the said Company as a Body Corporate would, if the same should not be enfranchised,

Conveyance
 of Copyholds.

chised, prevent such Lord from receiving the same Benefit of Fines, Heriots, and other Services due upon Death, Descent, or Alienation, as he would have received in case such Copyhold or Customary Premises had continued to be the Property of Persons in their natural Capacities, the said Lord shall be paid by the said Company a reasonable Recompence and Satisfaction for the Loss which may arise to him in respect of such Fines, Heriots, and other Services the Receipt or Enjoyment of which shall be lost or diminished by the vesting or continuing of such Copyhold or Customary Premises in a Body Corporate; and such Recompence and Satisfaction, if not settled by Agreement between the Parties, and which Agreement all Lords of Manors and other Corporations and Persons by this Act authorized to enfranchise Copyhold or Customary Lands are hereby empowered to enter into, shall be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Lands to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof; and in all Cases where the Lord of any Manor whereof any Copyhold or Customary Lands purchased by the said Company for the Purposes of this Act shall be Parcel shall not have contracted to enfranchise the same, and shall have received from the said Company a Recompence or Satisfaction in respect of the Fines, Heriots, and other Services being lost or diminished by the vesting and continuing of such Copyhold or Customary Lands in a Body Corporate, then and in every such Case, if the same Lands or any Part thereof shall not be ultimately required for the Purposes of this Act, 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 which shall be so sold and disposed of by the said Company shall remain in the Hands of the Purchaser thereof, and for ever thereafter continue free and discharged from the Fines, Heriots, and other Services in respect whereof such Recompence and Satisfaction shall have been made as aforesaid.

Lords of
Manors under
Disability
empowered
to enfran-
chise.

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

XVI. And

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

Regulation
for Appor-
tionment of
Rents of
Copyholds.

XVII. And be it further enacted, That in all Cases wherein, in the Execution of the Powers of this Act, there shall be Occasion to take or use any Common or Waste Land, or any other Lands which shall be charged with or be subject or liable to the Exercise of any Right or Privilege of Common thereupon, of what Nature or Kind soever, the Conveyance of such Common or Waste Land, or other Lands, by any Corporation 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 as the Corporation and Persons who are by this Act enabled to sell other Lands have in such Lands, and which Conveyance may be of the like Form as by this Act is directed to be used in the Case of Conveyances of other Lands,) shall be a good and sufficient Conveyance to the said Company for the Purpose of vesting in them the Fee Simple and Inheritance of such Common or Waste Land, or other Lands, as fully and effectually as if every Person having Right of Common upon such Common or Waste Land, or other Lands, were seised thereof in Fee Simple in possession, and had joined in and executed such Conveyance; and the Compensation to be paid for the Extinguishment of any Right of Common upon any such Common or Waste Land as aforesaid (and which shall be determined by a Jury, in case the Parties differ about the same, in like Manner as by this Act is directed in other Cases of the like Nature,) shall be paid by the said Company to the Churchwardens for the Time being of the Parish wherein such Common or Waste Land 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 in which any such commonable or other Rights shall extend over and be exercised or enjoyed out of any other Lands than such Common or Waste Land, the Compensation for the Relinquishment thereof shall be paid to the Party having such Estate or Interest as aforesaid in the said commonable or other Rights, or in any Lands whereunto the same shall be appendant or appurtenant, or otherwise, as the Case may require, shall be deposited in the Bank of *England* in manner by this Act directed in Cases of other Lands taken

Waste Lands
to be con-
veyed by
Lords of Ma-
nors, &c.

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by the said Company : Provided always, that in all Cases in which such Manor is vested in the Freeholders or Inhabitants at large, or in any greater Number of Persons than Four, or where it is not known to what Lord 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 (whether vested absolutely in them or for such Estates as would capacitate them to convey such Lands if wanted for the Purposes of this Act) entitle such Freeholders to Common Right in or over such Common or Waste Lands, and whose said Lands 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 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.

Power to purchase the Release of Lands required for this Act from Rents charged thereon.

XVIII. And be it further enacted, That where any Lands intended to be purchased by the said Company shall be subject, solely or jointly with other Lands not intended to be purchased, to or with any Rent Service, Rent Charge, or Chief Rent, or other Rent, Payment, or Incumbrance, it shall be lawful for the said Company to agree for the Release of the Lands so purchased from such Rent, Payment, or Incumbrance, and also, where necessary, for an Apportionment of such Rent, Payment, or Incumbrance, for such Sum as shall be agreed upon between the said Company and the Party who, under the Provisions of this Act, shall agree to sell or apportion the same, and which Agreement may be entered into by all Corporations and other Persons by this Act empowered to sell or convey Lands ; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Lands is by this Act directed to be settled in case of Dispute as to the Value thereof, which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Lands intended to be purchased, and shall also (where necessary) apportion the Rent, Payment, or Incumbrance affecting the Lands jointly subject to Rent, Payment, or Incumbrance, as herein-before mentioned, according to the respective Values of the Lands intended to be purchased and of the Lands not intended to be purchased by the said Company ; and all Contracts, Conveyances, and Assurances which shall be made by and between the said Company and any such Party as aforesaid respecting such Release, and which may be of the like Forms as by this Act are directed to be used in the Case of Conveyances of Lands, shall be valid and effectual in the Law, and shall extinguish the whole or a proportionate Part of such Rent, Payment, or Incumbrance, as the Case may be : Provided always, that when any of the Lands purchased by the said Company shall be released from any Rent, Payment, or Incumbrance affecting the same jointly with other Lands not purchased by the said Company, such last-mentioned Lands shall be charged only with the Remainder of such Rent, Payment, or Incumbrance ; and such Apportionment shall not prejudice the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Lands not so purchased had been originally charged with that Amount only : Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released, it shall be lawful for the said Company, on Tender for

that Purpose of any Deed or Instrument creating or transferring such Rent, Payment, or Incumbrance, to affix their Common Seal to a Memorandum indorsed on such Deed or Instrument, declaring what Part of the Lands originally subject to such Rent, Payment, or Incumbrance shall have been purchased by virtue of this Act, and what Proportion of the said Rent, Payment, or Incumbrance shall have been released, and also declaring the Amount of the Rent, Payment, or Incumbrance which shall continue payable; and such Memorandum shall be Evidence in all Courts of the Facts therein stated, and shall not exclude any other Evidence of the same Facts.

XIX. And be it further enacted, That all Persons and Corporations having any Mortgage on any Lands to be taken for the Purposes of this Act (and whether entitled thereto in their own Right, or in Trust for any other Person in possession thereof by virtue of such Mortgage, or not,) 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 Premises to the said Company or to such Person as they shall appoint, and which Assignment may be of the like Form as the Conveyances by this Act directed to be used in Cases of Conveyance of Lands, or as near thereto as the Circumstances of the Case will permit; or in case such Mortgagees shall have Notice in Writing from the said Company that they will pay off the Principal Money and Interest which shall be due on the End of the said Mortgage at the End of Six Calendar Months (to be computed from the Day of giving such Notice), then at the End of such Six Calendar Months, on the Payment of the Principal Money and Interest so due, together with any just Costs then due, such Mortgagees shall assign and transfer their respective Interest in the mortgaged Premises to the said Company, or as they shall direct; and in case any such Mortgagee shall refuse to assign or 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 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, of Six Calendar Months Interest in advance, for the Use of such Mortgagee, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as 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, shall vest in the said Company, and the said Company shall be deemed to be in the actual Possession of the Premises and Estate comprised in such Mortgage to all Intents and Purposes whatsoever.

Mortgagees
to convey to
Company.

XX. And be it further enacted, That in all Cases in which any Lands subject to any Mortgage shall be required for the Purposes of this Act, which Lands shall be of less Value than the Principal Money, Interest, and Costs secured thereon, or in which a Part only of any Lands subject to any Mortgage shall be required for the Purposes of this Act, and the Mortgagee thereof shall not consider the remaining Part of such Lands to be

Directing in
what Manner
Disputes be-
tween Com-
pany and
certain Mort-
gagees shall
be settled.

be a sufficient Security for the Money charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money and all Interest due or to become due thereon, and all Costs, the Value of such Lands, or, as the Case may be, of such Part of the said Lands as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done, shall be settled and agreed upon by and between such Mortgagee and the Person entitled to the Equity of Redemption of such Lands of the one Part, and the said Company of the other Part; and in case of any Difference between them, then such Value and Compensation shall be determined by the Verdict of a Jury in the same Manner as in other Cases of Difference; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee, in Satisfaction of his Claim so far as the same will extend, and such Mortgagee shall thereupon assign and transfer all his Interest in such mortgaged Lands the Value whereof shall have been so agreed upon or determined as aforesaid; or in case of his neglecting or refusing to assign or transfer as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *England* to the Credit of such Mortgagee, as by this Act is provided in Cases of a like Nature; and such Payment to the Mortgagee 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 Lands as shall be so taken or used from all Principal and Interest and other Money due or secured thereon; and thereupon such mortgaged Lands shall become absolutely vested in the said Company, and the said Company shall be deemed to be in the actual Possession thereof, to all Intents and Purposes whatsoever: Provided nevertheless, that all Mortgagees shall have the same Powers 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 not required for the Purposes of this Act, as they would otherwise have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands originally comprised in such Mortgage: Provided also, that when a Part only of any Lands subject to any Mortgage shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Lands so taken shall, on the Assignment thereof to the said Company, have been paid to the Mortgagee thereof in part Satisfaction of his Mortgage Debt, a Memorandum of what shall have been so paid shall be indorsed on the Deed creating such Mortgage at the Time of executing such Assignment to the said Company, and shall be signed by such Mortgagee; and a Copy of such Memorandum shall at the same Time, if required, be furnished by the said Company, at their Expence, to the Person entitled to the Equity of Redemption of the Lands comprised in such mortgaged Deed.

Satisfaction
to be made
for Lands
taken for
Railway.

XXI. And be it further enacted, That all Corporations and other Parties by this Act capacitated to sell and convey Lands, or to enfranchise Lands of Copyhold or Customary Tenure, or to release Lands from Rents and other Incumbrances charged thereon, and the respective Owners and Occupiers of any Lands through or upon which the said Railway or other Works hereby authorized are intended to be made, may agree to, accept, and receive, and may, subject to such Restrictions as in this Act contained

as

as to the Payment thereof, accept and receive Satisfaction for the Value of such Lands or of the Interest therein by them conveyed, and also Compensation for any Damage by them sustained by reason of the Execution of any of the Works by this Act authorized, and also by reason of the severing or dividing such Lands, and also for or on account of any Damage, Loss, or Inconvenience which may be sustained by such Corporations 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.

XXII. And for settling all Differences which may arise between the said Company and the several Owners and Occupiers of or Persons interested in any Lands which shall or may be taken, used, damaged, or injuriously affected by the Execution of any of the Powers hereby granted, be it further enacted, That if any Corporation, Trustee, or other Person so interested or entitled and capacitated to sell, agree, or convey 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 of the Parties entitled to receive such Purchase Money or Satisfaction or other Compensation as aforesaid shall refuse to accept such Purchase Money or Satisfaction or other Compensation as aforesaid as shall be offered by the said Company, and shall give Notice thereof in Writing to the said Company within Twenty-one Days next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter in dispute may be submitted to the Determination of a Jury, or if any of such Parties as aforesaid shall, for the Space of Twenty-one Days next after Notice in Writing shall have been given to the Clerk, Agent, or principal Officer of any such Corporation, or to any of such Trustees or Persons respectively, or left at his last or usual Place of Abode, or with the Tenant or Occupier of any Lands required for the Purposes of this Act, neglect or refuse to treat or shall not agree with the said Company for the Sale and Conveyance of their respective Estates or Interests, or the respective Estates or Interests which they respectively are hereby capacitated to convey therein, or shall by reason of Absence be prevented from treating, or shall by reason of any Impediment or Disability not provided for by this Act be incapable of making such Agreement or Conveyance as shall be necessary or 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 respectively 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 and in every such Case the said Company shall and they are hereby required from Time to Time to issue a Warrant, either under their Common Seal or under the Hands and Seals of any Five or more of the Directors of the said Company, to the Sheriff of the County in which the Lands in question shall be situate or the Matter in dispute shall arise, or in case such Sheriff or his Under Sheriff shall be one

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

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of

of the said Company, or enjoy any Office of Trust or Profit under them, or shall be in any way interested in the Matter in question, then to any of the Coroners of such 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 preferred,) commanding such Sheriff or Coroner or other Person to impanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly empowered and required to impanel, summon, and return, a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*; and the Persons 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 appointed, and to attend from Day to Day until duly discharged; and out of such Persons so to be impanelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, 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 Quakers upon their Affirmations, (which Oaths and Affirmations, as well as the Oaths and Affirmations of all Persons who 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, assess, and give a Verdict for the Sum of Money to be paid for the Purchase of such Lands (except for such Interest therein as shall have been of right purchased by the said Company from any other Person), and also the Sum of Money to be paid by way of Satisfaction 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; which Satisfaction or Compensation for such Damage or Loss shall be inquired into and assessed separately and distinctly from the Value of the Lands so to be taken or used as aforesaid; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Satisfaction, 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 Corporations and 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 with whom any such Controversy shall arise by leaving such Notice at the Dwelling House of the Person, 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.

XXIII. And be it further enacted, That the said Juries shall and they are hereby respectively empowered, if thereunto required, to settle what Shares and Proportions of the Purchase Money 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 Interest therein.

Compensation Money to be apportioned.

XXIV. And be it further enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the County, Riding, or Division in which the Matter in dispute shall have arisen amongst the Records of the Quarter Sessions for such County, Riding, or Division, 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 and make true Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Verdicts to be recorded.

XXV. And be it further enacted, That if any such Sheriff or his Under Sheriff, or any Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for any 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 a Quaker to make Affirmation, or shall refuse to give his Verdict, or shall in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence as aforesaid shall not appear on being paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn, or being a Quaker affirmed, or to give Evidence, every Person so offending, having no reasonable Excuse, (such 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 have been summoned, any Sum not exceeding Ten Pounds; all which said Penalties and Forfeitures shall and may be levied, by virtue of a Warrant under the Hand and Seal of any Justice of the Peace for the County, Riding, or Division in which the said Lands shall be situate or the said Inquisition shall be held, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, on Demand, the Overplus

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

Overplus of the Money thereby produced (if any), after such Penalty and the Charges and Expences of such Distress and Sale shall have been deducted.

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

Persons giving false Evidence guilty of Perjury.

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

Expences of Jury how to be paid.

XXVII. And be it further enacted, That in every Case in which the Verdict of a Jury shall be given for the same or for a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands to be used or taken by them for the Purposes of this Act, or as Compensation or Satisfaction for any Damage or Loss which may happen or arise in the Execution of any of the Powers of this Act, all the Costs of summoning such Jury and the Expences of Witnesses shall be borne 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, the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Company or of the Treasurer of the said Company, (and which Treasurer shall be at liberty to reimburse himself all such Costs and Expences if paid by him, and all Costs and Expences incurred by him by reason of any such Distress, out of any Monies received by him by virtue of this Act,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the said North Riding of the 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 any Party entitled to receive such Costs and Expences; but if the Verdict of the Jury shall be given for a less Sum than shall have been previously offered by the said Company, one Moiety of the said Costs 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, the same having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money awarded to be paid to such other Party as aforesaid as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of the Money so awarded shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in Satisfaction of the whole thereof: Provided always, that in Cases in which, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented

prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Company.

XXVIII. And be it further enacted, That all Parties with whom the said Company shall have any such Dispute, and who shall require a Jury to be summoned as aforesaid, shall at their own Costs, before the said Company shall be obliged to issue their Warrant for the summoning of such Jury, enter into a Bond with Two sufficient Sureties to the Treasurer or Clerk 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 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 Complaints and to pay Expences.

XXIX. And be it further enacted, That the said Company shall not be obliged, nor shall any Jury to be summoned by virtue of this Act be allowed, to receive or take notice of any Complaint to be made by any Party for any Loss or Injury by him sustained or supposed to be sustained in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing by or on behalf of the Corporation or Person making such Complaint, stating the Particulars of such Loss or Injury and the Amount of the Compensation claimed in respect thereof, shall have been given by such Corporation or Person to the said Company Ten Days before the summoning of such Jury, and within Six Calendar Months after the Time of such supposed Loss or Injury having been sustained, or the doing or committing thereof shall have ceased.

Notice of Injury to be given to Company before Complaint

XXX. And be it further enacted, That all Tenants at Will, Lessees for a Year, Tenants from Year to Year, and other Persons in possession of any Lands which shall be intended to be taken or used for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenants at Will or Lessees for a Year, or as Tenants from Year to Year, shall respectively deliver 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, or at such other Time after the Expiration of Six Calendar Months as they shall be respectively required, whether such Notice be given with reference to the Time of the Commencement of such Tenants holding or not, and whether such Notice be given before or after the said Premises shall be purchased by the said Company; and in case any such Tenant or Lessee or Person so in possession as aforesaid shall refuse to deliver up such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept, either under their Common Seal or under the Hands and Seals of any Five or more of the Directors of the said Company, to the Sheriff of the County in which the Premises shall be situate, to deliver Possession of the said Premises to such Person as shall in such Precept be nominated to receive the same, and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy and satisfy such Costs as shall accrue from the issuing and Execution of such Precept on the Person

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

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so refusing to deliver Possession by Distress and Sale of his Goods and Chattels.

Interests of such Tenants may be settled by a Jury.

XXXI. Provided always, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver the Possession of any Premises so occupied by him before the Expiration of his Term or Interest therein, the said Company shall and they are hereby required to make or tender to such Tenant or Lessee, before they shall issue their Precept to the Sheriff to give Possession of the Premises in the Occupation of such Tenant or Lessee, Satisfaction or Compensation for the Value of his 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 taken or used by the said Company is by this Act directed to be made or determined.

Persons holding under Leases to produce the same.

XXXII. Provided always, and be it further enacted, That in all Cases in which any Party shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he shall claim to be possessed of or entitled unto in any Lands intended to be taken or used, under the Authority of this Act, under or by virtue of any Lease or Agreement for Lease, or Grant thereof, the said Company are hereby authorized to require such Party to produce or show the Lease or Agreement for Lease, or Grant, in respect of which such Claim to Satisfaction or Compensation shall be made; and if such Lease or Agreement for Lease, 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.

For settling Disputes as to Damages of small Amount.

XXXIII. And be it further enacted, That in case any Difference shall arise between the said Company and any of the Owners or Occupiers of the Property to be taken for the Purposes of this Act as to the Amount or Value of the Damage done by the said Company, their Agents or Workmen, to such Property in the Execution of any of the Powers of this Act, and such Difference cannot be settled between the said Parties, the same shall be ascertained and determined by some Two or more Justices of the Peace for the County, Riding, or Place in which such Lands shall lie, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Company, provided such Compensation do not exceed the Sum of Twenty Pounds; and the said Justices respectively are hereby authorized and required, on Nonpayment of the said Damages for the Space of Ten Days after the same shall become due, to levy such Damages and all Charges respecting the same by Distress and Sale of any Goods and Chattels by this Act vested in the said Company, in the same Manner as by this Act is directed with respect to the Recovery of Compensation for other Damages done by the said Company.

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

XXXIV. And be it further enacted, That in case any Party to whom any Money shall be agreed or awarded for the Purchase of any Lands to be taken or used under or by virtue of the Authority of this Act, or for the Release of any such Lands from any Rent or other Incumbrance charged

charged thereon, or for the Enfranchisement of any such Lands being of Copyhold or Customary Tenure, or for Compensation or Satisfaction as aforesaid, shall refuse to accept the same, or cannot be found, or shall be absent from *England*, or shall refuse, neglect, or be unable to make a Title to such Land to the Satisfaction of the said Company for the Purposes of this Act, or if any Party entitled unto or to convey such Lands shall not be known, or shall be absent from *England*, or shall refuse to convey the same, then and in every such Case, where not otherwise provided by this Act, it shall be lawful for the said Company to order the Money so agreed or awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands (describing them so far as the said Company can do), subject to the Controul and Disposition of the said Court; which said Court, on the Application of any Party making claim to such Money or to any Part thereof by Petition, is hereby empowered, in a summary Way of proceeding, or otherwise, as to such Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof, according to the Estate, Title, or Interest of the Party 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 to the said Company or to any Party paying any Money into the Bank of *England* under or pursuant to this Act a Receipt for such Money, mentioning and specifying therein for what and for whose Use (described as aforesaid) the same is received.

XXXV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Party 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, or of any Estate, Right, Title, or Interest in any Lands, to be taken or used, in pursuance of this Act, for the Purposes aforesaid, or for Compensation or Satisfaction as aforesaid, or to any Annuities or Securities to be purchased with any such Money as herein mentioned, or to the Dividends or Interest of any such Annuities or Securities, the Parties respectively who shall have been in possession or receipt of the Rents or Profits of such Lands at the Time of such Purchase, and all Corporations and Persons claiming under such Parties, or under or consistently with the Possession of such Parties, shall be deemed to have been lawfully entitled to such Lands, 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 other Party was lawfully entitled to some Part of such Lands, or to some Estate or Interest therein.

Persons in possession presumptively entitled.

XXXVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for the Purchase of any Lands to be taken or used

Application of Compensation Money by

when
amounting
to 200*l.*

1 G. 4. c. 35.

by virtue of the Powers of this Act, or for the Release of any such Lands from any Rents or other Incumbrances charged thereon, or for the Enfranchisement of any such Lands being of Copyhold or Customary Tenure, or for any Compensation or Satisfaction under this Act which any Corporation, or Tenant for Life or 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 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 paid to his Account there *ex parte* the *Whitby and Pickering* Railway Company, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in there remain until the same shall, by Order of the said Court made in a summary Way upon Petition to be presented to the said Court by the Party who would have been entitled to the Rents and Profits of the said Lands, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the said Lands, or affecting other Lands standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out, by Order of the said Court made in a summary Way, in the Purchase of other Lands, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, or used as aforesaid, or in respect of which such Compensation or Satisfaction shall be paid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Purchase can be made the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until such Annuities or Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, or shall be called in or cancelled, the Dividends or Interest and annual Produce thereof shall from Time to Time, by Order of the said Court, be paid to the Party who would for the Time being have been entitled to the Rents and Profits of such Lands so to be purchased and settled.

Application
of Compensation
Money
when less

XXXVII. Provided always, and be it further enacted, That if any Money agreed or awarded to be paid for any Lands to be taken or used for the Purposes of this Act, or for the Release of any such Lands from any
Rent

Rent or other Incumbrance charged thereon, or for the Enfranchisement of any such Lands being of Copyhold or Customary Tenure, or for Compensation or Satisfaction as aforesaid in respect of any Lands, and 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 exceed the Sum of Twenty Pounds, then the same shall, at the Option of the respective Parties for the Time being entitled to the Rents and Profits of the Lands so taken or used, or of their respective Husbands, Guardians, or Committees, in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Company, signified in Writing either under their Common Seal or under the Hands of any Five or more of the Directors of the said Company, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the respective Parties exercising such Option, such Nomination to be approved of by the said Company, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, and either under the Common Seal of the said Company or under the Hands of any Five or more of the Directors of the said Company; and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon and therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without being required to obtain any Order of the said Court touching the Application thereof.

than 200*l.*
and exceed-
ing 20*l.*

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

Application
of Compensation
Money
when not ex-
ceeding 20*l.*

XXXIX. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of any Party entitled to any Lands to be taken or used, or in respect of which any Compensation or Satisfaction shall be payable, under the Authority of this Act, the Purchase Money for the same, or the Money paid for such Compensation or Satisfaction, shall be required to be paid into the Bank of *England*, to be applied in the Purchase of other Lands 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

Court may
order reason-
able Ex-
pences of
Purchases to
be paid by
the Com-
pany.

[*Local.*]

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shall

shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

XL. And be it further enacted, That upon Payment or legal Tender of such Sums of Money as shall have been agreed upon between the Parties or awarded by a Jury in manner aforesaid for the Purchase of any Lands, or as a Satisfaction and Compensation for any Loss or Injury as herein-before mentioned, to the respective Proprietors of such Lands, or other Persons respectively interested therein, and entitled to receive such Money or Satisfaction or Compensation respectively, within Thirty Days after the same shall have been so agreed upon or awarded, or if the Parties so respectively interested and entitled as aforesaid cannot be found, or shall be absent from *England*, or shall refuse to receive such Money as aforesaid, or shall refuse, neglect, or be unable to make a good Title to such Lands to the Satisfaction of the said Company, or if any Party entitled unto or to convey such Lands shall not be known, or shall be absent from *England*, or shall refuse to convey the same, then, upon Payment of such Money into the Bank of *England*, as herein-before directed, to the Credit of the Parties interested in such Lands, or if such Money shall have been agreed or awarded to be paid for the Purchase of any such Lands, or for such Compensation or Satisfaction as aforesaid, which any Corporation, Trustee, or Person under Disability is hereby capacitated to convey, then upon Payment of such Money into the Bank of *England*, as herein-before directed, to an Account *ex parte* "The *Whitby and Pickering* Railway Company," or in such Manner as such Money is herein-before directed to be paid, it shall be lawful for the said Company immediately to enter upon such Lands, and thereupon such Lands, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all Parties therein, shall thenceforth be vested in and become the sole Property of the said Company to and for the Purposes of this Act; and such Payment or Tender and Conveyance, or such Deposit in the Bank of *England* as aforesaid, shall operate to merge all outstanding or other Terms of Years, and to bar and destroy all Dower, and all Estates Tail and other Estates in Reversion and Remainder, and all Rights, Titles, Limitations, and Trusts whatsoever of and in the said Lands: Provided nevertheless, that before such Payment, Tender, or Deposit in the Bank of *England* as aforesaid it shall not be lawful for the said Company, or for any Person acting under their Authority, to bore under, dig or cut into, or enter upon such Lands for any of the Purposes of this Act, save for the Purpose of ascertaining and setting out the same for the Purposes of this Act, without the previous Consent of the Owners and Occupiers thereof respectively.

Compensation to be made for temporary Damage.

XLI. And whereas in making and executing the said Railway and the several other Works by this Act authorized it may be necessary for the said Company, their Agents and Workmen, to enter upon and take temporary Possession of some Parts of the Lands adjoining to the Line of the said Railway and other Works, for the Purpose of laying or depositing thereon the Earth, Clay, and other Materials which shall have been taken out in excavating Tunnels or deep Cuttings, or of manufacturing such Clay into Bricks, or for other Purposes; but inasmuch as

a Jury

a Jury summoned as directed by this Act to assess a Compensation for the Damage and Injury done to such adjoining Lands by the Exercise of the Powers and Authorities by this Act granted cannot, either upon View or from Evidence, form a just Opinion of the permanent Injury which will be sustained by the Owners or Proprietors of such adjoining Lands by the Exercise of the Powers and Authorities aforesaid, until the Works shall have been completed, it is expedient that the said Company, their Agents and Workmen, should be empowered to enter upon such adjoining Lands for the Purposes aforesaid without having previously made such Payment, Tender, or Investment of Money as herein-before mentioned; be it therefore enacted, That notwithstanding any thing in this Act contained it shall be lawful for the said Company, their Agents and Workmen, and they are hereby empowered, to enter upon the Lands of any Person or Corporation whatsoever adjoining or lying near to the said Railway and other Works by this Act authorized to be made and maintained, or any of them, or any Part thereof respectively, for the Purpose of depositing or manufacturing upon such Lands or upon any Part thereof respectively any Soil, Gravel, Clay, Sand, Stone, or other Materials which shall have been excavated, dug, or got in making the said Railway or other Works, or which may be taken or dug out of or from any Lands adjoining to the Place where the said Works shall be then carried on, and to dig, cut, get, take, remove, and carry away out of and from such adjoining Lands or any Part thereof any Soil, Gravel, Clay, Sand, Stone, or other Materials which can or may be got or found therein, and which may be requisite or convenient for making the said Railway and other Works, and to manufacture the same, without having previously made such Payment, Tender, or Investment as herein-before mentioned, they the said Company, their Agents and Workmen, doing as little Damage as may be in the Exercise of the several Powers hereby granted to them, and making Compensation for such temporary Occupation of the said Lands to the Owners or Occupiers thereof, such Compensation, in case the Parties differ about the same, to be settled and recovered in manner herein-before provided in Cases of Disputes as to Damages to a small Amount: Provided always, that the said Company shall and they are hereby required, within One Calendar Month after the Expiration of the Period by this Act granted for executing the said Railway and other Works, to make such Compensation and Satisfaction for the permanent Damage or Injury (if any) which may have been done to the said Lands by the Exercise of any of the Powers and Authorities aforesaid, in the same Manner as in this Act is directed in other Cases of permanent Damage or Loss occasioned by the said Company: Provided also, that before it shall be lawful for the said Company to make such temporary Use as aforesaid of the Lands adjoining or lying near the said Railway or Works, the said Company shall and they are hereby required to give Fourteen Days Notice of such their Intention to the Owners or Occupiers of such Lands, and to separate and set apart by sufficient Railings or Fencings so much of the Land as shall be required to be so used as aforesaid from the other Lands adjoining thereto: Provided always, that it shall not be lawful for the said Company to make such temporary Use of any such Lands as aforesaid lying at a greater Distance than One hundred Yards from the said Railway, nor to make Bricks or place a Steam Engine upon any of such Lands at any Place
which

which shall not be distant at least One hundred Yards from any Mansion, without the Leave of the Owner and Occupier of such Mansion in Writing first obtained for that Purpose.

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

XLII. 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 on or before the Thirtieth Day of *November* One thousand eight hundred and thirty-two, or any Land 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 Dwelling House, or planted and set apart as a Nursery for Trees, other than and except such as are specified in the Schedule to this Act annexed, without the previous Consent in Writing of the Owner and Occupier thereof.

Company not to deviate from Plan more than 100 Yards.

XLIII. And be it further enacted, That the said Company, in making the said Railway and other Works by this Act authorized, shall have full Power and Authority to deviate from the Line delineated on the Map or Plan so deposited with the Clerk of the Peace as herein-before mentioned : Provided always, that no such Deviation shall extend to a greater Distance than One hundred Yards from the Line so delineated upon the said Plan, nor shall such Deviation extend into the Lands or Property of any Person whose Name is not mentioned in the said Book of Reference without the previous Consent in Writing of such Persons, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded by Mistake shall have been certified in manner herein-before provided for in Cases of unintentional Errors in the said Book of Reference.

Breadth of Land to be taken for the Line of the Railway.

XLIV. And be it further enacted, That the Lands to be taken for the Line of the said Railway shall not exceed Twenty-two Yards in Breadth, except in those Places upon the Line of such Railway where a greater Breadth shall be judged necessary for Carriages to wait, load or unload, and to turn or pass each other, or for Embankments for crossing Valleys or low Grounds, or for Cuttings through high Grounds, or where any fixed or permanent Machinery, Warehouses, or other Buildings may be erected, or where Places may be appropriated for Wharfs for the Reception or Delivery of Goods, and not in any Place exceeding One hundred and fifty Yards on each Side of the Line of Railway, except at or near to the Termination of the Line of such Railway within the Parishes of *Whitby* and *Pickering* aforesaid respectively, and except also on Commons, Downs, or Waste Lands, unless with the previous Consent in Writing of the Owners and Occupiers of any Lands which the said Company shall be desirous of appropriating to the obtaining greater Space for the Purposes herein-before mentioned.

Where small Parcels of Land are intersected, Company compellable

XLV. And be it further enacted, That if in the Execution of any of the Powers of this Act any Land shall be cut through or divided so that the remaining Portion of such Land on either Side of the said Railway shall be less than One Quarter of an Acre in Quantity, and the Owner of any such Land shall not have any other Land adjoining the Portion so remaining,

remaining, then and in every such Case, if such Owner shall so require, the said Company shall also purchase the Portion of Land so remaining as aforesaid, the Value whereof shall, in case of Dispute, be ascertained in the same Manner as is in this Act directed concerning any Land to be taken or used for the Purposes of this Act; and in case the Owner of such remaining Portion of Land shall have any other Land adjoining to such remaining Portion, he may require the said Company, at the Expence of such Company, to throw the same into his adjoining Land, and to remove the Fences and level the Sites thereof, and soil the same in a sufficient and workmanlike Manner.

to purchase
the whole.

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

Empowering
Company to
purchase 15
Acres of
Land for
additional
Stations.

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

Power to
Company to
sell Lands
not required
for Stations,
&c. and after-
wards to pur-
chase other
Lands for the
same Pur-
poses.

XLVIII. And whereas the said Company (in addition to the Lands by this Act authorized to be taken for making the said Railway and other Works) are by this Act enabled to purchase of Persons and Corporations

Restraining
Company
from pur-
chasing more

[*Local.*]

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willing

than 15 Acres
of Land from
incapacitated
Persons.

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

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

XLIX. And be it futher enacted, That nothing in this Act contained shall extend to give to the said Company any Coal, Stone, Slate, or other Mineral, or any Alum, Rock, Limestone, Clay, or other Mines, under any Land purchased by the said Company under the Authority of this Act (except only so much of such Coal, Stone, Slate, or Mineral, or any Alum, Rock, Limestone, Clay, or other Mines, as may be necessary to be dug or carried away or used for the Purposes of this Act); but all such Coal, Stone, Slate, and Mineral, or any Alum, Rock, Limestone, Clay, or other Mines, not necessary to be so dug, carried away, or used as aforesaid, shall be deemed to be excepted out of the Purchase of such Land, and may be worked by the respective Owners and Lessees of such Coal, Stone, Slate, or Mineral, or any Alum, Rock, Limestone, Clay, or other Mines under the said Land, or under the Railway or other Works of the said Company, as if this Act had not been passed.

Owners of
Mines to give
Notice to the
Company of
their Inten-
tion to get,
and Company
to have
Liberty to
purchase,
Minerals.

L. Provided always, and be it further enacted, That when and so often as the Proprietor or Lessee or Tenant of any Mines of Coal, Ironstone, Limestone, Alum, Rock, Stone, Slate, Clay, or other Mines and Minerals lying under the said Railway and Works or any of them, or within the Distance of Forty Yards from such Railway or Works respectively, shall be desirous of working the same, then and in every such Case such Proprietor, Lessee, or Tenant shall give Notice in Writing to the said Company under his Hand of such Intention at least Twenty-one Days before he shall begin to work such Mines, and upon the Receipt of such Notice it shall be lawful for the said Company to inspect or cause such

Mines to be inspected, and to contract and agree with any such Proprietor, Lessee, or Tenant for the Purchase of and to purchase any such Mines, or any Part thereof, the getting and working of which may appear likely to prejudice or damage the said Railway or other Works; and in case the said Company, and such Proprietor, Lessee, or Tenant, do not agree as to the Amount or Value of such Mines, the same shall be ascertained and settled by the Verdict of a Jury as is in this Act directed with respect to the Lands which may be taken for the Purposes of this Act: Provided nevertheless, that in case the said Company do not before the Expiration of such Twenty-one Days declare their Desire to purchase the said Mines, and treat with such Proprietor, Lessee, or Tenant for the same, then it shall be lawful for the Proprietor, Lessee, or Tenant of such Mines, and he is hereby authorized, to work and get such Part of the said Mines as lie under the Railway and other Works, or within the Distance aforesaid, without being liable to the said Company for any Damage that may be done thereby.

LI. Provided also, and be it further enacted, That in case the said Company shall purchase any such Mines under the said Railway, or within the Distance of Forty Yards thereof, it shall be lawful for the respective Proprietors, Lessees, or Tenants of the adjoining Mines, such Proprietors, Lessees, or Tenants being the Proprietors, Lessees, or Tenants of the Mines on both Sides of the Mines so purchased, to cut and make such and so many Airways, Headways, Gateways, or Water Levels through the Mines or Strata so purchased by the said Company as may be requisite to enable such Proprietors, Lessees, or Tenants to ventilate, drain, work, and get the Mines on each Side of the Mines so purchased as aforesaid, the requisite Number of such Airways, Headways, Gateways, or Water Levels, in case the Parties differ about the same, being settled and decided by Two competent Persons, one of them to be appointed by the said Proprietor, Lessee, or Tenant, and the other by the said Company; or if either such Proprietor, Lessee, or Tenant, or the said Company, shall for Seven Days after being required neglect or decline to appoint such competent Persons, or if such competent Persons being appointed shall for Fourteen Days after their Appointment fail to agree upon the Matter referred to them, then the same shall be referred to the Decision of any Two Justices of the Peace for the County, Riding, or Place where such Mines shall be situate, whose Decision shall be binding; and such Justices are hereby authorized and empowered, at the Request of either Party, to take cognizance of all such References, and to act therein accordingly: Provided always, that no Airway, Headway, Gateway, or Water Level shall be so constructed as in any Manner to prejudice or injure the said Railway or Works hereby authorized or directed to be made; and the respective Proprietors, Lessees, or Tenants of such Mines, or other the Persons cutting and making the same, shall allow and repay unto the said Company for all Coal or other Mines worked or obtained by them from and out of such Airway, Headway, Gateway, or Water Level, at the same Rate or Price at which the said Company shall have purchased and paid for the said Mines.

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

LII. And for the better ascertaining whether any such Mines are being worked or got, or about to be worked or gotten, so as to prejudice or damage

Method of discovering when Mines

are worked under Railway to the Prejudice thereof.

damage the said Railway and other Works, or any of them, be it further enacted, That it shall be lawful for the said Company, by themselves, their Agents and Workmen, from Time to Time and at all Times hereafter to enter upon any Lands through or near which the said intended Railway and other Works shall pass wherein any such Mines shall be found, and likewise to enter into and return from any Coal Pits, Works, or other Mines, and for that Purpose to make use of any Gins, Whimsies, Tackling, Ropes, Machines, Apparatus, or Machinery belonging to such Proprietors, Lessees, or Tenants, and to view, search, measure, latch, and use all other Means for discovering the Distance of the said intended Railway and other Works from the working Parts of such Mines respectively; and in case it shall appear that any such Mines have been worked or got contrary to the Directions of this Act, it shall be lawful for the said Company to give Notice to the Proprietors, Lessees, or Tenants of any such Mines who have so worked or got the same contrary to the Directions of this Act respectively to adopt and construct the requisite Means and Supports for sustaining, securing, and making safe the said Railway and other Works, and preventing any Injury which may arise in consequence of such Mines having been so got contrary to the Directions of this Act; and in case the said Proprietors, Lessees, or Tenants respectively shall not immediately after such Notice proceed to secure and make safe the said Railway, and use due Diligence in effecting the same, to the Satisfaction of the said Company or their Engineer, then and in such Case it shall be lawful for the said Company, their Agents or Workmen, at the Expence, Costs, and Charges of such respective Proprietors, Lessees, and Tenants of such Mines, to enter into and upon all such Mines, and from Time to Time to use all necessary and reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe the said Railway and other Works; and such Expences, Costs, and Charges shall be recovered by the said Company from such Proprietor, Lessee, or Tenant who shall so respectively have worked or got the same contrary to the Directions of this Act, in such and the same Manner as the Rates, Tolls, or Sums by this Act granted may be recovered, and shall be paid into the Hands of the Treasurer or Receiver of the said Company, to be applied for the Purposes of this Act.

No Shaft to be sunk on the Railway.

LIII. And be it further enacted, That after the passing of this Act no Shaft, Pit, or Quarry shall be dug, sunk, or made in or on the said Railway: Provided always, that it shall be lawful for any Proprietor, Lessee, or Tenant of any Mines or Works on each Side of the said Railway to fix all such Ropes, Chains, Connection Rods, and other Matters as may be necessary for working the said Mines, in conformity with the Provisions of this Act, over, under, across, near, or by the said Railway; provided that by so doing such Proprietor, Lessee, or Tenant do not injure such Railway, or interrupt in any Manner the free Passage upon or along the same.

Prescribing the Width between the Rails of the Railway.

LIV. 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 and 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.

LV. And

LV. And be it further enacted, That when the said Railway shall cross any 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.

As to Railway crossing public Roads.

LVI. And whereas the said Railway will cross the Turnpike Road leading from *Whitby* aforesaid to *Pickering* aforesaid at a Point in the Parish of *Whitby* aforesaid where, from the Nature of the Country and the necessary Level and Course of the Railway, it will be impossible to carry such Railway either over or under the said Turnpike Road; be it therefore enacted, That the said Railway lawfully may and shall be carried across such Turnpike Road on the Level thereof, any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Railway may cross the Turnpike Road leading from Whitby to Pickering.

LVII. 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 any public Carriage Road, the Span of the Arch of such Bridge shall be formed and shall at all Times be and be continued of such Width as to leave a clear and open Space under every such Arch of not less than Fifteen Feet, and of a Height from the Surface of such Carriage Road to the Centre of such Arch of not less than Sixteen Feet, and the Descent under any such Bridge shall not exceed One Foot in Thirteen Feet.

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

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

Regulating Bridges for carrying public Roads over Railway.

LIX. 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, Railway or Tramroad, either public or private, shall be found necessary to be cut through, raised, sunk, taken, or so much injured as to be impassable or inconvenient for Passengers or Carriages, or the Persons entitled to the Use thereof, the said Company shall at their own Expence, before any such Road shall be so cut through, raised, sunk, taken, or injured as aforesaid, cause another good and sufficient Road (as the Case may require) to be set out and made instead thereof, as convenient for Passengers and Carriages as the said Road so to be cut through, raised, sunk, taken, or injured as aforesaid, or as near thereto as may be; and where the Road cut through, raised, sunk, taken, or injured shall be a Turnpike Road, the substituted Road, if temporary, shall be set out and made, and the principal Road shall be restored, within Six Calendar Months next after the Commencement of the Operation.

Providing for Injury to Roads.

For fencing
off Railway
through pri-
vate Lands.

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

Company to
erect Gates
for Use
of adjoining
Lands.

LXI. And be it further enacted, That the said Company shall, at their own Expence, after any Part of the said Railway shall have been laid out and formed, forthwith make and erect, and from Time to Time maintain, such and so many convenient Gates in or upon or adjoining such Part of the said Railway, and such and so many 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 acting for the County, Riding, or Place wherein such proposed Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages would (if made) be situated, 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 or Occupiers of the respective Lands through which such Railway shall be made, or for the Use and Accommodation of any Street now formed, or commenced previous to the Thirtieth Day of *November* One thousand eight hundred and thirty-two, in any Lands through which the said Railway shall be made, and for the commodious Use and Occupation of the Lands on either Side of the said Railway, or for protecting the said Lands from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof from straying or escaping thereout by reason of such Railway, or any 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 also such Parts of the Banks of the River *Esk* and of *Goadland* otherwise *Goathland* and *Pickering Becks*, herein-before mentioned, as may be injured or damaged by the said Company of Proprietors in the Execution or by the Formation of the said Railway and other Works, shall from Time to Time and at all Times thereafter be restored and repaired by and at the Expence of the said Company; and for the Purpose of enabling the said Company to make and erect such Gates, Bridges, Arches, Hollows, Culverts, Fences,

Ditches, Drains, and Passages, and from Time to Time to maintain the same, and to restore and repair such Banks, the said Company, their Agents and Workmen, are hereby authorized and empowered to enter into and upon all Lands adjoining the said Railway, and to load and carry the Materials for making or repairing such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, and restoring and repairing such Banks, in Carts and other Carriages across or along such Lands, in such Manner as to do as little Damage as may be to the same; and in case the said Company shall refuse or neglect to make or erect or to maintain such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, and to restore and repair such Banks, as herein-before directed, or any of them, for the Space of Ten Days next after the Time to be appointed for those Purposes respectively by such Justices, it shall be lawful for the respective Owners or Occupiers of the said Lands who shall find themselves aggrieved by such Neglect or Refusal to make and erect, or, as the Case may require, to repair and maintain, such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, and to restore and repair such Banks, as the said Justices shall have before directed or appointed to be made and erected, restored and repaired as aforesaid, so that in making, erecting, restoring, repairing, or maintaining such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages, and restoring and repairing such Banks as aforesaid, the said Railway, or any of the Works authorized by this Act to be made or constructed by the said Company, shall not be obstructed for any longer Space of Time, or be used in any other Manner, than shall be unavoidably necessary; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices, shall be paid to the respective Owners or Occupiers of the said Lands who shall have so made and erected, repaired and maintained, such Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, by the said Company, within the Space of Five Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered to and made from the said Company; and in default of Payment of the said Costs and Charges within the Time aforesaid the said Justices are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company, for the Use of the Party to whom such Costs and Charges shall have been allowed, rendering to the said Company the Overplus (if any), on Demand, after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; 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 as in other Cases is by this Act directed: Provided always, that no such Gate, Bridge, Arch, Hollow, Culvert, Fence, Ditch, Drain, or Passage shall be required to be made or erected, or shall be made or erected, over or under the said Railway or any Part thereof at or in any Place or Manner at or in which the same would, if so erected or made, prevent or obstruct the working or using of the said Railway.

LXII. And be it further enacted, That if any of the Owners or Occu- Owners of
piers of any Lands through which the said Railway shall be made shall Lands em-
at powered to

erect Gates,
&c. in case
of Insuffi-
ciency of
those erected
by the Com-
pany.

at any Time apprehend that any of the Gates, Bridges, Arches, Hollows, Culverts, Fences, Ditches, Drains, or Passages which the said Justices shall have so directed or appointed to be made or erected by the said Company are insufficient, either in Number or Situation, for the commodious Use or Occupation of the respective Lands through which the said Railway shall pass, it shall be lawful for any such Owner or Occupier, with the Consent of the said Company, upon Request 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 Owner or Occupier, any other Gates, Bridges, Arches, Hollows, Culverts, Ditches, Fences, Drains, or Passages, of the same or of like Construction or Form with those made and erected by the said Company, over, under, or by the Side of or leading to or from the said Railway, in such Places as shall be found and adjudged most convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands; and such Gates, Bridges, Arches, Hollows, Culverts, Ditches, Fences, Drains, and Passages shall thenceforth be repaired and maintained by and at the Expence of the respective Owners or Occupiers for the Time being of the respective Lands the respective Owners or Occupiers of which shall have made or erected the same, so that the Passage to or upon the said Railway be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than shall be unavoidably necessary.

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

LXIII. And be it further enacted, That the said Company shall and they are hereby required from Time to Time, at their own Expence, to make such Arches, Tunnels, Culverts, Drains, or other Passages over, under, or by the Side of the said Railway, and the Fences on the Sides thereof respectively, of such Breadth, Depth, and Dimensions as shall be sufficient at all Times to convey the Water as clearly from the Lands adjoining or lying near to the said Railway as before making the said Railway, without obstructing or impounding the same Water to the Prejudice of any of the said Lands, and also to make proper Watering Places for Cattle in all Cases where by means of the said Railway the Cattle of any Person occupying Lands adjacent thereto shall be deprived of easy and convenient Access 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 and along or under the said Railway, or in, through, over, and across any Lands thereto adjoining, of such Dimensions and in such Manner, and with such proper and convenient Bridges over and Tunnels for the same respectively, as any Two or more Justices of the Peace for the said North Riding of the County of *York* 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

Ten Days Notice in Writing shall be given, by or on behalf of any Owner or Occupier of Land adjoining or lying near to the said Railway to the said Company, that the said Arches, Tunnels, Culverts, Drains, Watercourses, or other Passages, or any of them, are not made, or being made are not cleansed, maintained, and repaired, according to the true Intent and Meaning of this Act, the said Company shall not proceed to make, or cleanse, maintain and repair, as the Case may be, such Arches, Tunnels, Culverts, Drains, Watercourses, or other Passages, it shall be lawful for any Person to apply for an Order in Writing to any Two or more Justices of the Peace for the North Riding of the County of *York* from Time to Time as often as there shall be Occasion, and the said Justices are hereby empowered at their Discretion to make and grant such Orders as aforesaid, enabling such Persons to make or cleanse and repair such Arches, Tunnels, Culverts, Watercourses, Drains, and other Passages accordingly; and the reasonable 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 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.

LXIV. And be it further enacted, That nothing in this Act contained shall extend or prevent the respective Owners or Occupiers of Lands adjoining to the said Railway, or any other Persons, from laying down, either upon their own Lands, or upon the Lands of other Persons with the Consent of such Persons, any collateral Branches from their respective Lands to communicate with the said Railway, for the Purpose of passing with Horses and Carriages in, upon, or across such Railway; and the said Company shall be bound to make, at the Expence of such Owners and Occupiers and other Persons as aforesaid, Openings in the Ledges or Flanches of the said Railway for effecting such Communication in such Places as may be most convenient for that Purpose, and as may the least interfere with the Passage of the said Railway; and the said Company shall not receive any Rate or Toll or Sum for the passing of any Goods or other Things along such Branch so to be made by any such Owner or Occupier or Person as aforesaid: Provided also, that the said Company shall not be bound to make any such Openings in the Ledges or Flanches of the said Railway for the Purpose of effecting such Communication in any Places where they shall have erected or set up any Building, Steam Engine, Works, Machinery, or Yard, or in any Places which they shall have appropriated or set apart for any specific Purpose with which such Communication would interfere, or upon any Inclined Plane, or in any Tunnel; and in case any Disagreement or Difference shall arise between any such Owners and Occupiers or other Persons and the said Company as to the proper Places for making any such Openings in the Ledges or Flanches of the said Railway for the Purpose of such Communication, then the same shall be left to the Decision of any Two Justices of the Peace for the North Riding of the County of *York*, whose Determination shall be binding; and such Justices are hereby authorized and empowered to take cognizance of all such References, and to act therein accordingly.

Allowing Owners of adjoining Lands to make Branches to communicate with Railway.

[*Local.*]

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LXV. Pro-

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

LXV. Provided always, and be it further enacted, That nothing herein contained shall extend to prevent any Owner of any Lands adjoining the said Railway from making any Railway, Bridge, or Culvert to, from, across, over, under, or into the said Railway hereby authorized to be made by the said Company, and to use such first-mentioned Railway, Bridge, or Culvert for the Benefit of himself and of all other Persons to whom he may from Time to Time give Leave, so that such Railway, Bridge, or Culvert do no Injury to and do not prevent the free Passage upon the Railway hereby authorized to be made by the said Company; and all such Railways, Bridges, and Culverts shall be made and erected, and from Time to Time repaired and renewed, under the Superintendence of the Engineer of the said Company, and according to Plans and Specifications to be submitted to and approved of by such Engineer previously to the commencing of such Railways, Bridges, and Culverts respectively: Provided nevertheless, that in case any Damage or Obstruction shall be, by the making of any such Railway, Bridge, or Culvert, or by the Want of Repair thereof, done or occur to or in the Railway or Works by this Act authorized to be made by the said Company, the same shall be forthwith repaired or removed, as the Case may be, by and at the Expence of the respective Owners for the Time being of the Land for whose Benefit any such other Railway, Bridge, or Culvert may be made or continued; and if the same shall not be forthwith done it shall be lawful for the said Company to repair such Damage or to remove such Obstruction, and to recover the Expences attending the same, in case of Refusal or Neglect to pay the same within Fourteen Days after Demand thereof, 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*.

Gates opening upon Railway to be shut and fastened after Persons have passed through them.

LXVI. And be it further enacted, That all Persons opening any Gate set up across the said Railway, or any Gate set up at either Side of the said Railway to communicate with adjoining Lands, shall and they are hereby respectively required, as soon as they, and the Carriages, Cattle, or other Animals or Things 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 any Sum not exceeding Forty Shillings for every such Offence.

Company may contract for the Works.

LXVII. 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 as they shall for that Purpose appoint, to contract and agree with any Person for making the said Railway or any Part thereof, or any other of the Works hereby authorized to be made or done, 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 by or against the said Company or any of the Parties failing in the Execution thereof.

LXVIII. And

LXVIII. And be it further enacted, That the First General Meeting of the said Company shall be held within Six Calendar Months next after the passing of this Act; and from and after such First General Meeting of the said Company there shall be an Annual General Meeting of the said Company on the First *Tuesday* in the Month of *May* in each and every Year, or within the Space of Fourteen Days next thereafter, and all such and so many Special General Meetings of the said Company as the Directors of the said Company shall think proper to convene, or as shall be convened by the Proprietors in manner herein-after provided, of which said General Meetings and Special General Meetings Ten Days public Notice at the least shall be given in the Manner herein-after directed; and every such Notice of a Special General Meeting shall specify the Purpose for which such Special General Meeting is called; and such First General Meeting and all Annual General Meetings and all Special General Meetings shall be held within the Borough of *Whitby*; and such Annual General Meetings and Special General Meetings may be adjourned from Time to Time, ~~all Adjournments being made to the Place at which the original or preceding Meeting shall have been held~~: Provided nevertheless, that it shall be lawful for any Annual General Meeting or for any adjourned Annual General Meeting (provided the Proprietors of at least One hundred of the aggregate Number of Shares held by the Persons then present in Person or by Proxy shall concur therein) to appoint the then next General Annual Meeting to be held at any other Place than *Whitby*, any thing herein-before enacted to the contrary notwithstanding.

First and other General Meetings of Company.

LXIX. And be it further enacted, That Five or more Proprietors of the said Company holding in the aggregate Twenty 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 or delivered to some Inmate of their last or usual Places of Abode, require the Directors of the said Company to call a Special General Meeting of the 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 in Writing given as aforesaid, the same may be called by such Five or more Proprietors by giving Fourteen Days Notice thereof in some Newspaper usually circulated within the Towns of *Whitby* and *Pickering* respectively; and the said Company are hereby authorized to meet in pursuance of such Notice; and such of the Proprietors thereof as shall be present at such Meeting 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.

LXX. 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 General Meeting.

Business at Special and adjourned General Meetings.

General or Special General Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

Notice of Meetings how to be given.

LXXI. Provided always, and be it further enacted, That all Notices in this Act directed to be given of any General or Special General Meeting of the Proprietors of the said Company, or of any other Matters, to any of the Proprietors of the said Company, 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 shall be elected Chairman of any such Meeting, and shall be given by Advertisement inserted in some Newspaper usually circulated in the Towns of *Whitby* and *Pickering* respectively; and such Notices, when so published and given, shall be deemed and considered the same as personal Notices.

Directing how Subscribers shall vote.

LXXII. And be it further enacted, That at all General and Special General Meetings to be convened by virtue of this Act all Corporations and Persons who shall have duly subscribed for or become entitled to any Share or Shares, not exceeding Five, in the said Undertaking, and their respective Successors, Executors, Administrators, and Assigns, shall have a Vote for each such Share; and all such Corporations and Persons as aforesaid as shall have subscribed for or become entitled to more than Five Shares in the said Undertaking, their respective Successors, Executors, Administrators, and Assigns, shall, over and above the Five Votes which they shall respectively have for or in respect of the first Five 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 Five Shares; and such Vote or Votes may be given by such respective Parties, or in their Absence 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 Meeting of the said Company shall be determined by a 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 a deciding 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 Appointer or Appointers of the Proxy thereby constituted, and other Circumstances, will admit:

Form of Proxy.

‘ *A. B.* of one of the Proprietors of the *Whitby* and *Pickering*
 ‘ *A.* Railway Company, doth hereby appoint *C. D.* of
 ‘ to be the Proxy of the said *A. B.*, to vote or give his Assent to or
 ‘ Dissent from any Business, Matter, or Thing relating to the said Under-
 ‘ taking which shall be proposed at any General or Special General
 ‘ Meeting of the said Company in such Manner as he the said *C. D.* shall
 ‘ think proper. In witness whereof the said *A. B.* hath hereunto set his
 ‘ Hand [*or* Common Seal] the Day of .’

The Person whose Name stands first

LXXIII. And be it further enacted, That when several Persons shall be jointly possessed of or entitled to any Share in the said Undertaking,

the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share shall for the Purposes of this Act be deemed the Proprietor of such Share, and 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 or Shares, without Proof of the Concurrence of the other Proprietor or Proprietors of the said Share; and all Notices by this Act directed to be given to Proprietors of Shares in the said Undertaking shall or may, for or in respect of such Share so jointly held, be given to the Person whose Name shall so stand first in the Books of the said Company, or be left with some Inmate of the last or usual Place of Abode of such Person, or be inserted in the *London Gazette* as herein mentioned (as the Case may require), and such Notice to such Person shall be deemed sufficient Notice to all the Proprietors of such Shares so jointly held for all the Purposes for which such Notice is intended to be given.

as a joint Proprietor with others to be deemed the Owner, and to vote.

LXXIV. And be it further enacted, That in case any Proprietor entitled to vote at any such Meeting as aforesaid shall be a Lunatic or Idiot or a Minor, such Lunatic or Idiot shall or may vote at such Meeting by his Committee or by any of such Committee, and such respective Committees may vote in respect of the Interest of such Lunatics or Idiots either in Person or by Proxy; and such Minor shall or may vote by his Guardian or by any of such Guardians, and such respective Guardians may vote in respect of the Interest of such Minors either in Person or by Proxy; and provided always, that every such Committee or Guardian may also vote in right of his or her own Share or 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.

LXXV. And be it further enacted, That no Proprietor of any Share on which any Call made shall be unpaid shall at any Meeting of the Proprietors of the said Company be allowed to vote, either personally or by Proxy, until the Money called for in respect of such Share shall have been fully paid.

Proprietors in arrear not to vote.

LXXVI. And be it further enacted, That at the First General Meeting to be held as herein-before is mentioned, or at some Meeting to be held by Adjournment therefrom, Eighteen Persons who shall be Proprietors and respectively possessed in their own Right of Five 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, Twelve at the least of which Directors so qualified shall be Proprietors residing in or carrying on Business at or within Seven Miles of *Whitby* or *Pickering*; and of the Directors so selected as aforesaid Five shall be competent to act; and the several Persons so to be elected, being neither removed nor disqualified nor 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 *May* in the Year of our Lord One thousand eight hundred and thirty-four, and until others shall be elected in their Stead, in pursuance of this Act: Provided always, that if it shall be found at any such

First General Meeting to choose Directors.

[Local.]

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General

General Meeting that there are not at that Time so many as Twelve of the Proprietors of Shares who shall be resident in or carrying on Business at or within Seven Miles of *Whitby* or *Pickering*, and qualified according to the Provisions of this Act to fill the Office of Director, it shall be lawful for such General Meeting to elect a less Number than Twelve to be Directors out of the Shareholders resident in or carrying on Business at or within Seven Miles of *Whitby* or *Pickering* as aforesaid, and to supply the Vacancy thus occasioned by Directors elected out of the other Proprietors of Shares in the said Undertaking; and the said Company at any General Meeting shall have Power to fix what Remuneration (if any) shall from Time to Time be allowed to the Directors of the said Company.

Time of
Service of
Directors.

LXXVII. And be it further enacted, That at the General Meeting to be held in the Month of *May* which will be in the Year of our Lord One thousand eight hundred and thirty-four Six of the Directors who shall have been so elected as aforesaid (to be determined by Ballot among themselves) shall go out of Office and cease to be Directors of the said Company, and an equal Number of Persons who shall be Proprietors and respectively possessed in their own Right of Five Shares at the least in the said Undertaking 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 *May* which will be in the Year of our Lord One thousand eight hundred and thirty-five Six of the remaining Directors who shall have been so primarily elected as aforesaid (to be determined 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 a General Meeting to be held in the Month of *May* which will be in the Year of our Lord One thousand eight hundred and thirty-six the remaining Six 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 *May* in every subsequent Year Six 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: Provided always, that the Places of Directors shall be so supplied as that Twelve at least of the Directors for the Time being of the said Company shall always consist of Proprietors residing in or carrying on Business at or within Seven Miles of *Whitby* or *Pickering*, provided so great a Number of Proprietors duly qualified can be found within that Distance.

Directors
going out of
Office re-
eligible.

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

As to General
Meeting for
choosing
Directors.

LXXIX. Provided always, and be it further enacted, That if at any such General Meeting there shall not, within One Hour from the Time appointed for each Meeting, be Ten Persons present who shall in the whole be entitled to vote in respect of at least Fifty Shares, no Choice of Directors shall be made, nor shall any Business be done, but in such

Case there shall be another Meeting of the said Company at the same Place at the Expiration of Fourteen Days from that Time; and if such sufficient Number of Persons shall not then attend thereat, such Meeting shall stand adjourned to the following Day; and in case such sufficient Number of Persons shall not then attend, 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 at the next Annual General Meeting.

LXXX. 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.

For supply-
ing Vacancies
in Direction.

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

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

LXXXII. And be it further enacted, That the Directors for the Time being of the said Company shall superintend all the Affairs thereof, and have the Custody of the Common Seal of the said Company, with Power to use the same on their Behalf, and shall have full Power and Authority to do all Acts whatever for carrying into effect the Purposes of this Act, and for the Management and Direction of the Affairs of the said Company, which the said Company are by this Act authorized to do, except such as are herein required and directed to be done at some General or Special General Meeting of the said Company; and the said Directors shall have Power to appoint and displace the Officers and Servants of the said Company (except as herein is provided), and to allow to them such Salaries, Gratuities, or Recompences as to the said Directors shall seem proper; and the said Directors may require and take such Security 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

Powers and
Duties of
Directors.

shall have Authority to meet and adjourn from Time to Time and from Place to Place as they shall think proper; and there shall be Five Directors at the least present in order to constitute a Meeting; and all Questions, Matters, and Things which shall be discussed or considered at any Meeting of the Directors shall be finally determined by the Majority of Votes then present; and no Director shall have more than One Vote at any such Meeting, except the Chairman of such Meeting, who in case of an equal Division shall have a second or casting Vote as such Chairman; and the said Directors shall keep a regular Minute and Entry of their Proceedings at every Meeting of the said Directors, and 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 also keep full and accurate Accounts of all Monies disbursed and Payments made by the said Directors and by all Persons employed by or under them, and of all Monies which they shall receive on behalf of or in respect of such Undertaking from any Collector of the Rates, Tolls, or Sums by this Act granted, or from any other Officer or Person employed in, 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 such Appointments, Contracts, Bargains, Receipts, and Disbursements, and of other their Orders and Proceedings, and which Book shall be deposited with and be kept locked up under the Care and Direction of the said Directors: Provided always, that it shall not be lawful for the said Directors to fix or order what Remuneration shall be allowed to the Directors of the said Company.

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

LXXXIII. 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 make and enter into any Contracts or Agreements on behalf of the said Company, and to hire and employ any Agents, Surveyors, Workmen, or Servants in and 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 such respective 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 Recompence or Compensation to be made to such respective Committees from Time to Time as they shall think reasonable; and it shall be lawful for the said Directors, by an Order or Resolution for that Purpose, to break up and dissolve any such Committees, and to remove or displace any of the Members thereof respectively, and to appoint others in their Place and Stead, when and as often as such Directors shall think expedient; and such respective 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 Purposes aforesaid; and all Powers and Authorities hereby vested in or
which

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 Majority of the Members present at the respective Meetings of such Committee; and at all Meetings of the said Committee one of the Members present shall be appointed Chairman, who, in case of an equal Division of Votes upon any Subject entertained by the said Committee, shall have an additional or casting Vote.

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

Orders and Proceedings to be entered in a Book.

LXXXV. 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 who shall enter or cause to be entered in the said Book or Books true and regular Accounts of all Money received and expended for or on account of the said Undertaking, and of the several Articles, Matters, and Things for which such Money shall have been disbursed and paid; and such Book and Books shall at all reasonable Times be open to the Inspection of the respective Proprietors of the said Company, or of the respective Creditors for Money advanced and lent for the Purposes of this Act, without Fee or Reward; and the said Proprietors and Creditors may take Copies of or Extracts from the said Book or Books without paying any thing for the same; and in case the said Book-keeper shall refuse to permit or shall not permit such Proprietors and Creditors, or any of them, to inspect such Book or Books, or to take such Copies or Extracts as aforesaid, such Book-keeper shall forfeit and pay for every such Offence any Sum 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 Accounts to be kept.

LXXXVI. And be it further enacted, That at the first Meeting of Directors which shall be held after the passing of this Act, and at the first Meeting of Directors which shall be held next after the first Appointment of the said Directors under the Provisions of this Act, and at the first Meeting of the Directors which shall be held next after the Half-yearly Meeting in the Month of *October* in each Year except the Year One thousand eight hundred and thirty-three, 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

Chairman and Deputy Chairman of Directors to be appointed.

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after such Vacancy, to choose some other of the said Directors to be Chairman or Deputy Chairman; and every such Chairman or Deputy Chairman to be chosen as last aforesaid to fill such Vacancy shall continue in such Office so long only as the Person in whose Place or Stead he may be so elected would have been entitled under the Provisions of this Act to continue if such Vacancy had not happened.

At Meetings of the Company Chairman or Deputy Chairman of Directors to preside.

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; and such Chairman, in case of an equal Division of Votes upon any Subject entertained at any such Meeting, including such Chairman's Votes in respect of the Shares held by him, shall have an additional or casting Vote.

First Directors of the Company.

LXXXVIII. And be it further enacted, That *Joseph Barker, Barker William Barker, John Barry, Robert Barry, Charles Belcher, William Benson, Robert Campion, John Campion Banker, Abel Chapman, William Chapman, Edward Chapman, Aaron Chapman, John Chapman, George Cholmley, Thomas Fishburn, John Frankland, Nicholas King, John Langborne, Richard Moorsom, Richard Ripley, Thomas Simpson, Henry Simpson, William Henry Smith Clerk, Gideon Smales, John Watson, and James Wilkinson,* and the Survivors and Survivor of them, shall be the first Directors of the said Company, and shall continue in Office until the First General Meeting of the said Company to be held in pursuance of this Act; and the said Directors herein-before named shall and they are hereby required to fix the Time of such First General Meeting within the Limit herein-before prescribed, and to give Notice thereof in the Manner herein-before prescribed with respect to General Meetings of the said Company; and until such First General Meeting shall be holden, and such Directors shall have been duly elected as herein-before prescribed, the said Directors herein named shall and lawfully may allot the Shares remaining undisposed of in the said Undertaking to such Persons desirous of taking the same as to the said Directors shall seem fit, and shall and may exercise all the Powers and Authorities by this Act given to the Directors to be elected in manner herein-before prescribed.

General Meeting to appoint Treasurer and Clerk.

LXXXIX. And be it further enacted, That the said Company shall at some of their General Meetings 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 Meeting or Special General Meeting, from Time to Time to remove and displace any such Treasurer or Clerk, or any Person who shall be thereafter elected to their respective Offices, and elect in manner aforesaid any other Person to act as Treasurer or Clerk of the said Company in the Place 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 respectively as they shall from Time to Time think proper: 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, and other Officer appointed by them or by the Directors of the said Company who shall have 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.

XC. And be it further enacted, That in case any Treasurer or Clerk of the said Company shall die, or shall be removed from or shall quit the Service of the said Company, it shall be lawful for the said Company at any of their General 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 such Meeting shall think proper.

Directors may appoint temporary Treasurer or Clerk.

XCI. 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 any 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 any Person in the Service or Employ of such Treasurer or of his Partner, to be the Clerk to 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 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 Partner of such Treasurer, or 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 by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*.

Clerk not to be Treasurer, and vice versa.

XCII. And be it further enacted, That the said Company shall have full Power and Authority from Time to Time to make such Bye Laws, Rules, and Orders as to them shall seem expedient for the good Government of the Officers and Servants of the said Company, and for regulating the Proceedings and reimbursing the Expences of the said Directors, and for the Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Bye Laws, Rules, and Orders, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the said Company shall seem meet, not exceeding the Sum of Five Pounds for any One Offence, such Fines and Forfeitures to be

General Meetings may make Bye Laws.

be levied and recovered as any Penalty may by this Act be levied and recovered; which said Bye Laws, Rules, and Orders, 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 fixed 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, Rules, and Orders shall be binding upon and be observed by all Parties, and shall be sufficient in all Courts of Law or Equity to justify all Persons who shall act under the same; provided that such Bye Laws, Rules, or Orders be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or to any of the Directions in this Act contained; and all such Bye Laws, Rules, and Orders shall be subject to Appeal in manner herein-after mentioned.

Officers to
account.

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

Person, such Justice may and he is hereby empowered, upon Nonpayment 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 not make out and deliver to such Justice such Account in Writing as aforesaid, or produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby required, by Warrant under his Hand and Seal, to commit such Officer or Person to some Common Gaol or House of Correction of or for the County, Riding, or Place in which such Officer or Person shall live or reside, there to remain without Bail or Mainprize until he shall have made out and delivered such Accounts, and have delivered up the Vouchers and Receipts, if any, relating thereto, and have delivered up such Books, Papers, and Writings, if any, as aforesaid, and shall have paid all the Money which shall appear to be in the Hands of or owing from him, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he shall have compounded with the said Company or with the said Directors for such Money and Charges, and have paid the Composition Money to the said Company or to the said Directors, (and which Composition the said Company and the said Directors are hereby respectively empowered to make,) or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings to the said Company or to the said Directors: 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.

XCIV. And be it further enacted, That it shall be competent to 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, Tolls, and other Sums by this Act granted, and of the other Officers of the said Company.

General Meetings to examine Accounts.

XCV. 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 and particular Account to be kept and to be made up and balanced twice in every Year, that is to say, on the Second *Tuesday* in *April* and the Second *Tuesday* in *October*, of the Money received by the said Company, or by the Directors or the 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 Expenditures of the said Company or of the said Directors up to that Period; and it shall be lawful for the said Company and they are hereby empowered from Time to Time, at the Annual General Meeting or at a Special General Meeting to be called for that Purpose, to declare and make a Dividend or Dividends out of the clear Profits of the said Undertaking if the Majority of the Proprietors present at such Meeting shall

Accounts to be made up.

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think proper so to do, and such Dividend shall be after the Rate of so much *per* Share upon the several Shares held by the Members of the said Company in the Joint Stock thereof: Provided always, that such Dividends shall not be made oftener than half-yearly, and that no Dividend shall be made exceeding the net Amount of clear Profit at the Time being in the Hands of the said Company, or of the Directors or Treasurer thereof, nor whereby the Capital of the said Company shall in any Degree be reduced or impaired, nor shall any Dividend be paid in respect of any Share after a Day appointed for Payment of any Call of Money in respect thereof until such Call shall have been paid.

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

XCVI. And be it further enacted, That the said Company shall and they are hereby required, at their First or some subsequent General Meeting, and afterwards from Time to Time, to cause the Names of the several Corporations, and the Names and Additions of the several Persons who shall then be or who shall from Time to Time thereafter become entitled to Shares in the said Undertaking, with the Number of Shares which they are respectively entitled to 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 the said Company shall from Time to Time cause a Certificate or Ticket, with the Common Seal of the said Company affixed thereto, to be delivered to every such Proprietor on Demand, specifying the Share or Shares to which he is entitled in the said Undertaking, such Proprietor paying to the Clerk of the said Company the Sum of Two Shillings and Sixpence, and no more, for each such Certificate or Ticket; and such Certificate or Ticket shall be admitted in all Courts whatsoever as *prima facie* Evidence of the Title of such respective Proprietors, their Successors, Executors, Administrators, or Assigns, to the Share or Shares therein specified, but the Want of such Certificate or Ticket shall not hinder or prevent the Proprietor of any of the said Shares from selling or disposing thereof; and such said Certificate or Ticket may be in the Words or to the Effect following; (that is to say,)

Form of Certificate.

‘ The *Whitby and Pickering* Railway Company.
 ‘ Number
 ‘ THESE are to certify, That *A. B.* of _____ is the Proprietor
 ‘ of the Share Number _____ of The *Whitby and Pickering* Railway
 ‘ Company, subject to the Rules, Regulations, and Orders of the said
 ‘ Company. Given under the Common Seal of the said Company
 ‘ the _____ Day of _____ in the Year of our Lord _____.’

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

XCVII. 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 produced 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 to the Party in whom the Property of such Certificate or Ticket, and of the Shares therein mentioned, shall be at the Time vested; or in case such Certificate or Ticket shall be burnt or totally destroyed or lost, 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 burnt, destroyed, or lost,
 and

and a due Entry of the Substitute or Duplicate of each such Certificate or Ticket shall be made 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.

XCVIII. 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 Places of Abode of the several Proprietors of the said Undertaking, and of the several Corporations 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 in the Case of a Corporation the Clerk or Agent of such Corporation duly appointed, may at all convenient Times have recourse to and peruse such Books *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 copied; and if the Clerk of the said Company shall refuse to permit or shall not permit any such Proprietor or Clerk or Agent of such Corporation as aforesaid to peruse such Book at all convenient Times, or refuse or neglect to make such Copy within a reasonable Period, on being paid as aforesaid, he shall for every such Offence forfeit and pay the Sum of Twenty Pounds for the Benefit of the said Undertaking.

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

XCIX. And whereas in Cases in which Proprietors of Shares in the said Undertaking shall die, or marry, being Females, or become insolvent or bankrupt, or go out of the Kingdom, or shall transfer their Right and Interest therein to other Persons, and no Registers shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of the said Company to ascertain who are the Proprietors of such Shares, in order to give to them, or to their respective Executors, Administrators, Husbands, Successors, or Assigns, Notice of Calls to be made on such Shares, or to maintain Actions, Suits, or other Proceedings against them, or against their respective Executors, Administrators, Husbands, Successors, or Assigns, for the Recovery of the same; be it therefore enacted, That in all Cases where the Right of Property in any Share in the said Undertaking shall pass from the original Proprietor thereof to any other Person or Corporation by any other legal Means than by a Transfer or Conveyance thereof duly made and executed as herein provided, and such Affidavit or solemn Affirmation as is herein in that Behalf directed shall have been transmitted to the Clerk of the said Company, then and in any of the Cases aforesaid, after Twenty-one 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 or Affirmation to be the then Proprietor of such Share, or delivered to some Inmate of the last or usual known Place of Abode of such Person, or of the Clerk of such Corporation, to pay his or their Proportion of Money to be called for, and such Person or Corporation shall not have paid such his or their Proportion as aforesaid, it shall be lawful for the said Company, at any General Meeting or Special General Meeting after the Expiration of such Notice, to declare any such Share to be forfeited, and in such Case the same shall become forfeited, and shall and may be sold and disposed of

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

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in such Manner, on such Evidence of Title, and with such Powers, and with such Indemnity to Purchasers, as in other Cases of Sales of Shares forfeited for the Nonpayment of Calls thereon, or such Shares may, at the Option of the said Company, be consolidated in the general Fund of the said Company; and in case there shall be no such Affidavit or Affirmation made as aforesaid, then such Notice as is herein-before directed to be given shall be served upon or delivered to some Inmate of the last Place of Abode of the Executors or Administrators of such Proprietor so dying, or the Husband of such Female Proprietor so marrying, or of the Assignees or Trustees of such Proprietor so becoming bankrupt or insolvent, or in the event of the Share having been disposed of as aforesaid of the last Proprietor appearing in the Books of the said Company to have been possessed of the same, and in case the last or usual Place of Abode of such Proprietor cannot be ascertained upon Inquiry, or in case the Proprietor of the Share shall be known to be out of the Kingdom, such Notice shall be inserted in the *London Gazette*; and in all such Cases, and after such Notices on default being made, the said Shares shall be forfeited and may be sold, or be consolidated with the general Fund of the said Company in manner aforesaid; and the like Evidence of Title shall be sufficient on any Sale, and the like Indemnity to the Purchaser shall exist, as in other Cases of Sales on account of Nonpayment of Calls: Provided always, that in the Cases of Proprietors being Abroad the Shares shall not be forfeited until the Expiration of Six Calendar Months after the Day on which such Notice shall have been delivered to some Inmate of their last known or usual Place of Abode in *England*, if any such shall be known, and inserted in the *London Gazette* as aforesaid.

To compel
Payment of
Subscrip-
tions.

C. 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, and at such Times and Places, as shall from Time to Time be called for by the Directors of the said Company by virtue of and pursuant to the Powers and Directions of this Act; and in case any Party shall refuse or neglect to pay the Money by him 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 to sue for and recover the same, with full Costs of Suit, in any Court of Law or Equity, together with Interest on such unpaid Sum of Money at the Rate of Five Pounds *per Centum per Annum* from the Time when the same shall be directed to be paid as aforesaid.

Power of
Directors to
make Calls.

CI. 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 and carry on the same, as they from Time to Time shall find necessary, so that no such Call shall exceed the Sum of Ten Pounds upon each Share which any Person or Corporation shall be possessed of or entitled to in the said Undertaking; and there shall be an Interval of at least Three Calendar Months between each successive Call; and Twenty-one Days Notice at the least shall be given of every such Call by Advertisement in some Newspaper usually circulated within the Towns of *Whitby* and *Pickering* respectively; and all Money so called for shall be paid to such Persons and in such

such Manner as the said Directors shall from Time to Time order and appoint, for the Use of the said Undertaking; and the respective Owners of Shares in the said Undertaking shall pay their rateable Proportion of the Money to be called for as aforesaid to such Persons and at such Times and Places as the said Directors shall from Time to Time order and appoint; and if any Owner of any such Share shall not so pay such his 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 rateable Proportion, together with the Interest, if any, which shall 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 to sue for and recover the same in any of His Majesty's Courts of Record by Action of Debt or on the Case, or by Bill, Suit, or Information; or the said Company or the said Directors may and they are hereby authorized to declare the Shares belonging to any Person or Corporation so refusing or neglecting to pay any such Call, 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 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 delivered to some Inmate of the last known usual Place of Abode of the Owner of such Share, nor until the Declaration of Forfeiture of the said Directors shall have been confirmed, either at a General Meeting of the said Company, or at some 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 as aforesaid; and after such Forfeiture shall have been confirmed by such General Meeting or Special General Meeting the said Company, by an Order to be made at a General Meeting or Special General Meeting, shall have Power to direct the said Directors to dispose of the Shares so forfeited or any of them in manner by this Act directed, and the said Directors may in that Case sell and dispose of such Shares at public Auction or by private Contract, and together or in Lots, or in such other Manner and for such Price as they may think fit; and an Affidavit sworn to, or in the Case of a Quaker an Affirmation affirmed to, by some credible Person not interested, before any Justice of the Peace, or before any Master or Master Extraordinary in the High Court of Chancery, stating that such Call had been made by the said Directors, and that such Notice had been given, and that such Default in Payment had been made in respect of the Share so sold, and that the same Share had been declared to be forfeited, and such Declaration had been confirmed in manner herein-before mentioned, shall be sufficient Evidence of the Facts therein stated; and the Purchaser of such Share shall not be bound to see to the Application of his Purchase Money, nor shall his Title to such Share be affected by any Irregularity of proceeding to such Sale.

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

CII. And be it further enacted, That in case the Money produced by the Sale of any Share which shall be forfeited by reason of the Nonpayment of any Call, as 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, or otherwise occasioned by such Forfeiture, the Surplus of such Purchase Money shall, on Demand, be paid to the Party to whom such forfeited Share shall have belonged: Provided always, that it shall not be lawful for the said Company or for the said Directors to sell or transfer more of the Shares of such Defaulter 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 Calls, and the Interest and Expences attending the same; and from and after the Payment of such Arrears, 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 Calls had been duly paid.

Proceedings in Actions for Calls.

CIII. And be it further enacted, That in any Action to be brought by the said Company against any Proprietor of any Share in the said Undertaking to recover any Money due and payable to the said Company for or by reason of any Call made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant, being a Proprietor of so many Shares in the said Undertaking, is indebted to the said Company in such Sum of Money as the Calls in arrear shall amount to for 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 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 Call was a Proprietor of such Shares in the said Undertaking as such Action is brought in respect of, or some One such Share, and that such Notice was given as is directed by this Act of such Calls having been made, without proving the Appointment of the Directors who made such Calls, or any other Matter whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due (including Interest computed as aforesaid) on such Calls, unless it shall appear that any such Call exceeded Ten Pounds for every Share of One hundred Pounds, or was made within the Distance of Three Calendar Months from the last preceding Call; and in order to prove that the Defendant was a Proprietor of such Shares 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 Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons and Corporations who shall from Time to Time become Proprietors thereof or be entitled to Shares therein, shall be *prima facie* Evidence that such Defendant was a Proprietor, and of the Number and Amount of his Shares therein.

CIV. And

CIV. And whereas by the Death of, or by other 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 such Shares, or the Dividends arising or becoming due upon such Shares, may belong or ought to be paid; be it therefore enacted, That in all Cases where the Right of Property in any Share in the said Undertaking shall pass from any Proprietor thereof to any other Person or Corporation by any other legal Means than by a Transfer or Conveyance thereof duly made and executed as herein-before directed, an Affidavit or solemn Affirmation in Writing shall be made, and sworn to, or in the case of Quakers solemnly affirmed to, by some credible Person, before some Master or Master Extraordinary in the High Court of Chancery, or any One of His Majesty's Justices of the Peace, stating the Manner in which such Share hath been passed to such other Person or Corporation; and such Affidavit or 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 such Share shall be subject or liable; and before such Affidavit or Affirmation shall have been transmitted, and such Entry made as aforesaid, no Person or Corporation to whom any such Share shall have passed as aforesaid shall be entitled to receive any Part of the Profits of the said Undertaking, or to vote or to exercise any of the Privileges of a Proprietor in respect of such Share: Provided always, that before any Person who shall claim any Part of the Profits of the said Undertaking in right of Marriage with any Female Proprietor shall be entitled to receive the same, or be entitled to vote in respect of any Share, 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 shall be made, 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, 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 for the Entry of Transfers or Sales of Shares in the said Undertaking; and before any Person 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 vote in respect of any Share, the said Will or the Probate thereof, or the Letters of Administration, shall be produced and shown to the said Clerk, or a Copy of so much of such Will or of such Letters of Administration as shall relate to the Share of the Testator or Intestate (as the Case may require) shall be made and sworn to or solemnly affirmed to by the Executors of the said Will, or the Administrator of the Intestate, before some Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, together with an official Extract of the Act of Court on the Grant of Probate of such Will, or (in case of Intestacy) of the Letters of Administration, shall be transmitted to the said Clerk, who shall file and enter the same as herein-before mentioned; and in all Cases, other than

For ascertaining Proprietorship of Shares in case of Deaths, in order to the Payment of Dividends in respect of such Shares.

as herein-before mentioned, where 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 passed or been transferred 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 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 expressed or constructive, to which any Share aforesaid shall be subject or liable.

Shares to be
Personal
Estate.

CV. 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 to all Intents and Purposes be deemed Personal Estate, and be transmissible as such, and shall not be deemed to be of the Nature of Real Property.

Shares may
be sold.

CVI. And be it further enacted, That it shall be lawful for the several Proprietors of Shares in the said Undertaking, and their respective Executors and 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 of the contracting Parties as the Case may require; (that is to say,)

Form of Con-
veyance of
Shares.

‘ I *A. B.* of _____ in consideration of the Sum of _____
‘ paid to me by *C. D.* of _____ do hereby assign and trans-
‘ fer to the said *C. D.* _____ Share, numbered _____
‘ of and in the Undertaking called The *Whitby* and *Pickering* Railway, to
‘ hold unto the said *C. D.*, his Executors, Administrators, and Assigns, [*or*
‘ Successors and Assigns,] subject to the several Conditions on which I
‘ held the same immediately before the Execution hereof; and I the said
‘ *C. D.* do hereby agree to accept and take the said Share, subject to the
‘ Conditions aforesaid. As witness our Hands and Seals the
‘ Day of _____

And on every such Sale, the Deed or Conveyance, being executed by the Seller and Purchaser, 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 Entry and Indorsement the Sum of Two Shillings and Sixpence, and no more, shall be paid to the said Clerk; and the said Clerk is hereby required to make such Entry or Memorial accordingly, and, on Request, to make an Indorsement of such Transfer on the Back of the Certificate of each Share so sold, and deliver the same to the Purchaser for his Security, for which Indorsement no

more than Two Shillings and Sixpence shall be paid; and such Indorsement, being signed by the said Clerk, shall be considered in every respect the same as a new Certificate; and until such Memorial shall have been made and entered as before directed such Purchaser shall have no Part or Share of the Profits of the said Undertaking, nor any Interest in respect of such Share, paid to him, nor any Vote in respect thereof, as a Proprietor of the said Undertaking.

CVII. And be it further enacted, That no Person or Corporation shall sell or transfer any Share which he or they 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 they, 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 paid.

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

Receipt of One Proprietor of a Share sufficient.

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

Receipt of the Parent or Guardian of a Minor sufficient.

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

Railway to be free on Payment of Rates, &c.

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

Rates of Tonnage for conveying Goods on the Railway.

For all Materials for the Repair of Turnpike Roads or Highways, the Sum of Two-pence *per* Ton *per* Mile; and for all Materials for the Repair of private Roads, the Sum of Two-pence *per* Ton *per* Mile:

[Local.]

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For

For all Coal, Lime, building and other Stone, Culm, Kelp, Sweep Washings, Waste, Pig Iron, Minerals, metallic Ores, Bricks, Tiles, and Slates, and Potatoes, the Sum of Three-pence *per Ton per Mile* :

For all Corn, Flour, Coke, Charcoal, Bar Iron, Plate Iron, Rod Iron, Sheet Iron, and Hoop Iron, Iron Castings, Parts of Steam Engines, heavy Iron Machinery, and Millwright Work, Pig and Sheet Lead, and Steel, Timber, Dye Woods, Hay, and Straw, the Sum of Four-pence *per Ton per Mile* :

For all Malt, Meal, Sugar, Soap, Oil, and Groceries, Tallow, Hemp, Cotton, Wool, Leather, Skins, Hides, Cordage, Malt Liquors, Machinery not before specified, Butcher's Meat, Provisions, Fruit, and Vegetables, the Sum of Five-pence *per Ton per Mile* :

For all Goods, Wares, Merchandize, and other Commodities, Articles, Matters, and Things whatsoever not before particularized, the Sum of Sixpence *per Ton per Mile*.

Tolls on Carriages conveying Passengers or Cattle.

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

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

For every Horse, Mule, Ass, or other Beast of Draught or Burden, and for every Ox, Cow, Bull, or Neat Cattle, conveyed in or upon any such Carriage, for any Distance not exceeding Ten Miles, the Sum of Two Shillings and Sixpence ; for any Distance exceeding Ten Miles and not exceeding Twenty Miles, the Sum of Four Shillings and Sixpence ; and for any Distance exceeding Twenty Miles, the Sum of Five Shillings and Sixpence :

For every Calf, Sheep, Lamb, or Swine, or other small Animal, conveyed in or upon such Carriage, for any Distance not exceeding Ten Miles, the Sum of Eight-pence ; for any Distance exceeding Ten Miles and not exceeding Twenty Miles, the Sum of One Shilling and Two-pence ; and for any Distance exceeding Twenty Miles, the Sum of One Shilling and Sixpence :

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

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

CXIII. And be it further enacted, That it shall be lawful for the said Company and they are hereby authorized to convey upon the said Railway all such Articles, Matters, and Things, Passengers, Cattle, and other Animals, as shall be offered to them for that Purpose, and to make such reasonable Charges for such Conveyance as they may from Time to Time determine upon, in addition to the several Rates or Tolls by this Act authorized to be taken for the Use of the said Railway.

Company empowered to provide and charge

CXIV. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to provide locomotive Engines or other Power for the drawing or propelling of any Articles, Matters,

Matters, or Things, Persons, Cattle, or Animals, upon the said Railway, and to demand, receive, and recover such Sums of Money for the Use of such Engines or other Power as the said Company shall think proper, in addition to the several other Rates, Tolls, or Sums by this Act authorized to be taken. for locomotive Power.

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

CXVI. Provided always, and be it further enacted, That in all Cases in which any Article, Matter, or Thing, Passenger, Cattle, or Animal, shall pass upon the said Railway for a less Distance than Five Miles, the said Company are hereby empowered to demand, receive, and recover the before-mentioned Rates and Tolls for Five Miles, exclusive of a reasonable Charge for the Expence of loading and unloading the same, in Cases where the loading and unloading shall be done by the said Company, and which Charge the said Company are hereby authorized to make. Regulating the Charge for short Distances.

CXVII. And be it further enacted, That in all Cases in which there shall be a Fraction of a Ton a Proportion of the Rates, Tolls, and Sums by this Act granted may be demanded and taken for such Fraction according to the Number of Quarters of a Ton contained therein, and when there shall be a Fraction of a Quarter of a Ton such Fraction shall be deemed and considered as a Quarter of a Ton; and in all Cases in which there shall be a Fraction of a Mile in the Distance which any Carriage shall pass upon the said Railway beyond Five Miles or any greater Number of Miles, the Proportion of the Rates, Tolls, or Sums which shall be demanded and taken for such Fraction shall be after the Rate of the Number of Quarters of a Mile contained therein, and when there shall be a Fraction of a Quarter of a Mile such Fraction shall be deemed and considered as a Quarter of a Mile, and in order to ascertain and calculate with greater Precision and Facility the Distance for which such Rates, Tolls, or Sums shall be demanded and taken upon the said Railway, the said Company shall cause the said Railway to be measured, and Stones or other conspicuous Marks, with proper Inscriptions thereon, to be set up and maintained along the whole Line thereof at the Distance of One Quarter of a Mile from each other. Regulating the Charge in Cases of fractional Parts of a Ton or of a Mile.

CXVIII. And be it further enacted, That it shall be lawful for the said Company to demand, receive, and recover, to and for the Use and Benefit of the said Company, for and in respect of Goods, Articles, and Things (but not for or in respect of Passengers or Cattle) conveyed in Carriages up any Inclined Plane upon the said Railway which shall be worked, wholly or in part, by means of stationary Steam Engines, or other Power Inscription Stones to be erected at at every Quarter of a Mile.

or

Rates for passing Inclined Planes.

or Machinery, any Sum not exceeding One Shilling *per* Ton, in addition to the several other Rates, Tolls, or Sums by this Act granted : Provided always, that no such Charge shall be made for any such Goods, Articles, or Things conveyed down any of the said Inclined Planes.

Power to reduce the Rates, Tolls, &c.

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

Rates, Tolls, &c. not to be reduced partially.

CXX. Provided always, and be it further enacted, That the said Company shall not partially raise or lower the Rates, Tolls, or Sums payable under this Act, but all such Rates, Tolls, and Sums shall be so fixed as that the same shall be taken from all Persons alike under the same or similar Circumstances.

A List of the Rates, Tolls, &c. to be exhibited in conspicuous Places.

CXXI. And be it further enacted, That the said Company shall cause to be fairly printed on Paper, or painted on Boards, in large and legible Characters, and to be affixed and continued, and also to be renewed as often as the same shall be obliterated or defaced, on some conspicuous Part of every public Office or Building at which any of the Tolls, Rates, or Sums by this Act authorized shall be received, an Account or List of the several Rates, Tolls, and Sums, which shall from Time to Time be directed to be received under the Authority and by virtue of this Act; and in case any Owner or Master of or Person having or assisting in the Charge of any Carriage passing upon the said Railway, or any Collector of the Rates, Tolls, or Sums aforesaid, shall, after and while such Account or List shall be affixed as aforesaid, demand or receive more than the Amount therein specified, such Owner, Master, Collector, or other Person as aforesaid shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Rates, Tolls, &c. only payable whilst Boards remain.

CXXII. Provided always, and be it further enacted, That it shall not be lawful for the said Company to demand or to receive any Rates, Tolls, or Sums for or in respect of any Article, Matter, or Thing, or any Passenger, Cattle, or Animal, except during the Time only that the List of Rates, Tolls, or Sums herein-before mentioned shall remain exhibited at such public Office or Building as herein-before directed, and for and during the Time only that the Stones or other conspicuous Marks herein-before directed to be set up for ascertaining the Distances for which such Rates, Tolls, or Sums shall be taken shall so remain set up.

Penalty on Persons defacing Boards.

CXXIII. And be it further enacted, That if any Person shall wilfully pull down, deface, or destroy any Board whereon any Bye Laws, Rules, or Orders shall be exhibited according to the Direction of this Act, or any Stone or Mark set up to denote Distances upon the said Railway, or shall concur or aid therein, he shall, on Conviction, forfeit and pay a Sum not exceeding Five Pounds for every Offence.

For preventing Toll Collectors misbehaving.

CXXIV. And be it further enacted, That every Collector of the Rates, Tolls, or Sums by this Act granted shall and he is hereby required to place his Christian and Surname, painted on a Board in legible Characters,

in the Front or on some other conspicuous Part of the public Office or Building whereat he shall be on Duty, immediately on his coming on Duty, each of the Letters of such Names to be at least Two Inches in Height and of a Breadth in proportion, and painted either in White or Gilt Letters on a Black Ground or Black Letters on a White or Gilt Ground, and shall continue the same so placed during the whole Time he shall be on 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 a less or greater Rate, Toll, or Sum than he shall be authorized to do by virtue of the Powers of this Act and of the Orders of the said Company made in pursuance thereof, or shall demand 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 as aforesaid, or shall refuse to tell his Christian Name or Surname to any Person who shall demand the same, and who shall have 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 hinder, any Carriage or any Person from passing upon the said Railway, or shall make use of any scurrilous, or abusive Language to any Officer or Servant of the said Company, or to any Passenger upon the said Railway, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

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

Recovery of Rates, &c.

[*Local.*]

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Rent :

Rent : Provided always, that in case such Rates, Tolls, or Sums so due as aforesaid shall not amount to the Sum of Twenty 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 herein-before mentioned.

Weights allowed to be carried on the Railway.

CXXVI. And be it further enacted, That no Carriage shall carry at any One Time upon the said Railway (including the Weight of such 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 nevertheless shall not exceed the Weight of Eight Tons, including the Weight of the Carriage, and for the Tonnage or Carriage of which the said Company are hereby authorized to demand, receive, and recover such Rates as they may from Time to Time direct, not exceeding Four-pence Halfpenny *per Ton per Mile*; and no Piece of Timber, Stone, Machinery, or other Article, exceeding the Weight of Eight Tons (including the Weight of the said Carriage), shall be carried upon any Part of the said Railway without the special Licence of the said Company or their Agent, and for the Tonnage or Carriage of which the said Company are hereby authorized to demand, receive, and recover such Sum as they may deem proper.

Owners of Carriages to give an Account of Lading.

CXXVII. And be it further enacted, That the respective Owners or Persons having the Care of 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 Carriages so belonging to them or under their Care, and from whence such Carriages are brought, and where the same are intended to be unloaded or left; and if the Goods or other Things contained in any such 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 any such Owner or other Person as aforesaid shall neglect or refuse to give and deliver such Account, or to produce his Bill of Lading to any Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading or Goods at any other Place than is mentioned in such Account, with an Intent to evade 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 North Riding of the County of *York*, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Forty Shillings for every Ton of Goods, or for every Parcel not exceeding Five hundred Pounds Weight, and so in proportion for any less Quantity of Goods than a Ton or Five hundred Pounds Weight (as the Case may be), which shall be in such 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 to be), over and above the Rate, Toll, or Sum to which such Articles or Things may be liable.

Weight of Tonnage ascertained.

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

CXXIX. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, Tolls, or Sums, or any other Officer or Servant of the said Company, and any Owner of or Person having the Charge of any Carriage passing upon the said Railway, or of any Goods, Articles, or other Things in or on such Carriage, respecting the Goods, Articles, or other Things in or on such Carriage, or the Rates, Tolls, or Sums due in respect thereof, it shall be lawful for such Collector or other Officer as aforesaid to detain such Carriage, and to examine, weigh, measure, and gauge, or cause to be examined, weighed, measured, and gauged, such Carriage, and all such Goods, Articles, and Things as shall be therein or thereon; and in case the same shall, upon such examining, weighing, measuring, or gauging, appear to be of greater Weight or Quantity, or of different Quality, than shall be stated in the Account given thereof as aforesaid, then the Person giving in such Account shall pay, and the Owner of such Carriage, and the respective Owners of such Goods, Articles, and other Things, shall also, at the Option of the said Company, be liable to pay, the Costs and Charges of such examining, weighing, measuring, or gauging; all which Costs and Charges, upon Refusal or Neglect of Payment thereof on Demand, shall and may be recovered and levied by and in such Ways and Manner as the said Rates, Tolls, and Sums are in this Act authorized to be recovered and levied; but if such Goods, Articles, or other Things shall appear to be of the same Quantity and Quality or of less Weight or Quantity than shall be stated in such Account, then the said Company shall pay the Costs and Charges of such examining, weighing, measuring, or gauging; and shall also pay to such Owner of or Person having Charge of such Carriage, and to the respective Owners of such Goods, Articles, or Things, such Damage as shall appear to any Justice of the Peace for the said North Riding of the County of *York*, on the Oath (or, in the Case of a Quaker, Affirmation) of any credible Witness, to have arisen from or by such Detention; but in case it shall at any Time be made appear to such Justice, upon the Complaint of the said Company, and upon the like Oath or Affirmation, that such Detention, and examining, weighing, measuring, or gauging, was without reasonable Ground or Belief, or that it was vexatious on the Part of such Collector or other Officer as aforesaid, then such Collector or other Person as aforesaid shall himself pay the Costs and Expences of such examining, weighing, measuring, or gauging, and shall also pay to such Owner or Person, or to the respective Owners of such Goods, Articles, or Things as aforesaid, such Damage as shall appear to such Justice to have arisen from such Detention; and in default of immediate Payment thereof by the said Company, or by such Collector or other Officer as aforesaid (as the Case may be), the same may be recovered by Distress and Sale of the Goods 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 Difference concerning Weight, Collector may weigh or measure Carriage.

if

if any, upon Demand, after deducting the Costs of such Distress and Sale, to the said Company or to the said Collector or other Officer as aforesaid, as the Case may require.

For settling
Disputes
about the
Amount of
Rates, &c.

CXXX. 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 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 acting for the said North Riding of the County of *York*, who, upon Application made to him for that Purpose, shall examine the said Matter upon Oath or Affirmation of the Parties or their 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 Nonpayment thereof on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party directed to pay the same by Warrant under the Hand and Seal of such Justice.

Company
empowered
to lease the
Rates, &c.

CXXXI. And be it further enacted, That it shall be lawful for the said Company from Time to Time to let the Rates, Tolls, and Sums by this Act made payable, or any Part thereof, upon the Whole or upon any Part of the said Railway, to any Corporation or 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 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 such Lease, be deemed Collectors of the Rates, Tolls, or Sums so let, but for the proper Use of the Lessees thereof, and shall have the same Power and Authority to collect and recover the same 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 by the said Company by Advertisement to be inserted in some Newspaper or Newspapers usually circulated within the Towns of *Whitby* and *Pickering* respectively at least Ten Days prior to any Meeting of the said Company or of the said Directors at which it may be intended that the said Rates, Tolls, and Sums shall be let as aforesaid.

Power of Re-
entry.

CXXXII. And be it further enacted, That in case any of the Rates, Tolls, or Sums granted by this Act shall be let to any Person or Corporation, and the Lessee or Farmer thereof shall neglect or refuse to perform the Terms and Conditions on which the same shall be so let; or in case any Rent agreed to be paid by any such Lessee or Farmer shall be in arrear for the Space of Seven Days next after any of the Days on which the same ought to have been paid pursuant to the Lease, Agreement,

ment, or Contract for letting such Rates, Tolls, or Sums; or in case any temporary or other Collector of such Rates, Tolls, or Sums shall be discharged from his Office by virtue of this Act, or shall die, abscond, or absent himself, and the Collector so discharged, or the Wife, Widow, or any of the Children or Family, or any Representative of the Collector so dead, or who shall have absconded, or absented himself, or been discharged, or any other Person being in possession of any Toll House, Office, Weighing Machine, or other Building erected or provided under the Authority of this Act, shall refuse to deliver up or shall not deliver up Possession thereof (with the Appurtenances thereto belonging) for or within the Space of Seven Days after Demand made thereof in Writing, given or left at such Toll Houses, Office, Weighing Machine, or Building 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, upon Application by the said Directors, or by the Clerk or Treasurer for the Time being of the said Company, by Warrant under the Hands and Seals of such Justices, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take possession of every such Toll House, Office, Weighing Machine, or other Building, with the Appurtenances thereto belonging, and to remove and put the Lessee or Farmer, Collector, or other Person who shall be found therein, together with his Goods, from and out of the same and the Possession thereof, and from the Collection of such Rates, Tolls, and 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 Company to vacate and determine the Lease, Agreement, or Contract (if any) which was previously subsisting, and the same shall accordingly be void to all Intents and Purposes, save as to the Covenants, and Agreements for Payment of the 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 in every such Case, either during such Proceedings or on the Termination thereof, again to let the said Rates, Tolls, and Sums to any other Person, or to cause them to be collected, in such and the same Manner as if no former Lease, Agreement, or Contract had been made relative thereto.

CXXXIII. And be it further enacted, That no Carriage for the Conveyance of Goods, or of Passengers, Cattle, or Animals, shall be permitted to pass upon the said Railway, unless such Carriage shall be constructed agreeably to the Orders and Regulations of, and shall be approved of by, the said Company, which Orders and Regulations shall be affixed upon some conspicuous Part of every public Office or other Building at which the Rates, Tolls, and Sums by this Act granted shall be received (except in crossing the same, as herein authorized, for the Occupation of the respective Lands through which such Railway shall pass, or in passing any public or private Carriage Road which may happen to cross the said Railway); and if any Person shall pass upon any Part of the said Railway with any Carriage not constructed in the Manner herein-before

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

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directed

directed (except as aforesaid), he shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds for every such Offence.

Locomotive Engines not to be used on the Railway.

CXXXIV. Provided always, and be it further enacted and declared, That it shall not be lawful for the said Company, or for any other Corporation or Person whatsoever, to use or employ locomotive Steam Engines upon the said Railway or upon any Part thereof.

Owners to put their Names, &c. on the Outside of their Carriages.

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

Owners of Carriages answerable for Damage done by their Servants.

CXXXVI. And be it further enacted, That the respective Owners of Carriages passing upon the said Railway shall be and they are hereby respectively made answerable for any Trespass, Damage, or Mischief which may be done by their Carriages, or by any of the Servants or other Persons belonging to or employed by them, to or upon the said Railway, Machinery, Apparatus, or other Works made by virtue of this Act, either by loading or unloading such Carriages, or by any other Means whatsoever; and every such Owner shall for every such Trespass, Damage, or Mischief, upon Conviction of any such Servant or other Person before some Justice of the Peace, either by Confession of the Party offending, or upon the Oath, or in the Case of a Quaker the Affirmation 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 Forty Shillings, and all Costs, Charges, and Expences attending such Conviction; all which Damages, Penalties, Costs, Charges, and Expences shall be levied by

by Distress and Sale of the Goods and Chattels of the Owner or Owners of such Carriage by Warrant under the Hand and Seal of such Justice; and the Overplus (if any) of the Proceeds of such Sale, after Deduction of such Damages, Penalty, Costs, Charges, and Expences, together with the Costs and Charges of such Distress and Sale, shall be returned, on Demand, to the Owner of such Goods and Chattels; but if the Value or Amount of such Trespass, Damage, or Mischief shall exceed the Sum of Twenty Pounds, the Owner of such Carriage, and his 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 or them, either on Proof made, or by Default, or upon Demurrer, the Plaintiff in any such Action shall recover his Damages sustained as aforesaid, with full Costs of Suit.

CXXXVII. Provided always, and be it further enacted, That in case any Owner of any 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 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, and in case of a Quaker Affirmation, made by such Owner of the Payment by him of such Penalty and Satisfaction, (or either of them, as the Case may be,) and that the same hath not been repaid to him by such Servant although demanded, such Oath or Affirmation being made before some Justice of the Peace for the Riding or Place in which such Penalty or Damage was incurred, such Penalty and Satisfaction, (or either of them, as the Case may be,) and the Costs aforesaid, shall be levied by Warrant under the Hand and Seal of such Justice by Distress and Sale of the Goods and Chattels of such Servant, together with all Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction, (or either of them, as the Case may be,) and the Costs and Charges aforesaid, when recovered, shall be paid to such Owner in discharge of such Penalty and Satisfaction (or either of them) and the Costs so by him paid for the wilful Neglect or Default of such Servant as aforesaid; and in case no sufficient Distress can be had, such Justice shall and he is hereby required to commit such Servant to some Common Gaol or House of Correction for the said Riding or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Owners to recover from their Servants Money paid for their Neglect, &c.

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

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

CXXXIX. And

Penalty on
Persons on
Foot using
the Railway.

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

Owners and
Occupiers of
adjoining
Lands to
cross the
Railway with-
out Payment
of Toll.

CXL. Provided always, and be it further enacted, That it shall be lawful for the respective Owners and Occupiers of Lands through which the said Railway shall be made, and their respective Servants and Workmen, (except in Cases in which the said Company shall at their own Expence have made proper and convenient Communications from the Land on the one Side of the said Railway to the Land on the other Side thereof, according to the Provisions of this Act,) at all Times to pass and repass, and to ride, lead, or drive any Horse, Mule, or Ass, Cow or other Cattle, Sheep, Swine, or other Beast, directly over and across such Part of the said Railway as shall be made in or upon their respective Lands, for the Purpose of occupying the same Lands (not damaging or obstructing such Railway or the Passage thereof), without Payment of any Rate or Toll for the same, provided they shall not pass across or upon any other Part of the said Railway.

Penalty on
Persons ob-
structing the
free Course
of Railway.

CXLI. 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 lawful Execution of this Act, or shall do any Act, Matter, or Thing to obstruct the free Passage of the said Railway or any Part thereof, he shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds for every such Offence.

Penalty on
destroying
Works.

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

Penalty for
obstructing
Railway by
leaving Car-
riages, &c.

CXLIII. And be it further enacted, That if the Loading of any 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 Carriage, or if any Carriage, or any Goods or Things, shall be placed or be suffered to remain on any Part of the said Railway or other Works so as to obstruct the Passage or Working thereof, and the Person having the Care of such Carriage, Goods, or Things shall not immediately upon Request remove the same, then and in every such Case, and without Prejudice to any other Provision in this Act contained, such Person shall

forfeit and pay for every such Offence any Sum not exceeding Forty Shillings for every Hour during which such Obstruction shall continue after the making of such Request, and so in proportion for any less Period than One Hour; and it shall be lawful for any Agent or Officer of the said Company to cause any such Carriage, Goods, or Things to be unloaded if necessary, and to be removed, in such Manner as shall be proper for preventing, terminating, or removing such Obstruction, and to detain such Carriage, Goods, or Things, or any Part thereof, until the Expences occasioned by such Unloading, Removal, or Detention shall be paid; and the said Company shall not, nor shall any Agent or Officer of the said Company, be liable or accountable for any Damage or Loss occasioned by any such Unloading, Removal, or Detention, or for any Delay occasioned thereby in any other way relating thereto, except for wilful Damage done to any Carriage, Goods, or Things so unloaded, removed, or detained, nor shall they or he be liable for the safe Custody of any such Carriage, or any Goods or Things which shall be so detained, unless the same shall be wrongfully detained by the said Company, or by the said Agent or Officer, and then only for so long a Time as the same shall be so detained.

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

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

CXLV. And be it further enacted, That whenever any Money shall by any Justice of the Peace be ordered to be paid, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any 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 Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made upon the said Company in pursuance of the Direction or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of any Goods or Chattels 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 Applica-

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

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tion made to him for that Purpose by the Party entitled to receive such Money); and in case any Overplus shall remain after Payment of such Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then such Overplus shall be returned, on Demand, to the Treasurer of the said Company for the Use and Benefit of the said Company or Treasurer (as the Case may require): Provided always, that it shall be lawful for such Treasurer to retain out of any Money which he shall have received or shall receive under or by virtue 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.

Recovery
and Appli-
cation of
Penalties.

CXLVI. 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 or more Justices of the Peace for the North Riding of the County of *York*, on Complaint to them for that Purpose made, and afterwards be levied, (as well as the Costs, if any, of such Proceeding,) 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 of the said Company, for the Use and Benefit of the said Company, unless such Penalties or Forfeitures shall be incurred by the said Company, in which Case the same shall be paid, one Moiety to the Informer, and the Remainder to the Overseers of the Poor of the Parish, Township, or Place within which the Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish, Township, or Place; and in case such Penalties or Forfeitures shall not be forthwith paid it shall be lawful for such Justices, and they are hereby required, to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security to the Satisfaction of such Justices for his Appearance before such Justices, or before some other Justices of the Peace having Jurisdiction, at such Time as shall be appointed for the Return of such Warrant of Distress (such Time being not more than Ten Days from the taking of such Security, and which Security any of the said Justices are hereby empowered to take by way of Recognizance or otherwise); but if upon the Return of such Warrant it shall appear that no sufficient Distress could be had whereupon to levy the said Penalties or Forfeitures and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant of Distress, but they
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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 paid and satisfied, together with all the Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or until such Offender shall otherwise be discharged by due Course of Law.

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

Justices may proceed by Summons for the Recovery of Penalties.

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

For securing Offenders whose Names and Places of Abode are unknown.

CXLIX. 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 C. D.,
 ‘ one of His Majesty’s Justices of the Peace for _____ that E. F.
 ‘ of _____ [here describe the Offence and the Time and Place
 ‘ when and where committed], contrary to an Act passed in the Third
 ‘ Year of the Reign of His Majesty King William 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 C. D.’

Form of Information.

‘ BE

Form of
Conviction.

‘ 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 _____ [*here describe the Offence, and the Time*
‘ *and Place when and where committed*], contrary to an Act passed in the
‘ Third Year of the Reign of His Majesty King *William* the Fourth,
‘ intituled [*insert the Title of this Act*]. Given under my Hand and
‘ Seal the Day and Year first above written. *C. D.*’

General
Power to
Justices to
administer
Oaths.

CL. And be it further enacted, That in all Cases in which 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 shall be examined by or before such Justice.

For com-
pelling Wit-
nesses to
attend

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 Costs and Expences, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath (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.

Persons ag-
grieved may
appeal to
Quarter
Sessions.

CLII. And be it further enacted, That all Corporations 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 also the said Company, and all other Corporations 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 Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the North Riding of the County of *York*, 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 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 may adjourn the hearing thereof to the following General or Quarter Sessions of the Peace to be held for such Riding; and the said Justices may (if they see Cause) mitigate any Penalty or Forfeiture, and

and 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 shall think reasonable.

CLIII. And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon the said Company, personal Service thereof respectively upon any Two of the Directors of the said Company, or delivering the same to some Inmate of the last or usual Places of Abode of such Directors respectively, or personal Service thereof upon the Clerk or Treasurer of the said Company, or leaving the same at the Office of such Clerk or Treasurer, or delivering the same to some Inmate of the last or usual Place of Abode of such Clerk or Treasurer, or leaving a Copy thereof at the principal Office of the said Company, or in case the same respectively shall not be found or known, then personal Service upon any other Agent of or Officer employed by the said Company, or left, delivering the same to some Inmate of the last or usual Place of Abode of such Agent or Officer, shall be deemed good and sufficient Service of the same respectively on the said Company.

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

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

Declaring what shall be good Service by the Company.

CLV. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act, or otherwise, against or by or on behalf of the said Company, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Two or more of the Directors of the said Company to make, sign, seal, execute, and deliver such general or other Releases as may be or may be deemed necessary for the Purpose of exonerating, releasing, and discharging any Person who shall or may be produced as a Witness in any such Action, Suit, Arbitration, Reference, or other Proceeding as aforesaid, from any Claim or Demand which may be necessary to be released by the said

Directors, &c. empowered to grant Releases to Witnesses.

[*Local.*]

8 U

Company,

Company, so as to qualify such Person to give Evidence as a Witness in any such Action, Suit, Arbitration, Reference, or other Proceeding aforesaid, and also to do any other Act, Matter, or Thing in any such Action, Suit, Arbitration, Reference, or other Proceeding which any Plaintiff or Defendant may do in any Action, Suit, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, and Thing shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made under the Seal of the said Company.

Authenticated
Bye Laws to
be Evidence.

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

Distress not
unlawful for
Want of
Form.

CLVII. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the 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 may recover full Satisfaction for the special Damage by an Action upon the Case.

Proceedings
not to be
quashed for
Want of
Form.

CLVIII. And be further enacted, That no Proceeding to be had and 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.

CLIX. And be it further enacted, That no Action, Suit, or Information, nor any other Proceeding of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Ten Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, information, or other Proceeding to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Six Calendar Months next after the Act committed, or in case there shall be a Continuation of Damage, then within Six Calendar Months next after the doing or committing such Damage shall have ceased,

ceased, nor unless such Action, Suit, or Information shall be laid and brought in the County, Riding, or Place within which the Matter in dispute or Cause of Action shall arise; and the Defendant in such Action, Suit, Information, or other Proceeding may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the Acts were done or omitted to be done in pursuance of or by the Authority of this Act; and if they shall appear to have been so done, or to have been so omitted to be done, or if it shall appear that such Action, Suit, Information, or other Proceeding shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant upon such Verdict; or if the Plaintiff shall become nonsuited, or shall suffer a Discontinuance of his Action, Suit, Information, or other Proceeding, after the Defendant shall have appeared thereto, or if a Verdict shall pass against the Plaintiff therein, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall have his Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in other Cases.

CLX. And be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, 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 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.

Plaintiffs not to recover after Tender of Amends.

CLXI. 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 situated; 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 such several Parishes or Townships as aforesaid, out of the Monies to arise by virtue of this Act, all such Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said several Parishes or Townships by reason of taking down or using for the Purposes of this Act any Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of the passing of this Act; and the Treasurer or Collector or Receiver to be appointed under this Act is hereby required to pay all Deficiencies, on Demand thereof, to the Collector of the said Assessments.

Provisions for Deficiencies in the Land Tax.

CLXII. And

Whole Ex-
pence to be
subscribed
before Com-
pany em-
powered to
take Land.

CLXII. And whereas the probable Expence of making the Railway and the other Works hereby authorized will amount to the Sum of Eighty thousand Pounds; and the Sum of Sixty-four thousand Pounds, being 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 respectively subscribed for; be it therefore enacted, That the whole of the said Sum of Eighty thousand Pounds shall be subscribed for in the like Manner before any of the Powers granted by this Act in relation to the compulsory taking of Land for the Purposes of the said Railway shall be put in force.

Certificate
under Hand
of a Justice of
the Peace to
be Proof that
the whole of
the Money
has been sub-
scribed.

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

Enabling the
Company to
sell Lands
not wanted.

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

accepted by the Person to whom the same was made within the Space of Thirty Days from the Time of making the same, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made, and was refused or was not accepted within the Time aforesaid (as the Case may be) by the Person to whom such Offer was made; and in case any such Person as aforesaid shall be desirous of purchasing any such Lands, and he and the said Company shall not agree with respect to the Price thereof, then the Price thereof shall be ascertained by a Jury in the Manner by this Act directed with respect to the disputed Value of Lands to be taken or used by the said Company; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as in this Act is directed with respect to the disputed Value of Lands to be taken or used by the said Company (*mutatis mutandis*); and the Money produced by the Sale which may be made by the said Company of such Lands as aforesaid shall be applied to the Purposes of this Act.

CLXV. And be it further enacted, That upon Payment of the Money which shall arise by the Sale of any Lands or of any Interest therein belonging to the said Company, which shall be sold by the said Company under the Authority of this Act, or upon Payment of any Money under this Act, it shall be lawful for the Treasurer for the Time being of the said Company to sign and give a Receipt for the Money so paid, which Receipt shall be a sufficient Discharge to all Persons for the Purchase Money for such Lands or Interests as shall be sold, or for such other Money as in such Receipt shall be expressed to be received; and such Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase Money or other Money or of any Part thereof.

Treasurer upon Payment of Money to give Receipts.

CLXVI. And be it further enacted, That in all Conveyances to be made by the said Company under or in pursuance of this Act the Word "grant" shall operate as and be construed and adjudged in all Courts of Judicature to be express Covenants to or with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, or Assigns of such Grantees, according to the Quality or Nature of such Grantees Interest therein, and the Estate or Interest therein expressed to be thereby conveyed by or from the said Company, for themselves and their Successors, that they the said Company, notwithstanding any Act or Default done by them, were at the Time of the Execution of such Conveyances seised or possessed of the Lands or Premises thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrances done or occasioned by them, that the Purchaser thereof, his Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns (as the Case may be), shall quietly enjoy the same against the said Company and their Successors, and all claiming under them, and be indemnified and saved harmless by the said Company and their Successors from all Incumbrances committed by the said Company, and also for further Assurance of such Lands and Premises by the said Company or their Successors, and all claiming under them, unless, except, and so far as the same shall be restrained and limited by express particular Words contained in such Conveyances; and all such Grantees, and their several

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

[*Local.*]

8 X

Successors,

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.

Proprietors
to raise an
additional
Sum, if neces-
sary, by Mort-
gage.

CLXVII. And be it further enacted, That in case the Money hereby authorized to be raised by Subscription as herein-before mentioned shall be found insufficient for the Purposes of this Act, it shall be lawful for the said Company from Time to Time, by an Order of any General or Special General Meeting of the said Company, to borrow and take up at Interest any further or additional Sum of Money not exceeding the Sum of Twenty-five thousand Pounds, on the Credit of the said Undertaking; and the said Company, or the Directors of the said Company, after an Order shall have been made for that Purpose at any General or Special General Meeting of the said Company, are hereby empowered to mortgage, assign, and charge the Property of the said Undertaking, and the Rates, Tolls, and other Sums arising or to arise by virtue of this Act or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rates, Tolls, or Sums,) as a Security for any such Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the Party who shall advance the same, or to his Trustee; and a Copy of the Order of any General or Special General Meeting of the said Company, authorizing the borrowing of any such Sum of Money, certified by the Clerk of the said Company to be a true Copy, shall be sufficient Evidence of the Money authorized to be raised by Subscription being insufficient for the Purposes of this Act, and of the making of the Order for raising such additional Sum of Money; and all such Mortgages, Assignments, and Charges shall be made under the Common Seal of the said Company in the Words or to the Effect following, or with such Variation therein as the Circumstances of the Loan may render necessary; (that is to say,)

‘ *Whitby and Pickering Railway Company.*

‘ Number

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

And the respective Parties to whom such Mortgages or Assignments shall be made shall be entitled one with the other to their respective Proportions of the said Rates, Tolls, and Sums, and Premises, according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority in the Date of any such Order of Meeting, or Priority in Date of such Mortgage or Assign-
ment,

Form of
Mortgage.

ment, or on any other Account whatsoever; and an Entry or Memorial of such respective Mortgages or Assignments, containing the Numbers and Dates thereof, and the Names of the Parties (with their proper Additions), to whom the same shall have been made, and of the Sums borrowed, together with the Rate of Interest to be paid thereon respectively, shall within Fourteen Days next after the Date thereof be entered in some Book to be kept by the Clerk of the said Company, which said Book may be perused at all seasonable Times by any of the Proprietors or Mortgagees of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all Parties to whom any such Mortgage or Assignment shall have been made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer their respective Rights or Interests therein to any other Person or Persons; and every Transfer thereof may be in the Words or to the Effect following; (that is to say,)

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

Form of
Transfer of
Mortgage.

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

CLXVIII. And be it further enacted, That the Interest of the Money which shall be raised by Mortgage, Assignment, or Charge as aforesaid shall be paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable by virtue of this Act to the Proprietors of the said Company or any of them; and in case such Interest or any Part thereof shall be unpaid for 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 Twenty Days next after Demand thereof in Writing shall have been made to the said Company, it shall be lawful for any Two or more Justices of the Peace acting for the said North Riding of the County of *York*, not being interested in the Matter in question, and they are hereby 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

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

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 said Rates, Tolls, or Sums, shall be fully paid and satisfied; and after such Interest and Costs shall have been paid and satisfied, the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine, or otherwise the said Interest so due and unpaid as aforesaid may be sued for and recovered from the said Company, with Costs, by an Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Creditors not to vote.

CLXIX. Provided always, and be it further enacted, That no Person to whom any such Mortgage or Assignment shall be made or transferred shall be deemed a Proprietor of any Share, or shall be capable of acting or voting as such at any Meeting of the said Company, by reason or on account of his having advanced any Money on such Mortgage or Assignment.

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

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

If Land not contracted for within Three Years, Power of purchasing to cease.

CLXXI. 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 to or cause to be valued and pay for, as in this Act is mentioned, the Lands which they are by this Act empowered to take or use, or otherwise so much thereof as shall be by them deemed necessary and proper for the Purposes of making the said Railway or other Works hereby authorized, (save and except the aforesaid Fifty Acres of Land which the said Company are by this Act authorized to purchase, in addition to the Lands hereby authorized to be taken or used for making the said Railway or other Works,) then and from thenceforth the Powers which are hereby granted to them for taking or using such Lands shall cease and be utterly void.

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

CLXXII. 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 and 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 be declared and

certified

certified to have been completed within the said Term by the Justices of the Peace for the North Riding of the County of *York* assembled at any General or Quarter Sessions of the Peace to be held for the said North Riding 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, in the Case of Quakers, Affirmation, to be produced before such Justices for that Purpose.

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

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

CLXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the King's most Excellent Majesty, His Heirs and Successors, as well in right of His Crown as in right of His Duchy of *Lancaster*.

Saving Rights of the Duchy of Lancaster.

CLXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, impeach, abridge, restrain, alter, prejudice, or affect any Rights, Estates, or other Dues, Duties, Tolls, Customs, Powers, Fisheries, Privileges, and Advantages whatsoever of or belonging to *George Cholmley* Esquire, as the Owner of the Port or Harbour of *Whitby*, his Heirs or Assigns, or any Person or Persons claiming under him or them, but saving and preserving to him and them all such Rights, Tolls, Interests, and Advantages as he or they had, exercised, received, or enjoyed before the passing of this Act, or as he or they might or could have had, exercised, received, or enjoyed if this Act had not been passed, otherwise than as the same are by this Act expressly taken away, barred, altered, or restrained.

Saving of Rights of the Owner of *Whitby* Harbour.

CLXXVI. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to take away, impeach, diminish, change, or affect any of the Rights, Dues, Duties, and Payments, Powers, Privileges, Jurisdictions, or Authorities of or in any-wise belonging to the Trustees of the Piers and Harbour of *Whitby*, otherwise than as the same are by this Act expressly taken away, varied, altered, or restrained.

Saving of Rights of the Trustees of the *Whitby* Piers.

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

Public Act.

The SCHEDULE to which the foregoing Act refers.

No. on the Plan.	Description of Property.	Owners or reputed Owners.	Lessees.	Occupiers or reputed Occupiers.
PARISH OF WHITBY.				
<i>Township of Ruswarp.</i>				
1	Wharf or Timber Quay	George Cholmley -	Thomas Fishburn	John Brodrick, Thomas Simpson, and Thomas Brodrick, Executors in Trust of Thomas Brodrick deceased.
2	Timber and Ship-building Yard.	Thomas Fishburn -	- - -	Executors of Thomas Brodrick deceased.
3	Ship-building Slips and Timber Yard.	Thomas Fishburn -	- - -	Executors of Thomas Brodrick Esquire.
4	Smith's Shop, Storehouse and Part of Quay.	Thomas Fishburn -	- - -	Executors of Thomas Brodrick Esquire.
4 ^a	Remainder of last-mentioned Quay.	George Cholmley -	Thomas Fishburn	Executors of Thomas Brodrick Esquire.
5	Office - - -	Thomas Fishburn -	- - -	Executors of Thomas Brodrick Esquire.
6	Workshop - -	Thomas Fishburn -	- - -	Executors of Thomas Brodrick Esquire.
7	Dwelling House -	Thomas Fishburn -	- - -	Rebecca Stamp.
8	Dwelling House -	Thomas Fishburn -	- - -	Dorothy Eglin.
9	Dwelling House -	Thomas Fishburn -	- - -	Rebecca Stamp and Dorothy Eglin jointly.
10, 11	Ship-building Slips and Timber Yard.	Thomas Fishburn -	- - -	Executors of Thomas Brodrick Esquire.
13	Ship-building Slip and Timber Yard.	Thomas Fishburn -	- - -	Executors of Thomas Brodrick Esquire.
15	Ropery and Rope Walk	Thomas Fishburn -	- - -	Henry Simpson.
15 ^a	Timber Pond - -	George Cholmley -	Thomas Fishburn	John Boville.
16	Timber Quay - -	George Cholmley -	Joseph Barker -	Himself.
17	Timber Pond - -	George Cholmley -	Joseph Barker -	Himself.
18	Timber Pond - -	George Cholmley -	Thomas Fishburn	Joseph Barker.
20	Quay - - -	George Cholmley -	Thomas Fishburn	Executors in Trust of Thomas Brodrick deceased.
21	Dock and Quay - -	George Cholmley -	Thomas Fishburn	Executors in Trust of Thomas Brodrick deceased.
22	Dwelling House -	Thomas Fishburn -	- - -	Jane Lacey.
23	Oil House and Warehouses.	Thomas Fishburn -	- - -	Executors of Thomas Brodrick deceased.
24	Ropery Office - -	Thomas Fishburn -	- - -	Henry Simpson.
25	Dwelling House -	Thomas Fishburn -	- - -	Mary Moat.
27	Dwelling House -	Richard Moorsom -	- - -	Thomas Tinley.
28	Garden - - -	Richard Moorsom -	- - -	Thomas Tinley.
30	Wharf or Quay - -	George Cholmley -	- - -	William Brittain.
31	Warehouse - - -	George Cholmley -	- - -	Himself.
32	Wharf or Quay - -	George Cholmley -	John Bolton -	John Bolton.
36	Field and Woodland -	Richard Moorsom -	- - -	Edward Corner.
38	Field and Boat Sheds -	Richard Moorsom -	- - -	Himself.

No. on the Plan.	Description of Property.	Owners or reputed Owners.	Lessees.	Occupiers or reputed Occupiers.
39	Dwelling House and Garden.	Richard Moorsom	- - -	Laurence Leadly.
41	Oil House, Storehouse, Sheds, and Quay.	Richard Moorsom	- - -	Himself.
43	Plantation	Richard Moorsom	- - -	Himself.
53	Cottage and Garden	Christiana Hall	- - -	John Elgie.
54	Cottage and Yard	Christiana Hall	- - -	John Elgie.
<i>Township of Hawsker-cum-Stainsacre.</i>				
4	Plantation	Edmund Turton, Richard John Thompson, William Turton, and Henry Turton.	- - -	Themselves.
5	Plantation	Edmund Turton and others.	- - -	Themselves.
<i>Township of UGGLEBARNBY.</i>				
2	Garden	Devises in Trust under the Will of the late James Wilson.	- - -	William Wray.
3	Private Road	Devises in Trust under the Will of the late James Wilson.	- - -	Themselves.
4	Toll House and Garden	Devises in Trust under the Will of the late James Wilson.	- - -	William Wray.
6	Occupation Road	John Mathews and Wilkinson Mathews.	- - -	Christopher Harrison
8	Wood	John Mathews and Wilkinson Mathews.	- - -	Christopher Harrison.
10	Wood	John Mathews and Wilkinson Mathews.	- - -	Christopher Harrison.
13	Field and Wood	John Mathews and Wilkinson Mathews.	- - -	Christopher Harrison.
14	Field and Wood	John Mathews and Wilkinson Mathews.	- - -	Christopher Harrison.
16	Wood	John Wilson	- - -	Himself.
<i>Township of Eskdale otherwise Eskdaleside otherwise Sleights.</i>				
5	Orchard	Mary Smith and others.	- - -	Herself.
9	Garden	John Campion Coates and Samuel Campion.	- - -	John Campion Coates
10	Garden	John Campion Coates and Samuel Campion.	- - -	J. C. Coates.
11	Field or Paddock	John Campion Coates and Samuel Campion.	- - -	J. C. Coates.
16	Wood	John Wilson	- - -	Himself.
40	Wood	Thomas Bird	- - -	Himself.
41	Plantation	George Stonehouse and Mary Clark.	- - -	Herself.
45	Plantation	George Stonehouse and Mary Clark.	- - -	Herself.
52	Wood	Thomas Hay	- - -	Himself.

No. on the Plan.	Description of Property.	Owners or reputed Owners.	Lessees.	Occupiers or reputed Occupiers.
PARISH OF LYTH.				
<i>Township of Egton.</i>				
7	Orchard - - -	Henry Walker Yeoman	- - -	William Cooper.
8	Garden and Orchard -	Henry Walker Yeoman	- - -	William Cooper.
10	Wood - - -	Henry Walker Yeoman	- - -	Himself.
11	Occupation Road -	Henry Walker Yeoman	- - -	Himself.
14 ^a	Wood - - -	Henry Walker Yeoman	- - -	Himself.
18	Wood - - -	Henry Walker Yeoman	- - -	Himself.
20	Wood - - -	Henry Walker Yeoman	- - -	Himself.
22	Fishing Weir - - -	John Smith - - -	- - -	Thomas Yeoman.
25	Wood - - -	John Smith - - -	- - -	Thomas Yeoman.
29	Orchard - - -	James Wilkinson -	- - -	Thomas Buttery.
30	House, Outhouse, and Garden.	James Wilkinson -	- - -	Thomas Buttery.
35	Field and Wood -	Robert Carey Elwes -	- - -	John Green.
36	Field and Wood -	Robert Carey Elwes -	- - -	John Green.
37	Field and Outhouse -	Robert Carey Elwes -	- - -	John Green.
39 ^a	Field and Wood -	Robert Carey Elwes -	- - -	John Green.
47	Outbuildings and Orchard.	Robert Carey Elwes -	- - -	George Chapman.
55	Wood Shed and Fishing Weir.	William Readman -	- - -	Himself.
56	Wood - - -	R. C. Elwes - - -	- - -	Thomas Sleightholme.
57	Wood - - -	R. C. Elwes - - -	- - -	Thomas Sleightholme.
PARISH OF PICKERING.				
<i>Township of Goadland otherwise Goathland.</i>				
3	Wood - - -	George Osbaldeston -	- - -	Ralph Breckon.
4	Wood - - -	George Osbaldeston -	- - -	Ralph Breckon.
17	Plantation - - -	William Readman -	- - -	Stephen Pennock.
21	Garden - - -	William Readman -	- - -	Stephen Pennock.
22	Wood, Field, and Occupation Road.	John Boyes - - -	- - -	Thomas Wright.
23	Wood - - -	John Boyes - - -	- - -	Thomas Wright.
28	Plantation - - -	John Boyes - - -	- - -	Thomas Wright.
33	Plantation - - -	John Boyes - - -	- - -	Thomas Wright.
35	Orchard - - -	William Snowdon -	- - -	Francis Lightfoot.
36	Field and Outbuilding	William Snowdon -	- - -	Francis Lightfoot.
38	Garden - - -	William Snowdon -	- - -	Francis Lightfoot.
45	Wood - - -	The King's Majesty, in right of His Duchy of Lancaster.	- - -	Thomas Smith.
64	Cottage and Garden -	John Boyes - - -	- - -	John Scarth.
71	Plantation - - -	William Summerson -	- - -	Christopher Lightfoot.
88	Wood and Occupation Road.	Peter Harwood - - -	- - -	Himself.
88 ^a	Wood - - -	Gawan Peirson - - -	- - -	Himself.
98	Barn and Outbuildings	Gawan Peirson - - -	- - -	Himself.
100	Orchard - - -	Gawan Peirson - - -	- - -	Himself.
105	Outbuilding - - -	Gawan Peirson - - -	- - -	Himself.
PARISH OF MIDDLETON.				
<i>Township of Lockton.</i>				
11	Plantation -	George Robinson -	- - -	Himself.

No. on the Plan.	Description of Property.	Owners or reputed Owners.	Lessees.	Occupiers or reputed Occupiers.
PARISH OF LEVISHAM otherwise LEAVISHAM.				
<i>Township of Levisham otherwise Leavisham.</i>				
10	Wood - - -	William Huggitt - - -	- - -	Jeremiah Thompson.
14	Wood - - -	John Wilson - - -	- - -	George Collier.
18	Garden - - -	John Wilson - - -	- - -	George Collier.
20	Cottage, Outbuildings, and Garden.	John Wilson - - -	- - -	George Collier.
25	Wood - - -	John Wilson - - -	- - -	George Collier.
26	Wood - - -	Jarvis Brady and Alfred Harris, Trustees under the Will of John Ness Blakey and Elizabeth Blakey.	- - -	Thomas Noble.
27	Wood - - -	The Overseers of the Township of Leavisham.	Thomas Noble -	Thomas Noble.
29	Wood - - -	Michael Thistle - - -	- - -	Himself.
30	Wood - - -	The Rev. Robert Skelton.	- - -	Himself.
31	Wood - - -	Robert Coltman - - -	- - -	Himself.
32	Wood - - -	Robert Coltman - - -	- - -	Himself.
PARISH OF PICKERING.				
<i>Township of Newton.</i>				
5	Outbuilding - - -	William Huggitt - - -	- - -	Jeremiah Thompson.
7	Woodland - - -	The King's Majesty, in right of His Duchy of Lancaster.	- - -	Benjamin Mackley.
8	Woodland - - -	The King's Majesty, in right of His Duchy of Lancaster.	- - -	Benjamin Mackley.
9	Woodland - - -	The King's Majesty, in right of His Duchy of Lancaster.	- - -	Benjamin Mackley.
10	Woodland - - -	The King's Majesty, in right of His Duchy of Lancaster.	- - -	Benjamin Mackley.
11	Woodland - - -	The King's Majesty, in right of His Duchy of Lancaster.	- - -	Benjamin Mackley.
16	Woodland - - -	The King's Majesty, in right of His Duchy of Lancaster.	- - -	Benjamin Mackley.
17	Woodland - - -	The King's Majesty, in right of His Duchy of Lancaster.	- - -	Benjamin Mackley.
18	Woodland - - -	The King's Majesty, in right of His Duchy of Lancaster.	- - -	Benjamin Mackley.
19	Woodland - - -	The King's Majesty, in right of His Duchy of Lancaster.	- - -	Benjamin Mackley.
20	Woodland - - -	The King's Majesty, in right of His Duchy of Lancaster.	- - -	Benjamin Mackley.
21	Woodland - - -	Joseph King - - -	- - -	Ralph Hill.
25	Wood - - -	Thomas Noble - - -	- - -	Himself.

[Local.]

No. on the Plan.	Description of Property.	Owners or reputed Owners.	Lessees.	Occupiers or reputed Occupiers.
27	Wood - - -	Thomas Noble - - -	- - -	Himself.
29	Wood and Occupation Road.	Thomas Noble - - -	- - -	Himself.
39	Occupation Road, Field, and Mill Stream.	William Hill - - -	- - -	Himself.
51	Plantation - - -	John Morgan - - -	- - -	Himself.
<i>Township of Pickering.</i>				
27	Plantation - - -	The King's Majesty, in right of His Duchy of Lancaster.	- - -	Himself.
29	Plantation - - -	The King's Majesty, in right of His Duchy of Lancaster.	- - -	Himself.
33	Field and Occupation Road.	The King's Majesty, in right of His Duchy of Lancaster.	William Apletree	John Wilkinson.
34	Field and Occupation Road.	The King's Majesty, in right of His Duchy of Lancaster.	William Apletree	George Foster.
40	Plantation - - -	The Trustees of the late William Rowntree.	- - -	Themselves.
42	Plantation - - -	The Trustees of the late William Rowntree.	- - -	Themselves.
73	Dwelling House, Workshop, and Outbuildings.	William Thompson - - -	- - -	John Peirson.
74	Dwelling House, Workshop, and Outbuildings.	William Thompson - - -	- - -	George Ward.
76	Outbuilding and Yard -	William Smiddy - - -	- - -	Thomas Fishburn.
77	House and Garden -	George Chapman - - -	- - -	John Frank.
78	House and Garden -	Ann Harrison and James Weatherill.	- - -	Herself.
79	Dwelling House -	George Chapman - - -	- - -	Himself.
80	Workshop, Yard, and Outbuildings.	George Chapman - - -	- - -	Himself.

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